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Committee on Foreign Affairs

2013/0027(COD)

23.9.2013

DRAFT OPINION

of the Committee on Foreign Affairs

for the Committee on the Internal Market and Consumer Protection

on the proposal for a directive of the European Parliament and of the Council concerning measures to ensure a high common level of network and information security across the Union (COM(2013)0048 – C7-0035/2013 – 2013/0027(COD))

Rapporteur: Ana Gomes

PA_Legam

AMENDMENTS

The Committee on Foreign Affairs calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a directive

Recital 1

Text proposed by the Commission

(1) Network and information systems and services play a vital role in the society. Their reliability and security are essential to economic activities and social welfare, and in particular to the functioning of the internal market.

Amendment

(1) Network and information systems and services play a vital role in the society. Their reliability and security are essential to economic activities and social welfare, and in particular to the functioning of the internal market, ***as well as the external security of the EU.***

Or. en

Amendment 2

Proposal for a directive

Recital 2

Text proposed by the Commission

(2) The magnitude and frequency of deliberate or accidental security incidents is increasing and represents a major threat to the functioning of networks and information systems. Such incidents can impede the pursuit of economic activities, generate substantial financial losses, undermine user confidence and cause major damage to the economy of the Union.

Amendment

(2) The magnitude and frequency of deliberate or accidental security incidents is increasing and represents a major threat to the functioning of networks and information systems. Such incidents can impede the pursuit of economic activities, generate substantial financial losses, undermine user confidence and cause major damage to the economy of the Union ***and, ultimately, endanger the wellbeing of EU citizens and the ability of EU Member States to protect themselves and ensure***

the security of critical infrastructures.

Or. en

Amendment 3

Proposal for a directive Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) The Solidarity clause, introduced by Article 222 of the TFEU, constitutes the appropriate framework for assistance and concerted action among EU member states, in the case of a terrorist attack or criminal activity endangering networks and information security. Equally, the mutual defence clause, laid down by Article 42 (7) of the TUE, shall constitute the framework for action within the EU should a Member State be the victim of armed aggression impairing network and information security. In relevant cases, Article 222 of the TFEU and Article 42 (7) of the TUE should be implemented in a complementary way.

Or. en

Amendment 4

Proposal for a directive Recital 3

Text proposed by the Commission

Amendment

(3) As a communication instrument without frontiers, digital information systems, and primarily the Internet play an essential role in facilitating the cross-border movement of goods, services and people. Due to that transnational nature, substantial disruption of those systems in

(3) As a communication instrument without frontiers, digital information systems, and primarily the Internet play an essential role in facilitating the cross-border movement of goods, services and people. Due to that transnational nature, substantial disruption of those systems in

one Member State can also affect other Member States and the Union as a whole. The resilience and stability of network and information systems is therefore essential to the smooth functioning of the internal market.

one Member State can also affect other Member States and the Union as a whole. The resilience and stability of network and information systems is therefore essential to the smooth functioning of the internal market ***and is vital to the internal as well as external security of the EU. The need to improve network and information security should be, therefore, duly highlighted in the Union's Internal Security Strategy and the European Security Strategy, particularly in view of the future revision of those documents.***

Or. en

Amendment 5

Proposal for a directive Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) Cooperation and coordination between the relevant European authorities with the HR/VP, with the responsibility for the Common Foreign and Security Policy and the Common Security and Defence Policy, as well as the EU Counter-terrorism Coordinator should be guaranteed in all cases where risks may be perceived to be of external and terrorist nature.

Or. en

Amendment 6

Proposal for a directive Recital 4 b (new)

Text proposed by the Commission

Amendment

(4b) Intelligence and sensitive

information sharing between member states and between the member states and the relevant competent EU authorities should be strengthened, anchored on the principles of trust, solidarity and cooperation. Any action plan to improve network and system security should thus put to full use already existing structures within the EU, such as the SitCen and the IntCen, and ensure coordination between all structures relevant to information security sensitive to EU's internal and external security.

Or. en

Amendment 7

Proposal for a directive Recital 4 c (new)

Text proposed by the Commission

Amendment

(4c) Cooperation and information sharing at the global level, with relevant international partners, is vital for an effective cyber-security strategy and for cogent action to improve network and information security within the EU, in light of the transnational nature of threat.

