



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 28.5.2003  
SEC(2003) 635 final

2002/0187 (COD)

**COMMUNICATION FROM THE COMMISSION  
TO THE EUROPEAN PARLIAMENT**

**pursuant to the second subparagraph of Article 251 (2) of the EC Treaty**

**concerning the**

**Common position of the Council on the adoption of a decision of the European Parliament and the Council on a multi-annual programme (2003-2005) for the monitoring of eEurope, dissemination of good practices and the improvement of network and information security (MODINIS).**

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**1. BACKGROUND**

Transmission of the Proposals to the Council and the European Parliament (COM(2002) 425 final – 2002/0187(COD) in accordance with article 157§3 of the Treaty:	26 July 2002
Date of the opinion of the European Economic and Social Committee:	24 October 2002
Date of the opinion of the Committee of the Regions	12 February 2003
Date of the opinion of the European Parliament, first reading:	12 February 2003
Date of transmission of the amended proposal:	7 April 2003
Date of adoption of the common position (by unanimity):	26.May 2003

**2. OBJECTIVES OF THE COMMISSION PROPOSAL**

The proposal on the MODINIS programme **aims to create** a legal basis for the continuation of monitoring activities of the eEurope 2005 Action Plan and dissemination of best practices. Furthermore the draft Decision allows to launch preparatory actions for the establishment of the Network and Information Security Agency.

**3. COMMENTS ON THE COMMON POSITION**

The Council's common position (unanimously adopted) includes a number of proposed changes to the Commission's original proposal. The Commission can accept all these amendments, with the exception of the Council's position on article 4 of the decision relative to the budget amount of the programme.

**3.1. Comments on the recital part of the common position.**

The Commission can accept all of the Council's proposed amendments to the recitals of the decision, as being useful clarifications (or additions) to the Commission's proposal. In

addition, several amendments referred to the content of different Council and Parliament resolutions, which have been endorsed after the submission of the Commission's proposal.

**Recital 1:** Editorial amendment by adding the words "*make European Union*" instead of become. The amendment can be accepted.

**Recital 3:** The Council added a reference to the Seville European Council by adding at the end of the recital the phrase "*...and the general objectives of the Action Plan as endorsed by the Seville European Council*". It is an update of the initial text, which has been prepared before this European Council. Thus, the amendment can be accepted.

**Recital 6:** The Council added a reference to a more recent resolution of the Council on a European Approach towards a culture of network and information security of the 18th February 2003. In this recital also, the Council has accepted an amendment of the European Parliament which requested to add the European Parliament's resolution on "*Network and Information security of the 22 October 2002*". The Commission agrees with this revision of the text.

In addition at the end of the recital, the Council has changed the reference to "the establishment of a cyber-security task force" by the phrase "*the structure at European level for network and information security issues*". It consists also a revision of the initial text in order to reflect the state of progress of the discussions on the Commission proposal for a future body responsible for the network and information security issues. Thus the amendment is acceptable.

**Recital 6a:** With this additional recital the Council repeats the reference to its Resolution of the 18th February 2003, in order to underline the need for the establishment of a structure for network and information security issues at European level. The Commission fully agrees with this addition.

**Recital 7:** The Council accepted the European Parliament's amendments concerning the replacement of the words "**two tier society**" by the words "*digital exclusion*". The Council and the Commission accepted also the European Parliament amendment which adds a paragraph specifying the need that "*actions in the field of Information Society aim to further promote participation of disadvantaged groups in the Information Society*". The Commission agrees with these two amendments of the initial text.

**Recital 8:** This recital refers to the need of the establishment of mechanisms for monitoring and exchange of best practices as an instrument to compare and analyse performances between Members-States in relation with the eEurope Action Plan. The Council changed the word "a mechanism" by the word "*mechanisms*" and dropped the second part of paragraph which explained the aim of such monitoring mechanisms. The amendment seems to be of a rather editorial nature and therefore the Commission agrees to drop the text starting with the words "*Such a mechanism will.....of the Information Society*".

