

EUROPEAN PARLIAMENT

2004



2009

Committee on Economic and Monetary Affairs

19.4.2007

PE 388.435v01-00

AMENDMENTS 8-49

Draft opinion

(PE 386.361v01-00)

Harald Ettl

Proposal for a Council directive on the identification and designation of European Critical Infrastructure and the assessment of the need to improve their protection

Proposal for a directive (COM(2006)0787 – C6-0053/2007 – 2006/0276(CNS))

Text proposed by the Commission

Amendments by Parliament

Amendment by Christian Ehler

Amendment 8

Recital 3

(3) In December 2005 the Justice and Home Affairs Council called upon the Commission to make a proposal for a European Programme for Critical Infrastructure Protection (EPCIP) and decided that it should be based on an all-hazards approach while countering threats from terrorism as a priority. Under this approach, manmade, technological threats and natural disasters should be taken into account in the critical infrastructure protection process, but the threat of terrorism should be given priority. If the level of protection measures against a particular high level threat is found to be

(3) In December 2005 the Justice and Home Affairs Council called upon the Commission to make a proposal for a European Programme for Critical Infrastructure Protection (EPCIP) and decided that it should be based on an all-hazards approach while countering threats from terrorism as a priority. Under this approach, manmade, technological threats and natural disasters should be taken into account in the critical infrastructure protection process. ***Structurally conditioned threats should also be identified***, but the threat of terrorism should be given priority. If the level of

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adequate in a critical infrastructure sector, stakeholders should concentrate on other threats to which they are still vulnerable.

protection measures against a particular high level threat is found to be adequate in a critical infrastructure sector, stakeholders should concentrate on other threats to which they are still vulnerable.

Or. de

Justification

Necessary addition.

Amendment by Christian Ehler

Amendment 9
Recital 4

(4) The primary responsibility for protecting critical infrastructures **currently** falls on the Member States and the owners/operators of critical infrastructures. This **should** not change.

(4) The primary responsibility for protecting critical infrastructures falls on the Member States and the owners/operators of critical infrastructures. This **must** not change **in future**.

Or. de

Justification

Clarification of national responsibility.

Amendment by Christian Ehler

Amendment 10
Recital 5

(5) There are a certain number of critical infrastructures in the Community, the disruption or destruction of which would affect **two** or more Member States or **a** Member **State** 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 infrastructures should be identified and designated by means of a

(5) There are a certain number of critical infrastructures in the Community, the disruption or destruction of which would affect **three** or more Member States or **two** 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 infrastructures should be identified and designated by means of a

common procedure. The need to improve the protection of such critical infrastructures should be assessed under a common framework. 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.

common procedure. The need to improve the protection of such critical infrastructures should be assessed under a common framework. 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.

Or. de

Justification

Subsidiarity principle.

Amendment by Pervenche Berès

Amendment 11
Recital 6 a (new)

(6a) Critical infrastructure should be designed such as to minimize the existence of links with and localisation in countries outside the EU when it is not needed. Localisation of elements of critical infrastructures outside the EU increases the risk of terrorist attacks with spill-over effects on the whole infrastructure, access by terrorists to data stored outside the EU, as well as risks of non-compliance with EU legislation, thus fragilising the whole infrastructure.

Or. en

Justification

The recent SWIFT case showed that critical data needs to be protected against illegal use by foreign authorities or private actors.

Amendment by Christian Ehler

Amendment 12

Recital 10

(10) In order to facilitate improvements in the protection of European critical infrastructures, common methodologies should be developed for the identification and classification of **vulnerabilities**, threats and risks to infrastructure assets.

(10) In order to facilitate improvements in the protection of European critical infrastructures, common methodologies should be developed for the identification and classification of threats and risks to, **and structural vulnerabilities of**, infrastructure assets.

Or. de

Justification

Need to be more specific.