Or. en

Amendment 8

Proposal for a directive Article 1 – Paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) creates a cooperation mechanism between Member States in order to ensure a uniform application of this Directive within the Union and, where necessary, a

(b) creates a cooperation mechanism between Member States in order to ensure a uniform application of this Directive within the Union and, where necessary, a

coordinated **and** efficient handling of and response to risks and incidents affecting network and information systems;

coordinated, efficient **and effective** handling of and response to risks and incidents affecting network and information systems;

Or. en

Amendment 9

Proposal for a directive

Article 3 – Paragraph 1 – point b

Text proposed by the Commission

(b) any **device or** group of inter-connected or related devices, one or more of which, pursuant to a program, perform automatic processing of computer data, as well as

Amendment

(b) any group of inter-connected or related devices, one or more of which, pursuant to a program, perform automatic processing of computer data, as well as

Or. en

Amendment 10

Proposal for a directive

Article 3 – Paragraph 8 – point b

Text proposed by the Commission

(b) operator of critical infrastructure that are essential for the maintenance of vital economic and societal activities in the fields of energy, transport, banking, stock exchanges **and** health, a non exhaustive list of which is set out in Annex II.

Amendment

(b) operator of critical infrastructure that are essential for the maintenance of vital economic and societal activities in the fields of energy, transport, banking, stock exchanges, health, **security and defence**, a non exhaustive list of which is set out in Annex II.

Or. en

Amendment 11

Proposal for a directive Article 3 – Paragraph 8 – point (b a) (new)

Text proposed by the Commission

Amendment

(ba) providers of devices, networks and information systems as referred to under point (1), or components thereof, which are critical to a high common level of network and information security.

Or. en

Amendment 12

Proposal for a directive Article 8 – Paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) publish on a regular basis ***non-confidential*** information on on-going early warnings and coordinated response on a common website;

(c) publish on a regular basis ***unclassified*** information on on-going early warnings and coordinated response on a common website;

Or. en

Amendment 13

Proposal for a directive Article 8 – Paragraph 3 – point (f a) (new)

Text proposed by the Commission

Amendment

(fa) when relevant, given the nature of the risk or threat, the EU Counter-terrorism Coordinator should be informed, by means of reporting, and may be asked to assist with analysis the preparatory works and action of the cooperation network.

Or. en

Amendment 14

Proposal for a directive Article 9 – Paragraph 1

Text proposed by the Commission

1. The exchange of ***sensitive and confidential*** information within the cooperation network shall take place through a secure infrastructure.

Amendment

1. The exchange of ***classified*** information within the cooperation network shall take place through a secure infrastructure.

Or. en

Amendment 15

Proposal for a directive Article 13 – Paragraph -1 a (new)

Text proposed by the Commission

Amendment

(-1a) The HR/VP shall mainstream into the EU external actions (especially in relation with the third countries) the cyber security aspects. The objective shall be the intensification of the exchange of lessons learnt and cooperation on the cyber security issues.

Or. en

Amendment 16

Proposal for a directive Article 13 – Paragraph -1 b (new)

Text proposed by the Commission

Amendment

(-1b) The Council and the Commission shall, in the framework of the relations and cooperation agreements with the third countries, especially those having cooperation on the technologies, insist on

the minimum standards in information system security.

Or. en

Amendment 17

Proposal for a directive Article 20 – Title

Text proposed by the Commission

Amendment

Review

Reporting and Review

Or. en

Amendment 18

Proposal for a directive Article 20 – Paragraph -1 a (new)

Text proposed by the Commission

Amendment

(-1a) The Commission shall:

(a) provide an annual report about the incidents and measures reported to it under this directive to the European Parliament and to the Council;

(b) inform the European Parliament and the Council about those incidents to be reported under this directive which involves a third country or operators from a third country within two weeks after it was notified about the incident;

(c) propose, within six months from the publication of this directive, an interinstitutional arrangement regarding the reporting referred to under points (a) and (b).

Or. en

Amendment 19

Proposal for a directive

Article 20 – Paragraph -1 b (new)

Text proposed by the Commission

Amendment

(-1b) In the case that the interinstitutional arrangement referred to under point 1 (c) cannot be concluded until the date referred to in Article 21 (1), the application of this directive shall be suspended.

Or. en

Amendment 20

Proposal for a directive

ANNEX II – 2nd subtitle (Referred to in Article (3)(8) b) – Paragraph 5 a (new)

Text proposed by the Commission

Amendment

(5a) Security and defence sector: economic operators for works and services referred to in directive 2009/81/EC, in particular those referred to in article 46 thereof

Or. en