



**COUNCIL OF
THE EUROPEAN UNION**

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TRANS 218**

NOTE

from : Presidency
to : Delegations

Subject : Draft Council conclusions on the European Programme for the Protection of
Critical Infrastructure

Delegations will find in the Annex draft Council conclusions on the European Programme on the Protection of Critical Infrastructure.

**DRAFT COUNCIL CONCLUSIONS ON THE EUROPEAN PROGRAMME ON
THE PROTECTION OF CRITICAL INFRASTRUCTURE**

THE COUNCIL

- RECALLS the European Council Conclusions of 17-18 June 2004 asking the Commission to prepare an overall strategy to enhance the protection of critical infrastructures ¹;
- RECALLS the European Council Conclusions of 16-17 December 2004 ² accepting the Commission's intention to propose a European Programme for Critical Infrastructure Protection;
- RECALLS the emergency JHA Council Declaration of 13 July 2005 ³ reaffirming the intent to agree a European Programme on Critical Infrastructure Protection by the end of 2005;
- RECALLS the Commission Communication of 22 October 2004 ⁴ on "Critical Infrastructure Protection in the Fight against Terrorism".

AND ADOPTS THE FOLLOWING CONCLUSIONS

1. The Council welcomes the Commission's work on a European Programme for the Protection of Critical Infrastructure (EPCIP), notably their initiative to run seminars bringing together the experts of Member States, including the two seminars which took place in June and September 2005. [The Council also welcomes the Commission's Green Paper].

¹ 10679/2/04 REV 2, no. 19.

² 16238/1/04 REV sub 5, bullet 6.

³ 11158/1/05 REV 1, see no. 6.

⁴ 13979/04.

2. While recognising the threat from terrorism, the Council agrees that protective security and the protection of critical infrastructure should be based on an all hazards approach. Counter-terrorism remains the priority and protective security will form an important part of the EU's overall counter-terrorism strategy. The form and framework of EU-level work should be based on a comprehensive risk assessment of the impact and likelihood of the threat. Where appropriate use could be made of the Joint Situation Centre's counter-terrorism analysis capability.
3. The Council recognises that Member States have ultimate responsibility for managing arrangements for protection of critical infrastructure within their national borders. Many Member States have existing national and bilateral arrangements providing a high level of protection for their critical national infrastructure. In this context, action at EU-level must respect the principle of subsidiarity, supporting and complementing Member States' activities and making use of existing structures.
4. The Council agrees that European critical infrastructure is defined as infrastructure the destruction or disruption of which would have a serious impact on the health, safety, security, economic or social well being of more than two Member States.
5. The protection afforded to critical infrastructure across Europe will be increased through enabling Member States to improve their ability to identify and protect elements of their own infrastructures. The confidential nature of information on identified infrastructure needs to be maintained for national security reasons.
6. Owner/operators of the infrastructure, including the private sector, must be actively involved at both the national and EU-level. At EU-level there is scope for standardising the recommendations that governments offer to the private sector for raising security standards in certain sectors. Given the differing characteristics of each sector, a sector by sector approach may be appropriate.
7. The contact network of CIP experts is valuable. The Council invites the Commission to take forward EPCIP through the sharing of best practice between Member.

8. The Council recognises the important contribution of EU-level research work, which should be aligned to support and complement Member States' activities and those of EPCIP.

 9. The Council notes that a number of issues require further consideration, including definitions of key terms, the costs and benefits of regulatory and voluntary approaches, the respective roles of the Commission, Member States, and owner/operators, and the concept of operator security plans. [The Commission's Green Paper also raises other important issues which require consideration].
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