Amendment by Christian Ehler

Amendment 13

Recital 14

(14) Information sharing regarding Critical Infrastructure should take place in an environment of trust and security. The sharing of information requires a relationship of trust such that companies and organisations know that their sensitive data will be sufficiently protected. **To encourage information sharing, it should be clear for the industry that the benefits of providing Critical Infrastructure related information outweigh the costs for the industry and society in general. Critical Infrastructure Protection information exchange should therefore be encouraged.**

(14) Information sharing regarding Critical Infrastructure should take place in an environment of trust and security. The sharing of information requires a relationship of trust such that companies and organisations know that their sensitive data will be sufficiently protected.

Or. de

Justification

Subsidiarity principle.

Amendment by Christian Ehler

Amendment 14

Recital 15

(15) This Directive complements existing sectoral measures at Community level and in the Member States. Where Community mechanisms are already in place, they should continue to be used and will contribute to the overall implementation of this Directive.

(15) This Directive complements existing sectoral measures at Community level and in the Member States. Where Community mechanisms are already in place, they should continue to be used and will contribute to the overall implementation of this Directive, ***without additional costs arising due to duplication of requirements without any security benefit.***

Or. de

Justification

Avoiding unnecessary bureaucratic burdens without any security benefit.

Amendment by Christian Ehler

Amendment 15

Recital 15 a (new)

(15a) This Directive does not take account of the particular significance of the 'external dimension' of critical infrastructures, as in the financial or energy sectors.

Or. de

Justification

Clarification, pointing out that critical infrastructures outside the European Union can have a massive impact, particularly in the areas of finance and energy, and that action is needed to increase security.

Amendment by Sophia in 't Veld

Amendment 16

Article 2, point (b)

b) “European Critical Infrastructure” means critical infrastructures the disruption or destruction of which would significantly affect *two* or more Member States, or *a single Member State* if the critical infrastructure is located in another Member State. This includes effects resulting from cross-sector dependencies on other types of infrastructure;

b) “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;

Or. en

Amendment by Christian Ehler

Amendment 17
Article 2, point (b)

b) “European Critical Infrastructure” means critical infrastructures the disruption or destruction of which would significantly affect *two* or more Member States, or *a single Member State* if the critical infrastructure is located in another Member State. This includes effects resulting from cross-sector dependencies on other types of infrastructure;;

b) “European Critical Infrastructure” means critical infrastructures the disruption or destruction of which would significantly affect *three* or more Member States, or *two other 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;

Or. de

Justification

Subsidiarity principle.

Amendment by Christian Ehler

Amendment 18
Article 2, point (c), first indent

• *public* effect (*number of* members of the population *affected*);

• effect *on* members of the population;

Or. de

Justification

Need to be more specific.

Amendment by Christian Ehler

Amendment 19

Article 2, point (c), second indent

- | | |
|--|--|
| <ul style="list-style-type: none">• economic effect (significance of economic loss and/or degradation of products or services); | <ul style="list-style-type: none">• effect on the internal market (significance of economic loss and/or degradation of products or services); |
|--|--|

Or. de

Justification

Need to be more specific.

Amendment by Christian Ehler

Amendment 20

Article 2, point (d)

- | | |
|--|---|
| d) “vulnerability” means a characteristic of an element of the critical infrastructure's design, implementation, or operation that renders it susceptible to disruption or destruction by a threat and includes dependencies on other types of infrastructure; | d) “ structural vulnerability” means a characteristic of an element of the critical infrastructure's design, implementation, or operation that renders it susceptible to disruption or destruction by a threat and includes dependencies on other types of infrastructure; |
|--|---|

Or. de

Justification

Need to be more specific.

Amendment by Sophia in 't Veld

Amendment 21

Article 3, paragraph 1, subparagraph 1

1. The cross-cutting and sectoral criteria to be used to identify European Critical Infrastructures shall be adopted in accordance with the procedure referred to in Article 11(3). They may be amended in accordance with the procedure referred to in Article 11(3).

1. The cross-cutting and sectoral criteria to be used to identify European Critical Infrastructures shall be ***built on existing protection criteria and be*** adopted in accordance with the procedure referred to in Article 11(3). They may be amended in accordance with the procedure referred to in Article 11(3).

Or. en

Amendment by Christian Ehler

Amendment 22

Article 3, paragraph 1, subparagraph 2

The cross-cutting criteria having a horizontal application to all critical infrastructure sectors shall be developed taking into account the severity of the effect of the disruption or destruction of a particular infrastructure. They shall be adopted by [***one year*** after the entry into force of this Directive] at the latest.

