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with a proposal for a European Parliament recommendation to the European Council and to the Council on the protection of critical infrastructures in the framework of the fight against terrorism
(2005/2044(INI))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Stavros Lambrinidis

CONTENTS

Page

PROPOSAL FOR A EUROPEAN PARLIAMENT RECOMMENDATION TO THE EUROPEAN COUNCIL AND TO THE COUNCIL 3

PROPOSAL FOR A RECOMMENDATION TO THE COUNCIL B6-0085/2005 8

PROPOSAL FOR A EUROPEAN PARLIAMENT RECOMMENDATION TO THE EUROPEAN COUNCIL AND TO THE COUNCIL

on the protection of critical infrastructure in the framework of the fight against terrorism
(2005/2044(INI))

The European Parliament,

– having regard to the proposal for a recommendation to the Council by Stavros Lambrinidis on behalf of the PSE Group on protection of critical infrastructures in the framework of the fight against terrorism (B6-0085/2005),

– having regard to the Constitutional Treaty, and in particularto Articles III-284 on civil protection and I-43, which provides that "The Union and its Member States shall act jointly in a spirit of solidarity if a Member State is the object of a terrorist attack or the victim of a natural or man-made disaster,"

– having regard to the Declaration on solidarity against terrorism adopted by the Heads of State and Government on 25 of March 2004,

– having regard to the "Hague Programme"[1] adopted on 5 November 2005, according to which "... effective management of cross-border crises within the EU requires not only the strengthening of the current actions on civil protection and vital infrastructure but also addressing effectively the public order and security aspects of such crises … Therefore the European Council calls for the Council and the Commission to set up … an integrated EU crisis management arrangement … to be implemented at the latest by 1 July 2006. This arrangement should at least address the following issues: further assessment of Member States' capabilities, stockpiling, training, joint exercises and operational plans for civil crisis management',"

– having regard to the Commission communications:

(a) to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Reinforcing the civil protection capacity of the European Union (COM(2004)0200), which evaluates the results so far achieved with, the weaknesses of, and possible improvements to, the European Union's civil protection capacity, notably as a first instrument on crisis intervention, founded on a voluntary basis,

(b) to the Council and the European Parliament on Prevention, preparedness and response to terrorist attacks (COM(2004)0698), which emphasises the need for an integrated Community approach that should, inter alia, focus on proper communication of authorities with the public in case of a crisis, on the role of EUROPOL in the creation of a law enforcement alert mechanism to deal with terrorism and the establishment of a European Programme for Critical Infrastructure Protection (EPCIP), on security research, and on engaging in a structured manner the relevant parts of the private sector,

[1] Updated on 17 December 2004 on the specific issue of fighting terrorism.

(c) to the Council and the European Parliament on Preparedness and consequence management in the fight against terrorism (COM(2004)0701), which proposes to consolidate the emergency systems managed by the Commission in a secure general rapid alert system (ARGUS) linked to a Central Crisis Centre that would bring together representatives of all relevant Commission Services and would provide a permanent link between the Member States and the European Institutions,

(d) to the Council and the European Parliament on Critical Infrastructure Protection in the fight against terrorism (COM(2004)0702), which proposes an EPCIP to be established in cooperation with the Member States and the relevant parts of the private sector and which will identify the possible shortcomings and the corrective measures (legal or of other kinds) to be taken,

– having regard to its resolution of 4 September 2003 on the effects of the summer heat wave[1], in which it called for a European Civil Protection Force to be created,

– having regard to the relevant legal bases in the Treaties which empower the Community and the Union to define and implement policies for supporting Member State action in protecting the health, security and safety of European citizens,

– having regard to Rule 114(3) and Rule 94 of its Rules of Procedure,

– having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A6-0000/2005),

A. conscious of the continuing need of Europe's citizens to be protected against the risks linked with terrorist attacks (such as nuclear, radiological, chemical and biological, attacks in public spaces, etc.) but also with natural disasters (such as earthquakes, floods, fires, forest fires), with technological disasters (such as Seveso, maritime disasters, transport accidents), as well as with health and other crises (e.g., pandemics), in the context of an integrated European strategy, given that such events not only often have major cross-border consequences at a European level, but also make it necessary for the Member States to demonstrate solidarity with one another and for there to be in place a consistent and interoperable system of response,

