

Wednesday 22 April 2009

Critical Infrastructure Warning Information Network *

P6_TA(2009)0227

European Parliament legislative resolution of 22 April 2009 on the proposal for a Council decision on a Critical Infrastructure Warning Information Network (CIWIN) (COM(2008)0676 – C6-0399/2008 – 2008/0200(CNS))

(2010/C 184 E/41)

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2008)0676),
 - having regard to Article 308 of the EC Treaty and Article 203 of the Euratom Treaty, pursuant to which the Council consulted Parliament (C6-0399/2008),
 - having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
 - having regard to Rules 51 and 35 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A6-0228/2009),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
 5. Calls on the Commission, following the entry into force of the Treaty of Lisbon, if the Council has not taken any decision in this respect, to consider the possibility of using Article 196 (Civil Protection) as the legal basis for this proposal and to reconsider, if appropriate, submitting a proposal to Parliament;
 6. Instructs its President to forward its position to the Council and the Commission.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 1
Proposal for a decision
Recital 1

(1) The Council conclusions on 'Prevention, Preparedness and Response to Terrorist Attacks' and the 'EU Solidarity Programme on the Consequences of Terrorist Threats and Attacks' adopted by Council in December 2004 endorsed the Commission's intention to propose a European Programme for Critical Infrastructure Protection and agreed to the Commission setting up CIWIN ⁽¹⁾.

⁽¹⁾ 14894/04.

(1) The Council conclusions on 'Prevention, Preparedness and Response to Terrorist Attacks' and the 'EU Solidarity Programme on the Consequences of Terrorist Threats and Attacks' adopted by Council in December 2004 endorsed the Commission's intention to propose a European Programme for Critical Infrastructure Protection and agreed to the Commission setting up CIWIN ⁽¹⁾.

⁽¹⁾ Council Document 15232/04.

Amendment 2
Proposal for a decision
Recital 4

(4) Several incidents involving critical infrastructure in Europe such as for example the European blackout in 2006 demonstrated the need for a better and more efficient exchange of information in order to **prevent or limit the scope of the incident**.

(4) Several incidents involving critical infrastructure in Europe such as for example the European blackout in 2006 demonstrated the need for a better and more efficient exchange of information **and greater knowledge of the practice of different Member States** in order to **be prepared and to avoid a recurrence of such incidents**.

Amendment 3
Proposal for a decision
Recital 5

(5) It is appropriate to establish an information system that will enable Member States and the Commission to exchange information **and alerts** in the field of **Critical Infrastructure Protection** (CIP), to strengthen their CIP dialogue, and contribute towards promoting the integration and better coordination of nationally scattered and fragmented CIP research programmes.

(5) It is **therefore** appropriate to establish an information system that will enable Member States and the Commission to exchange information in the field of CIP, to strengthen their CIP dialogue, and contribute towards promoting the integration and better coordination of nationally scattered and fragmented CIP research programmes.

Amendment 4
Proposal for a decision
Recital 6

(6) CIWIN should contribute to the improvement of CIP in the EU by providing an information system that could facilitate Member States' cooperation; and offer an efficient and quick alternative to time-consuming methods of searching for information on critical infrastructures in the Community.

(6) CIWIN should contribute to the improvement of CIP in the EU by providing an information system that could facilitate Member States' cooperation **and coordination**, and offer an efficient and quick alternative to time-consuming methods of searching for information on critical infrastructures in the Community. **It should in particular stimulate the development of appropriate measures aimed at facilitating the exchange and dissemination of information, best practice and experience between Member States.**

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AMENDMENT

Amendment 5**Proposal for a decision
Recital 6 a (new)**

(6a) The first evaluation of CIWIN should also include an in-depth analysis of the necessity of adding a new functionality to CIWIN, namely the technical facility of a rapid alert system (RAS). This functionality should enable Member States and the Commission to post alerts on immediate risks and threats to critical infrastructure, taking into account all the necessary security requirements.