The cross-cutting criteria having a horizontal application to all critical infrastructure sectors shall be developed taking into account the severity of the effect of the disruption or destruction of a particular infrastructure. They shall be adopted by [***six months*** after the entry into force of this Directive] at the latest.

Or. de

Justification

Shorter procedure.

Amendment by Sophia in 't Veld

Amendment 23

Article 3, paragraph 1, subparagraph 2

The cross-cutting criteria having a horizontal application to all critical infrastructure sectors shall be developed taking into account the severity of the effect of the disruption or destruction of a particular infrastructure. They shall be adopted by [***one year after the entry into force of this Directive***] at the latest.

The cross-cutting criteria having a horizontal application to all ***European*** critical infrastructure sectors shall be developed taking into account the severity of the effect of the disruption or destruction of a particular infrastructure. They shall be adopted by [***one year after the entry into force of this Directive***] at the latest.

Amendment by Sophia in 't Veld

Amendment 24

Article 3, paragraph 1, subparagraph 3

The sectoral criteria shall be developed for priority sectors *while* taking into account the characteristics of individual critical infrastructure sectors and involving, *as appropriate*, relevant stakeholders. They shall be adopted for each priority sector at the latest one year following the designation as a priority sector.

The sectoral criteria shall be developed for priority sectors *and be built on existing sector-based protection measures* taking into account the characteristics of individual critical infrastructure sectors, and involving *all* relevant stakeholders *as sectors possess particular experience, expertise and requirements concerning the protection of their critical infrastructure*. They shall be adopted for each priority sector at the latest one year following the designation as a priority sector.

Amendment by Sophia in 't Veld

Amendment 25

Article 3, paragraph 1, subparagraph 3 a (new)

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.

Amendment by Sophia in 't Veld

Amendment 26

Article 3, paragraph 2, subparagraph 1

2. The priority sectors to be used for the purposes of developing the criteria provided for in paragraph 1 shall be identified *by the*

2. The priority sectors to be used for the purposes of developing the criteria provided for in paragraph 1 shall be identified *in*

Commission on an annual basis from among those listed in Annex I.

accordance with the procedure referred to in Article 11(3) on an annual basis from among those listed in Annex I.

Or. en

Amendment by Sophia in 't Veld

Amendment 27

Article 3, paragraph 3, subparagraph 1

3. Each Member State shall identify the critical infrastructures located within its territory as well as critical infrastructures outside its territory that may have an impact on it, which satisfy the criteria adopted pursuant to paragraphs 1 and 2.

3. Each Member State shall identify the **possible European** critical infrastructures located within its territory as well as **possible European** critical infrastructures outside its territory that may have an impact on it, which satisfy the criteria adopted pursuant to paragraphs 1 and 2.

Or. en

Amendment by Christian Ehler

Amendment 28

Article 3, paragraph 3, subparagraph 1

3. Each Member State shall identify the critical infrastructures located within its territory as well as critical infrastructures outside its territory that may have an impact on **it**, which satisfy the criteria adopted pursuant to paragraphs 1 and 2. .

Each Member State shall identify the critical infrastructures located within its territory as well as critical infrastructures outside its territory that may have an impact on **its territory**, which satisfy the criteria adopted pursuant to paragraphs 1 and 2. .

Or. de

Justification

Need to be more specific.

Amendment by Sophia in 't Veld

Amendment 29

Article 3, paragraph 3, subparagraph 2

Each Member State shall notify the Commission of the critical infrastructures thus identified at the latest one year after the adoption of the relevant criteria and thereafter on an ongoing basis.

Each Member State shall notify the Commission of the *possible European* critical infrastructures thus identified at the latest one year after the adoption of the relevant criteria and thereafter on an ongoing basis.

Or. en

Amendment by Pervenche Berès

Amendment 30
Article 4, paragraph 1 a (new)

1a. European critical infrastructure shall be designed such as to minimize the existence of links with and localisation in countries outside the EU when it is not needed.

