

Identification and designation of European critical infrastructures and assessment of the need to improve their protection

2006/0276(CNS) - 10/07/2007 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted the resolution by Jeanine **HENNIS-PLASSCHAERT** (ALDE, NL) amending the proposal for a Council Directive on the identification and designation of European Critical Infrastructure and the assessment of the need to improve their protection. The Parliament stressed that responsibility for protecting critical infrastructure still rests primarily with Member States and private stakeholders.

The Parliament endorsed the amendments tabled by the competent committee.

The main amendments are as follows:

- the title of the proposal is amended to underline that it concerns “priority sectors” as opposed to “all” sectors;
- structurally conditioned threats should also be identified, but the **threat of terrorism** should be given priority;
- reinforce the principle according to which the directive strengthens public safety through a consistent and efficient system that is not at cross-purposes with itself;
- there are a number of critical infrastructures in the Community, the disruption of which would affect three or more Member States or at least two other Member States other than that in which the critical infrastructure is located. This may include transboundary cross-sector effects resulting from interdependencies between interconnected infrastructure. Such European critical infrastructure should be identified by means of a common procedure. On the basis of **common criteria a list of priority sectors** with European critical infrastructure should be drawn up. A common action framework should be laid down for the protection of such European critical infrastructures that puts Member States in a position to reduce the potential danger to critical infrastructure on their territory by taking appropriate measures. Bilateral schemes for cooperation between Member States in the field of critical infrastructure protection constitute a well established and efficient means of dealing with transboundary critical infrastructure. EPCIP should build on such cooperation;
- a series of measures governing the identification, designation and protection of critical infrastructures already exists for some sectors. Any future Community-wide regulation should not result in duplicate regulation in these sectors in the absence of added security;
- each owner/operator of European critical infrastructure should establish an **Operator Security Plan** identifying critical assets and laying down relevant security solutions for their protection. It should take into account vulnerability, threat and risk assessments, as well as other relevant information provided by Member State authorities;
- these Operator Security Plans should be forwarded to the CIP Contact Point in the Member States. Compliance with existing sector-based protection measures could satisfy the requirement to establish and update an Operator Security Plan as well as designate a **Security Liaison Officer**;
- this Directive complements existing sectoral measures at Community level and in the Member States. Where Community mechanisms and legislation are already in place, they should be implemented and applied so as to contribute to the improvement of public safety. In so doing, overlaps and contradictions with this Directive and the imposition of additional costs without an additional gain in security are to be avoided;

- as regards proportionality, particular attention should be paid to financial acceptability for owners or operators and for the Member States;
- “European Critical Infrastructure” means critical infrastructures the disruption or destruction of which would significantly affect three or more Member States, or at least two Member States if the critical infrastructure is located in another Member State. This includes effects resulting from cross-sector dependencies on other types of infrastructure;
- the cross-cutting and sectoral criteria to be used to identify European Critical Infrastructures shall be built on existing protection criteria and be adopted and amended in accordance with Article 308 of the EC Treaty and Article 203 of the Euratom Treaty;
- where Community mechanisms are already in place, they shall continue to be used. Duplications of, or contradictions between, different acts or provisions shall be avoided at all costs;
- each Member State shall notify the Commission of the priority sectors thus identified at the latest one year after the adoption of the relevant criteria and thereafter on an on-going basis;
- each Member State shall report to the Commission on a summary basis on the types of structural vulnerabilities, threats and risks encountered in European Critical Infrastructures within 12 months (as opposed to 18 months) following the adoption of the list and thereafter on an ongoing basis every 2 years;
- a common template for these reports shall be developed by the Commission and approved by the Council;
- extension of the transposition deadline from December 2007 to December 2008.

Lastly, MEPs have decided to make a list of “possible” critical infrastructure sectors to be taken into account when setting up the definitive list. Radio communication and navigation Radio communication, navigation and radio-frequency identification (RFID) spectres; Payment and securities clearing and settlement infrastructures and systems and their service providers and **banking and insurance**.