B. noting that an effective strategy should focus both on preparedness (risk and threat assessments on critical infrastructure, heightened security measures, promoting common security standards and exchange of expertise, promoting EU-wide coordination and cooperation) and on managing the consequences of attacks and disasters (exchange of know-how and experience, scenario-building and training exercises and establishment of appropriate crisis-management, rapid-alert and civil-protection mechanisms),

C. convinced that, especially in the case of terrorism, when prevention and deterrence fail and attacks occur, only a well-organised and effective response system can guarantee an expeditious return to normality; only by increasing specialised skills, working closely together, pooling resources, guaranteeing risk assessment, information, training, communications, pre-emptive and post-disaster analysis, ensuring a prompt restoration to normality and, finally, by increasing funding, can the Member States and the EU be better

[1] OJ C 76 E, 25.3.2004, p. 382.

prepared to protect citizens when a disaster strikes within and outside the Union, with real or imminent consequences for EU citizens,

D. noting that critical infrastructure in the EU is becoming highly interconnected and interdependent, making it more vulnerable to disruption or destruction,

E. recognising that to protect critical infrastructure requires a consistent, cooperative partnership between the owners and operators of such infrastructure and Member State authorities; noting that the responsibility of managing risk within physical facilities, supply chains, information technologies and communication networks primarily rests with the owners and operators, but that the EU should seek to assist industry and the Member States at all levels of public authority, while respecting individual mandates and competences,

1. Addresses the following recommendations to the European Council and to the Council:

   (a) to implement in full the European Council proposal to establish an "integrated EU crisis management arrangement" as an essential element in reinforcing the links between the citizens and the EU institutions and strengthening interdependence and solidarity between the Member States;

   (b) to ensure that an integrated European Strategy particularly addresses the threat to critical infrastructure, the disruption or destruction of which would have a serious impact on the health, safety, security or economic well-being of citizens, and to establish a harmonised EU method so that Member States and operators can, through common standards and the organisations and persons in charge of security: identify critical infrastructure, analyse the vulnerability and interdependence thereof and the transboundary effects of crises and conduct the relevant threat assessments; and devise solutions to protect such infrastructure from, and prepare for, all hazards;

   (c) in this regard, to establish, on a proposal from the Commission and subject to Parliament's approval, a European Programme for Critical Infrastructure Protection (EPCIP); such a programme should be adequately financed from the general budget of the European Union; the Member States taking part should ensure all the cooperation, including public-private cooperation, data and human and logistical resources needed for the various phases of the project to be a success;

   (d) to take on board the fact that the EPCIP should be considered by the Member States' law enforcement agencies and those responsible for national civil protection mechanisms as complementary to national planning and awareness raising; that the success of the EPCIP should be evaluated independently and by specific standards; and that, on a proposal from the Commission, the Council should establish the EPCIP via an identifiable and achievable calendar of gradual implementation of specific and clearly defined steps and goals; and to recognise that, to be successful, a European Critical Infrastructure Early-Warning Information Network should assist in stimulating an exchange of information on shared threats and mutual vulnerability and devising appropriate measures and strategies to mitigate risk, in support of protecting critical infrastructure;

(e) to take on board the fact that:
- a European risk-analysis system should be created so as to ensure interoperability;
- all the relevant authorities at national, European and international level which share critical information should be adequately interlinked;
- relevant information should be handled accurately, reliably and, if necessary, confidentially, whatever its source (military or civil intelligence, police cooperation), even though in these cases the appropriate parliamentary scrutiny should always be ensured;
- it is necessary to create within the Commission a European early-warning system for crises to interlink the existing European, national and international specialised early-warning systems for emergencies, so that all relevant information which might require action at European level can be shared effectively through a central network (ARGUS);
- it is advisable to associate the European Committee for Standardization (CEN) when sectoral standards do not exist or where international norms have not yet been established;

(f) to ensure that the EPCIP is:
- under continuous parliamentary scrutiny at European and national levels, notably for the aspects affected by weaknesses or lack of resources;
- an essential element of future developments at continental and world level[1];

(g) to improve, as a complementary measure, the functioning of the European Solidarity Fund (for intervention within the Union) and ECHO (for external interventions);