Or. en

Justification

The recent SWIFT case showed that critical data needs to be protected against illegal use by foreign authorities or private actors

Amendment by Pervenche Berès

Amendment 31
Article 4, paragraph 2 a (new)

2a. The processing of personal data carried out by European Critical Infrastructures, directly or via an intermediary, necessary for their activities is carried out in accordance with the provisions of Directive 95/46/EC and of the applicable principles with regard to data protection. The data processing shall be carried out on the EU territory and any mirroring of data is not allowed outside the EU territory for safety reasons.

Justification

The recent SWIFT case showed that critical data needs to be protected against illegal use by foreign authorities or private actors

Amendment by Sophia in 't Veld

Amendment 32

Article 4, paragraph 2, subparagraph 1

2. The list of critical infrastructures designated as European Critical Infrastructure shall be adopted ***in accordance with the procedure referred to in Article 11(3).***

2. The list of critical infrastructures designated as European Critical Infrastructure shall be adopted ***by the Member States.***

Or. en

Amendment by Sophia in 't Veld

Amendment 33

Article 5, paragraph 1 a (new)

Acting in accordance with the procedure referred to in Article 11(3), a list of existing protection measures applicable to specific sectors listed in Annex I shall be adopted. Compliance with one or more of the listed protection measures satisfies the requirement to establish and update an Operator Security Plan.

Or. en

Amendment by Sophia in 't Veld

Amendment 34

Article 5, paragraph 2, subparagraph 2

Acting in accordance with the procedure referred to in Article 11(2), the Commission

deleted

may decide that compliance with measures applicable to specific sectors listed in Annex I satisfies the requirement to establish and update an Operator Security Plan.

Or. en

(See AM to Article 6 paragraph 1 a (new))

Amendment by Sophia in 't Veld

Amendment 35

Article 5, paragraph 3, subparagraph 1

3. The owner/operator of a European Critical Infrastructure shall submit the Operator Security Plan to the relevant ***Member State authority*** within one year following designation of the critical infrastructure as a European Critical Infrastructure.

3. The owner/operator of a European Critical Infrastructure shall submit the Operator Security Plan to the relevant ***CIP Contact Point*** within one year following designation of the critical infrastructure as a European Critical Infrastructure.

Or. en

Amendment by Sophia in 't Veld

Amendment 36

Article 5, paragraph 3, subparagraph 2

Where sector specific requirements concerning the Operator Security Plan are adopted based on paragraph 2, the operator security plan shall only be submitted to the relevant ***Member State authority*** within 1 year following the adoption of the sector specific requirements.

Where sector specific requirements concerning the Operator Security Plan are adopted based on paragraph 2, the operator security plan shall only be submitted to the relevant ***CIP Contact Point*** within 1 year following the adoption of the sector specific requirements.

Or. en

Amendment by Sophia in 't Veld

Amendment 37

Article 5, paragraph 5

5. Compliance with Directive 2005/65/EC of the European Parliament and of the Council of 26 October 2005 on enhancing port security satisfies the requirement to establish an Operator Security Plan.

deleted

Or. en

Amendment by Sophia in 't Veld

Amendment 38
Article 6, paragraph 1

1. Each Member State shall require the owners/operators of European Critical Infrastructures on their territory to designate a Security Liaison Officer as the point of contact for security related issues between the owner/operator of the infrastructure and the ***relevant critical infrastructure protection authorities*** in the Member State. The Security Liaison Officer shall be designated within one year following the designation of the critical infrastructure as a European Critical Infrastructure.

1. Each Member State shall require the owners/operators of European Critical Infrastructures on their territory to designate a Security Liaison Officer as the point of contact for security related issues between the owner/operator of the infrastructure and the ***CIP Contact Point*** in the Member State. The Security Liaison Officer shall be designated within one year following the designation of the critical infrastructure as a European Critical Infrastructure.

Or. en

Amendment by Sophia in 't Veld

Amendment 39
Article 6, paragraph 1 a (new)

Acting in accordance with the procedure referred to in Article 11(3), a list of existing protection measures applicable to specific sectors listed in Annex I shall be adopted. Compliance with one or more of the listed protection measures satisfies the requirement to designate a Security Liaison Officer.