**Recital 9 and 10:** The Council has made minor wording changes which can be accepted from the Commission.

**Recital 11:** The recital refers to the national and community efforts to the broadband deployment and suggests that the Commission should encourage exchange of local and regional experiences. Even if the Council agreed that broadband constitutes one of the areas of the monitoring and best practices exchange mechanism, it considers that a specific

reference to broadband deployment policy priorities is not appropriate in the recitals of the decision. Therefore recital 11 has been dropped. The Commission can accept this amendment because it fits with the objectives of the programme which is limited to installing mechanisms of analysis and exchange of experiences at European level.

**Recital 12 (new recital):** The Council added a new recital with the scope to install a mechanism of strategic discussion on technological, economic and social aspects of the Information Society issues. The Commission considers that the proposal is useful and therefore accepts.

**Recital 13 (old 12):** At the end of the initial text the Council added an additional text clarifying the role of the future structure on network and information security. The Commission accepts this clarification.

**Recital 13a (old 13):** This recital has been dropped because the Council considered that there is no need, in the current situation of the discussions on the network information security European body, to refer to the framework of a European policy on this issue. The Commission agrees with this and therefore accepts the amendment.

**Recital 14 (new):** This recital responds to the request of the European Parliament to include or encourage the participation in the programme of the Accession countries, countries of the EEA as well as Association countries and Turkey. The Commission agrees with this opinion and accepts the amendment.

### **3.2. Comments on the articles of the decision included in the common position.**

#### **Article 1 (Objectives of the decision)**

**Article 1 Point a):** The Council introduced a reference to the need to use as much as possible official statistics as sources of the data collected in the monitoring process. This addition constitutes a useful clarification and therefore the Commission agrees. For the same point, the Council dropped a phrase of minor importance.

**Article 1 point b):** The Council added the word *local* which can be accepted by the Commission.

**Article 1 point c):** The Council's amendment to this point aims to create a policy discussion body ("*Steering Group*") on the economic and societal analysis of the Information Society in order to assess the appropriate strategic orientation to the eEurope 2005 Action Plan. The proposal is useful and the Commission agrees with the modification of the text.

**Article 1 point d):** The amendment updates the wording of the initial proposal on security. The new text underlines as the programme objective the "*preparatory work for the establishment of the future structure at European level for network and information security as foreseen in the Council Resolution and the eEurope Action plan*". The amendment fits with the Commission's objectives as described in its proposal for a network and information security Agency.

The Council has also redrafted slightly the final comment of this article 1, in order to clearly mention the link between the activities of MODINIS and the objectives of the eEurope 2005 Action Plan. Therefore the Commission agrees with the amendment.

## **Article 2 (specific actions)**

The text amended by the Council can be accepted. In general terms, the revised text regroups different activities of the initial proposal and adds references to latest official documents (resolutions).

In parallel the Council has endorsed the creation of two groups on Information Society; one group composed of economic and social experts with the scope to provide prospective analysis, and an eEurope Steering Group which will have a strategic guidance role on the implementation of the eEurope 2005 Action plan. The Commission agrees with the useful proposal of the Council.

## **Article 3**

The modifications of the Council concerning this article are minor changes of editorial nature. The Commission can accept the amendments.

## **Article 4 (budget)**

The Council has reduced the budget of the programme from € 25 Mio to €20 Mio. The Commission maintains its original proposal.

## **Article 5 (tasks of the management committee of the programme)**

Except minor changes of editorial nature, the Council added in this article a new point according to which the Commission has the obligation to present to the management committee the criteria and the content of calls of proposals as well as projects with a Community contribution of more than 250000 €. The Commission accepts the amendment.

## **Article 7**

Except minor editorial changes the Council added the obligation for the Commission to inform regularly the eEurope Steering group. As this addition is the direct consequence of the creation of the Steering Group, the Commission accepts the amendment.

## **Article 7a**

The article has been added because the Council accepted the European Parliament proposal to open the programme to EEA, Accession countries as well as other non member countries. The Commission agrees with this amendment.

## **4. CONCLUSION**

The Commission considers that the Council's common position does not substantially modify the approach and the objectives of the Commission's proposal.

## **ANNEXE**

Commission's declaration attached to the Protocol of the Council meeting

*The Commission reaffirms its intention to set up a temporary interdisciplinary working group in close co-operation with, and composed of, Member-States representatives to conduct preparatory actions with a view to the establishment of a network and information Security Agency. The work of this group will start on 1st July 2003 at the latest and end at the end of the year 2003, which is the target date for the creation of this Agency.*