(h) to take over the proposal made in its abovementioned resolution to establish a European Civil Protection Force, teams from which would intervene in events such as the recent tsunami catastrophe, wearing a common insignia so as to enhance the visibility of European solidarity;

(i) to strengthen social partnership by coordinating NGOs, civil society and local authorities;

(j) to ensure that alerts, advisories, and information notes, issued to help public and private stakeholders protect key infrastructure systems, as well as any alerts and advisories addressed to the general public in the context of civil protection emergencies, should be tailored to be absolutely necessary and appropriate so as not to unduly disrupt the daily lives of citizens and businesses or to create unnecessary fear or insecurity in the population;

(k) to ensure respect of privacy rights, so that consumers and operators can have confidence that information will be handled confidentially, accurately and reliably, and that business classified information will be properly managed and protected from unauthorised use or disclosure;

[1] See the proposal for reform of the strategy on civil protection and chemical, biological, radiological and nuclear threats discussed at UN level.

(l) to ensure that a European data protection and retention framework is simultaneously devised as soon as possible with relevant rules to be strictly applied, including in the intelligence field, and that the protection of fundamental rights of citizens is guaranteed;

(m) to ensure that training exercises to enhance the Union's civil protection and critical infrastructure protection capabilities will deal with realistic and up-to-date scenarios, drawing upon the experience and expertise of appropriate Member State specialists in civil protection and critical infrastructure protection (e.g., civil protection and critical infrastructure protection experts and scenarios from the Athens 2004 Olympic Games);

2. Instructs its President to forward this recommendation to the European Council, to the Council and, for information, to the Commission.

28.1.2005

PROPOSAL FOR A RECOMMENDATION TO THE COUNCIL B6-0085/2005

pursuant to Rule 114(1) of the Rules of Procedure

by Stavros Lambrinidis

on behalf of the PSE Group

on protection of critical infrastructures in the framework of the fight against terrorism

The European Parliament,

– having regard to the Treaty establishing the European Community, to the Euratom Treaty and to the Treaty on European Union, according to which (Article 29), 'the Union's objective shall be to provide citizens with a high level of safety within an area of freedom, security and justice',

– having regard to the European Security Strategy, adopted by the European Council on 12 December 2003, which outlines the need to develop a coherent approach in this area to deal with any threat to the Union, whether of an external or an internal nature,

– having regard to the Hague Programme, adopted by the European Council on 5 November 2004 and updated on 17 December 2004, on the specific issue of fighting terrorism,

– having regard to Rule 114(1) of its Rules of Procedure,

A. conscious that, according to Eurobarometer, the demand by Europe's citizens for a stronger and safer European Union continues to grow, and that the EU institutions and the Members States might have to respond in a coordinated and efficient way, notably when crises could have a cross-border effect,

B. recalling that, according to the Hague Programme, '... effective management of cross-border crises within the EU requires not only the strengthening of the current actions on civil protection and vital infrastructure but also addressing effectively the public order and security aspects of such crises … Therefore the European Council calls for the Council and the Commission to set up … an integrated EU crisis management arrangement … to be implemented at the latest by 1 July 2006. This arrangement should at least address the following issues: further assessment of Member States' capabilities, stockpiling, training, joint exercises and operational plans for civil crisis management',

C. whereas it is essential, on the basis of the Member States' experience and their existing operational structures:

- to launch a structured multiannual research project to detect and analyse the weaknesses of the national and European infrastructures to deal with crises brought about by natural or human causes,
- to define a European risk-analysis system,
- to involve all the relevant authorities at national, European and international level who

share critical information,
- to establish a permanent link between the Council and the Commission to share relevant information, whatever its source (military or civil intelligence, police cooperation),
- to create inside the Commission a European crisis system to interlink the existing European national and international specialised early warning systems for emergencies, so that all relevant information requiring action at European level can be shared or recorded in a central system (ARGUS),

1. Addresses the following recommendation to the Council: that it define in association with Parliament the future European strategy to deal with cross-border crises, strengthen the protection of vital infrastructures, reinforce current civil protection measures and effectively address public order and security;

2. Calls on the Commission to submit to Parliament and the Council, by December 2005, an organic proposal outlining the different phases of implementation of that strategy;

3. Instructs its President to forward this recommendation to the Council and, for information, to the Commission.