Or. en

(See AM to Article 5 paragraph 2 subparagraph 2)

Amendment by Sophia in 't Veld

Amendment 40
Article 6, paragraph 2

2. Each Member State shall communicate relevant information concerning identified risks and threats to the Security Liaison Officers of the European Critical Infrastructure concerned.

Each Member State shall communicate relevant information concerning identified risks and threats to the Security Liaison Officers of the European Critical Infrastructure concerned ***through the national CIP Contact Point.***

Or. en

Amendment by Christian Ehler

Amendment 41
Article 7, paragraph 2, subparagraph 1

2. Each Member State shall report to the Commission on a summary basis on the types of vulnerabilities, threats and risks encountered in each sector referred to in Annex I within ***18*** months following the adoption of the list provided for in Article 4(2) and thereafter on an ongoing basis every two years.

2. Each Member State shall report to the Commission on a summary basis on the types of vulnerabilities, threats and risks encountered in each sector referred to in Annex I within ***12*** months following the adoption of the list provided for in Article 4(2) and thereafter on an ongoing basis every two years.

Or. de

Justification

Shorter procedure.

Amendment by Sophia in 't Veld

Amendment 42
Article 7, paragraph 3

3. ***The Commission shall assess on a sectoral basis*** whether specific protection measures are required for European Critical

3. ***Acting in accordance with the procedure referred to in Article 11(3), an assessment on a sectoral basis will be made in order to***

Infrastructures.

identify whether specific protection measures are required for European Critical Infrastructures.

Or. en

Amendment by Sophia in 't Veld

Amendment 43
Article 7, paragraph 4

4. Common methodologies for carrying out vulnerability, threat and risk assessments in respect of European Critical Infrastructures may be developed on a sectoral basis in accordance with the procedure referred to in Article 11(3).

4. ***If deemed to be necessary***, common methodologies for carrying out vulnerability, threat and risk assessments in respect of European Critical Infrastructures may be developed on a sectoral basis in accordance with the procedure referred to in Article 11(3). ***Such common methodologies shall take into account existing methodologies.***

Or. en

Amendment by Christian Ehler

Amendment 44
Article 8

The Commission shall support the owners/operators of designated European Critical Infrastructures by providing access to available best practices and methodologies related to critical infrastructure protection.

At the request of the Member States, the Commission shall support the owners/operators of designated European Critical Infrastructures by providing access to available best practices and methodologies related to critical infrastructure protection.

Or. de

Justification

Ensuring Member States' involvement.

Amendment by Sophia in 't Veld

Amendment 45
Article 10, paragraph 2

2. Any person handling confidential information pursuant to this Directive on behalf of a Member State shall have an **appropriate** level of security vetting by the Member State concerned.

2. Any person handling confidential information pursuant to this Directive on behalf of a Member State shall have an **optimum** level of security vetting by the Member State concerned.

Or. en

Amendment by Sophia in 't Veld

Amendment 46
Article 10, paragraph 3

3. Member States shall ensure that Critical Infrastructure Protection Information submitted to the Member States or to the Commission, is not used for any purpose other than the protection of critical infrastructures.

3. Member States shall ensure that **European** Critical Infrastructure Protection Information submitted to the Member States or to the Commission, is not used for any purpose other than the protection of **European** critical infrastructures.

Or. en

Amendment by Christian Ehler

Amendment 47
Article 11, paragraph 1

1. The Commission shall be assisted by a Committee composed of a representative of each **CIP Contact Point**.

1. The Commission shall be assisted by a Committee composed of a representative of each **Member State**.

Or. de

Justification

Subsidiarity principle.

Amendment by Sophia in 't Veld

Amendment 48

Article 12, paragraph 1, subparagraph 1

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by **31 December 2007** at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by **1 July 2008** at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

Or. en

Amendment by Pervenche Berès

Amendment 49

Annex I, row VII, 'Financial' sector, subsector No 19

19. Payment and securities clearing and settlement infrastructures and systems

19. Payment and securities clearing and settlement infrastructures and systems ***and their service providers***

Or. en

Justification

The recent SWIFT case showed that critical data needs to be protected against illegal use by foreign authorities or private actors.