Fight against terrorism: Critical Infrastructure Warning Information Network (CIWIN)

2008/0200(COD) - 31/03/2009

The Committee on Civil Liberties, Justice and Home Affairs adopted the report drawn up by Luca ROMAGNOLI (NI, IT) and amended, under the consultation procedure, the proposal for a Council decision on a Critical Infrastructure Warning Information Network (CIWIN).

The main amendments are as follows:

Rapid Alert System: the text is amended so that references to an alert system are deleted. The report states that although the option for a rapid alert system within CIWIN is to be welcome, further analysis and evaluation is needed in this respect. The first evaluation of CIWIN should also include an in-depth analysis of the necessity of adding a new functionality to CIWIN, namely the technical facility of a rapid alert system (RAS). This functionality should enable Member States and the Commission to post alerts on immediate risks and threats to critical infrastructure, taking into account all the necessary security requirements.

Participation: the text is amended in order to render the participation of Member States obligatory. The committee states that this is in order to fully comply with the legal basis of the proposal, especially in relation to the "necessity" requirement, and with the first branch of the proportionality test (the Community action "must be appropriate for securing the attainment of the objective it pursues").

Functionality and structure: the report adds that the technical platform for CIWIN shall be present in at least one secure location in each Member State .

Annex I contains a list of fixed areas, but this does not preclude the inclusion of new areas if the functioning of the system demonstrates that this is necessary.

Role of the Commission: the Commission shall monitor the functioning of the CIWIN system.

Security: a new clause states that in Member States, the exchange of sensitive information uploaded onto CIWIN between authorised users and third parties shall be subject to the prior authorisation of the owner of that information and shall take place in accordance with relevant Community and national law. The committee notes that while the Commission acknowledges in its impact assessment that sectors of industry will not have direct access to the information contained in CIWIN, it also emphasises that the advantages of such information for the private sector will be limited by their classification and the distribution of relevant information will depend upon the relevant Member States authorities' willingness to distribute it through appropriate national channels. Although it can be expected that the rules on the transmission of information contained in CIWIN to third parties will be clearly specified in the guidelines, a specific provision on how third parties could receive information uploaded onto CIWIN is necessary.

Requirements relating to information included in CIWIN: a new article states that for any information or documents uploaded in the system an automatic translation will be possible. The Commission shall, in collaboration with CIP contact points, develop a list of key words for each sector which could be used when uploading or searching for information in CIWIN.

Report: the Commission will report, inter alia, to the European Parliament, the Committee of Regions and the European Economic and Social Committee, and will, in particular, assess the participation of each

Member State in the CIWIN system as well as the possibility of upgrading CIWIN to include a RAS functionality.

Lastly, the **date of effect** should be the date of publication in the OJ rather than 1 January 2009.