



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 21 November 2005

14689/05

**PROCIV 184
ATO 106
COTER 75
ECO 140
ENER 177
JAI 434
TRANS 241**

NOTE

from : Council Secretariat
to : Delegations

No. prev. doc. : 14262/05 PROCIV 170 ATO 102 COTER 68 ECO 127 ENER 167 JAI 409
TRANS 227

Subject : Draft Council conclusions on Principles for the European Programme for Critical
Infrastructure Protection

Following the discussions in the meeting of the Civil Protection Counsellors on 18 November 2005, delegations will find in the Annex a revised version of the draft Council conclusions for the European Programme on Critical Infrastructure Protection.

This text will be submitted to COREPER and Council for approval under I/A-items, provided delegations do not breach the silence procedure by Monday, 21 November 2005 (17h00).

A breach of the silence should be notified to the Council Secretariat (thomas.wiersing@consilium.eu.int) and, in copy, to the Presidency (benjamin.saoul@fco.gov.uk)

**DRAFT COUNCIL CONCLUSIONS ON PRINCIPLES FOR THE EUROPEAN
PROGRAMME FOR CRITICAL INFRASTRUCTURE PROTECTION**

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- RECALLS the European Council Conclusions of 17-18 June 2004 asking the Commission to prepare an overall strategy to enhance the protection of critical infrastructures ¹;
- RECALLS the Commission Communication of 22 October 2004 on "Critical Infrastructure Protection in the Fight against Terrorism" ²;
- RECALLS the European Council Conclusions of 16-17 December 2004 ³ accepting the Commission's intention to propose a European Programme for Critical Infrastructure Protection;
- RECALLS the emergency JHA Council Declaration of 13 July 2005 on the EU response to the London bombings ⁴ reaffirming the intention to agree a European Programme on Critical Infrastructure Protection by the end of 2005.

AND ADOPTS THE FOLLOWING CONCLUSIONS

1. The Council welcomes the Commission's progress towards establishing a European Programme for Critical Infrastructure Protection (EPCIP) and in particular welcomes the publication of the Commission's Green Paper issued on 17 November 2005. Member States have responded positively to the seminars organised by the Commission, which have brought together the relevant experts and other stakeholders. The ongoing establishment of points of contact for Critical Infrastructure Protection (CIP) experts is valuable, and as such all Member States are invited to nominate official CIP contact points.

¹ 10679/2/04 REV 2, no. 19.

² 13979/04.

³ 16238/1/04 REV 1 sub 28, bullet 6.

⁴ 11158/1/05 REV 1, no. 6.

2. The Council recognises that Member States have ultimate responsibility for managing arrangements for protection of critical infrastructure within their national borders. The Council notes that many Member States have existing national and bilateral arrangements providing a high level of protection for their critical national infrastructure. However, the Council considers that action at EU level will add value by supporting and complementing Member States' activities, while respecting the principle of subsidiarity.
3. The protection afforded to critical infrastructure across Europe will be increased through EPCIP enabling Member States to improve their ability to identify and protect elements of their own infrastructures. The confidential nature of information on identified infrastructure needs to be maintained for security reasons. Access to sensitive information will be granted on a need-to-know basis.
4. Without precluding further discussion, European critical infrastructure could be defined as infrastructure the destruction or disruption of which would have a serious impact on the critical societal functions, including the supply chain, health, safety, security, economic or social well-being or the functions of government, of a number Member States which needs to be further defined.
5. While recognising the threat from terrorism as a priority, the Council agrees that the protection of critical infrastructure should be based on an all-hazards approach. The form and framework of EU-level work should be based on a comprehensive risk assessment by Member States, and where competent the Commission, and build on existing EU-level work. Where appropriate, use could be made of the Joint Situation Centre's counter-terrorism analysis capability.
6. Owner/operators of the infrastructure, including the private sector, must be actively involved at both the national and EU level, and have responsibilities for implementing necessary measures.

7. The Council invites the Commission to build on the results of its Green Paper consultation process and to continue work to establish EPCIP. EPCIP should, while respecting existing competences, provide support to Member States through an agreed framework for action by the Member States, the Commission and, while respecting existing relationships, the private sector and other relevant actors, in order to raise security standards. This should include, where appropriate, common objectives, methodologies, best practices and the identification of interdependencies. Given the differing characteristics of each sector, a sector-by-sector approach is appropriate, taking into account existing EU-level sectoral arrangements.
8. The Council underlines the important contribution of Community and EU-level research, which should support and complement Member States' activities and those of EPCIP.
9. The Council invites the Commission to report back following the consultation period on its Green Paper by March 2006. This would include reporting on a number of issues:
 - definitions of key terms, including the definition of protection of critical infrastructure and the finalisation of the definition of EU level critical infrastructure;
 - an overall assessment of the costs and benefits of regulatory and voluntary approaches;
 - clarity on the respective roles of the Commission (respecting existing Community competences), Member States, and owner/operators;
 - development of the concept of operator security plans.
10. Following the consultation process and discussion of the issues in the Council, the Commission is invited to make a proposal for an EPCIP by June 2006.

