



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 10 November 2005

14262/05

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NOTE

from : Presidency
to : Delegations

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

Following the discussion in the Working Party on Civil Protection on 9 November 2005 of document 14149/05, delegations will find in the Annex a revised version of the draft Council conclusions on the European Programme on the Protection of Critical Infrastructure presented by the Presidency.

Delegations are invited to send their comments to the Council Secretariat (thomas.wiersing@consilium.eu.int) and, in copy, to the Presidency (peter.gattinesi@homeoffice.gsi.gov.uk and benjamin.saoul@fco.gov.uk) by the latest on Monday, November 14th 2005 (17h00).

As announced in the meeting, the Presidency intends to have an Attaché meeting on this issue in the morning of 18 November 2005. A convocation for this meeting will be issued separately.

**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 Commission Communication of 22 October 2004 ² on "Critical Infrastructure Protection in the Fight against Terrorism";
- RECALLS the European Council Conclusions of 16-17 December 2004 ³ accepting the Commission's intention to propose a European Programme for Critical Infrastructure Protection;
- RECALLS the emergency JHA Council Declaration of 13 July 2005 ⁴ reaffirming the intent to agree a European Programme on Critical Infrastructure Protection by the end of 2005.

AND ADOPTS THE FOLLOWING CONCLUSIONS

1. The Council welcomes the Commission's progress towards establishing a European Programme for the Protection of Critical Infrastructure (EPCIP) [and welcomes the Commission's Green Paper issued on November 17th]. Member States have responded positively to the seminars organised by the Commission, which have brought together the relevant experts and other stakeholders. The establishment of points of contact for CIP experts is valuable.

¹ 10679/2/04 REV 2, no. 19.

² 13979/04.

³ 16238/1/04 REV sub 5, bullet 6.

⁴ 11158/1/05 REV 1, see no. 6.

2. The Council recognises that Member States have ultimate responsibility for managing arrangements for protection of critical infrastructure within their national borders. The Council notes that many Member States have existing arrangements providing a high level of protection for their critical national infrastructure. However, the Council considers that action at EU-level is necessary, supporting and complementing Member States' activities, while respecting the principle of subsidiarity.
3. The protection afforded to critical infrastructure across Europe will be increased through EPCIP 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 security reasons.
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 critical societal functions, including health, safety, security, economic or social well being, or the functions of government of more than two Member States.]
5. While recognising the threat from terrorism as a priority, the Council agrees that the protection of critical infrastructure should be based on an all hazards approach. The form and framework of EU-level work should be based on a comprehensive risk assessment by Member States and build on existing EU-level work. Where appropriate, use could be made of the Joint Situation Centre's counter-terrorism analysis capability.
6. Owner/operators of the infrastructure, including the private sector, must be actively involved at both the national and EU-level, and have responsibilities for implementing necessary measures.

7. The Council invites the Commission to [build on its Green Paper and] continue work to establish EPCIP, in particular through the sharing of best practice between Member States. EPCIP should provide support to Member States by defining interdependencies and common methodologies, and, while respecting existing Community competences, by providing a framework for the measures that governments offer to the private sector for raising security standards. Given the differing characteristics of each sector, a sector by sector approach is appropriate, taking into account existing EU-level sectoral arrangements.
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 invites the Commission to report back following the consultation period on its Green Paper, on its proposals for the way forward, by March 2006. A number of important issues require resolution. These include:
 - definitions of key terms, including the definition of protection of critical infrastructure [and the definition of EU level critical infrastructure ⁵];
 - an assessment of the costs and benefits of regulatory and voluntary approaches;
 - clarity on the respective roles of the Commission (respecting existing Community competences), Member States, and owner/operators;
 - development of the concept of operator security plans.

⁵ The clause in brackets will be included or delete dependent on the outcome of discussion on paragraph 4 of this text.