



**COUNCIL OF THE
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NOTE

from : General Secretariat of the Council
to : Delegations

Subject: Committee on Civil Liberties, Justice and Home Affairs (LIBE)
of the European Parliament
and NATO Parliamentary Assembly
Joint Seminar: **The protection of the European critical infrastructure**

Mrs HENNIS-PLASSCHAERT (ALDE, NL) chaired the meeting.

It should be noted that on 7 June 2005 the European Parliament adopted a recommendation to the European Council and to the Council on the protection of critical infrastructure in the framework of the fight against terrorism. In 2007 the LIBE committee of the European Parliament will prepare an opinion on the Proposal for a Directive of the Council on the identification and designation of European critical infrastructure and the assessment of the need to improve their protection¹. In December 2006, the Commission also presented a Communication on a European Programme for Critical Infrastructure.

As regards NATO, in 2005 its Committee on the Civil Dimension of Security adopted a report on Chemical, Biological, Radiological and Nuclear Detection and in 2006 a report on NATO and Civil Protection. In 2007, the Special Rapporteur of the Committee, Lord Jopling, will prepare a report on the Protection of Critical Infrastructures.

¹ COM(2006)787.

Mr CASACA (PSE, PT), Chairman of the EP Delegation for relations with the NATO Parliamentary Assembly, stated that the EU and NATO must develop a stronger partnership, while respecting the nature of both organisations, with the aim of combating terrorism and protecting citizens more effectively.

Mr CLAPHAM, Chairman of the Committee on the Civil Dimension of Security of the NATO Parliamentary Assembly, presented the role and competences of the Committee, the work of which is focused on various aspects of Euro-Atlantic security issues.

Mr MERZ, Chairman of the Council PROCIV Working Party, on behalf of the German Presidency, considered that the national level of protection should be extrapolated to the EU. He said that the PROCIV Working Party was starting discussions on the package presented by the Commission, with the aim of giving a constructive response to the proposals. He added that the objective must be to make all the parties concerned, including owners of the infrastructures, sensitive to the issue and to achieve clear and non-bureaucratic rules.

Mrs COMMEAU-YANNOUSSIS, European Commission (Head of Unit at DG TREN - Protection of energy facilities and critical infrastructures), recalled that the protection of critical infrastructure was a new issue at Community level. The problem is particularly extensive, given the development of the common market in transport and energy. She added that the question was still open as to whether infrastructures located outside the EU should also be taken into account - if so, agreements with third states would have to be concluded.

A representative of DG ENV of the European Commission presented the Civil Protection Mechanism established in 2001, with the Monitoring and Information Centre (MIC) based in DG ENV of the Commission. The mechanism, including Iceland, Lichtenstein and Norway, is focused on preparedness (training, exercises, exchange of experts) and response to major natural and technological disasters, as well as to terrorist attacks (by facilitating and supporting European civil protection assistance). MIC constitutes an entry point for requests for assistance. It is responsible for analyses and distribution of reliable information to the Member States during disasters, matching requests for aid with offers from Member States and providing technical support (e.g. satellite images). She considered that the European added value of MIC consisted in avoiding duplication, maximising efficiency and providing coordination.

Lord JOPLING, Special Rapporteur of the NATO Committee on the Civil Dimension of Security, highlighted a general state of European unreadiness to deal with nuclear or biological

terrorist attacks and to identify immediately after a terrorist attack exactly what its nature was. He also deplored the fact that representatives of the Commission had made no reference in their presentations to cooperation with NATO.

Mr DE VRIES, EU Counter-terrorism Co-ordinator, stated that a common understanding of the nature of the threat was needed. The EU should support and not duplicate or complicate the work of the Member States - a bottom-up approach should therefore be taken, bearing in mind that national services know best what is happening in their countries. He recalled that the EU Counter-Terrorism Strategy¹ of 2005 focused on the prevention of radicalisation and recruitment to terrorism, as well as on the protection of borders, transport and critical infrastructure in the most effective manner. He stressed the role of Europol, Eurojust and Frontex, as well as the importance of the European Arrest Warrant. He also listed the EU priorities for 2007 - improving cooperation in assessing the role of the Internet in recruitment and radicalisation, upgrading the defence of European critical infrastructure (especially energy and transport infrastructure) and improving protection against non-conventional attacks. Finally, he considered it necessary to strengthen data protection, while improving the exchange of data and to cooperate with third countries, particularly with the US.

Mr OVILIUS, European Commission (Head of Sector at DG JLS - Preparedness and crisis management) made a detailed presentation of the Commission Communication on a European Programme for Critical Infrastructure and of the Proposal for a Directive of the Council on the identification and designation of European critical infrastructure and the assessment of the need to improve their protection.

Mr VAN ORDEN (PPE-DE, UK) expressed concerns about the practical effects of the Commission's programme and considered that the European Convention on Human Rights constitutes a serious obstacle to the implementation of certain protection measures. He stressed the fact that the Convention had been drafted in different times and therefore needed a major revision, with which Mr CASACA disagreed, responding that non-respect of basic rights could only help terrorists. Mr DE VRIES reacted by saying that as regards the ECHR, the critical issue was the protection of the freedom of speech and the need to determine the boundary between freedom of expression and incitement to violence.

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¹ 14469/4/05.