



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 19 November 2008

**Interinstitutional File:
2006/0276 (CNS)**

**15827/08
ADD 1**

**PROCIV 178
JAI 647
COTER 82
ENER 386
TRANS 405
TELECOM 199
ATO 107
ECOFIN 519
ENV 833
SAN 269
CHIMIE 71
RECH 373
DENLEG 148
RELEX 921**

"I/A" ITEM NOTE

From : General Secretariat

To : Permanent Representatives Committee / Council

No. prev. doc. : 9402/1/08 REV 1 JAI 239 PROCIV 62 COTER 27 ENER 140 TRANS 146
TELECOM 68 ATO 38 ECOFIN 176 ENV 291 SAN 79 CHIMIE 23 RECH 175
DENLEG 49 RELEX 307

No. Cion prop. : 16933/06 PROCIV 273 JAI 725 COTER 64 ENER 323 TRANS 345 TELECOM
133 ATO 174 ECOFIN 472 ENV 713 SAN 270 CHIMIE 43 RECH 365
DENLEG 61 RELEX 929 + ADD 1 + ADD 2

Subject : Adoption of a Council Directive on the identification and designation of European
Critical Infrastructures and the assessment of the need to improve their protection

**Commission Statement on Article 5 (Operator Security Plans) and Article 6
(Security Liaison Officer)**

The Commission confirms that it accepts that Member States do not have to set out in the implementing legislation for this Directive any binding obligation on European Critical Infrastructure (ECI) operators to prepare Operator Security Plans or appoint a Security Liaison Officer. A Member State fully discharges its implementation responsibility under Articles 5 and 6 of the Directive if in fact an Operator Security Plan or Security Liaison Officer or equivalents are provided through existing measures, whether binding or non-binding.

Where measures including Community measures which in a particular sector require, or refer to a need to have, a plan similar or equivalent to an Operator Security Plan and oversight by the relevant authority of such a plan are complied with, this is deemed to satisfy all the requirements incumbent upon Member States by virtue of, or adopted pursuant to, Article 5.

Where measures including Community measures which in a particular sector require, or refer to a need to have, a Security Liaison Officer or equivalent are complied with, this is deemed to satisfy all the requirements incumbent upon Member States by virtue of, or adopted pursuant to, Article 6.

Statement by the Austrian delegation

Austria holds that nuclear facilities should definitely be considered as European Critical Infrastructure. This is the view which it has always taken during negotiations on the *Directive on the identification and designation of European Critical Infrastructure and the assessment of the need to improve its protection*.

Austria reaffirms this position and hopes that nuclear facilities will be included during the scheduled review of the Directive in three years' time.