Amendment 6**Proposal for a decision
Recital 7**

(7) CIWIN should, in particular, stimulate the development of appropriate measures aimed at facilitating an exchange of best practices as well as being a vehicle for transmission of immediate threats and alerts in a secure manner. *deleted*

Amendment 7**Proposal for a decision
Recital 8**

(8) CIWIN should avoid duplication and be heedful of the specific characteristics, expertise, arrangements and areas of competence of each of the existing sectoral rapid alert systems (RAS).

(8) In the course of the development and evaluation of the new information system, Member States and the Commission should ensure that CIWIN avoids duplication and is heedful of the specific characteristics, expertise, arrangements and areas of competence of each of the existing sectoral rapid alert systems (RAS).

Amendment 8**Proposal for a decision
Recital 10**

(10) The interdependence of critical infrastructure in Member States and varying levels of CIP in Member States suggest that creating a horizontal and cross-sectoral Community tool for the exchange of information and alerts on CIP would increase the security of citizens.

*(4a) The interdependence of critical infrastructure in Member States and varying levels of **Critical Infrastructure Protection** (CIP) in Member States suggest that creating a horizontal and cross-sectoral Community tool for the exchange of information on CIP would increase the security of citizens.*

Amendment 9**Proposal for a decision
Recital 10 a (new)**

(10a) The adoption of measures in the sphere of civil protection is listed among the activities of Community in point (u) of Article 3(1) of the EC Treaty. Therefore, the creation of CIWIN is necessary to enable the Community to attain an objective laid down by the Treaty.

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AMENDMENT

Amendment 11
Proposal for a decision
Recital 17

(17) This Decision respects the fundamental rights and observes the principles recognised **in particular** by the Charter of Fundamental Rights of the European Union,

(17) This Decision respects the fundamental rights and observes the principles recognised by **Article 6 of the EU Treaty and reflected in** the Charter of Fundamental Rights of the European Union,

Amendment 12
Proposal for a decision
Article 1

This Decision sets up a secure information, communication **and alert** system - Critical Infrastructure Warning Information Network (CIWIN) - with the aim of assisting Member States to exchange information on **shared threats**, vulnerabilities and appropriate measures and strategies to mitigate risks related to CIP.

This Decision sets up a secure information **and** communication system - Critical Infrastructure Warning Information Network (CIWIN) - with the aim of assisting Member States to exchange information on vulnerabilities and appropriate measures and strategies to mitigate risks related to CIP.

Amendment 13
Proposal for a decision
Article 2 – paragraph 2

‘Critical Infrastructure’ shall mean those assets, systems or parts thereof located in Member States which are essential for the maintenance of vital societal functions, health, safety, security, economic or social well-being of people, and the disruption or destruction of which would have a significant impact in a Member State as a result of the failure to maintain those functions.

‘Critical Infrastructure’ shall mean those assets, systems or parts thereof located in Member States which are essential for the maintenance of vital societal functions, health, safety, security, **supply chain**, economic or social well-being of people, and the disruption or destruction of which would have a significant impact in a Member State as a result of the failure to maintain those functions.

Amendment 14
Proposal for a decision
Article 2 – paragraph 3

‘Participating Member State’ shall mean the Member State *deleted*
having signed a Memorandum of understanding with the Commission.

Amendment 15
Proposal for a decision
Article 3

Article 3
Participation

Participation in and use of CIWIN is open to all Member States. The participation to CIWIN shall be conditional upon the signature of a Memorandum of understanding that contains technical and security requirements applicable to CIWIN, and information on the sites to be connected to CIWIN.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 16
Proposal for a decision
Article 4 – Title

Functionalities

Functionality and structure

Amendment 17
Proposal for a decision
Article 4 – paragraph 1

(1) The CIWIN shall **consist of the two following functionalities**:

- (a) an electronic forum for the CIP related to information exchange;
- (b) **a rapid alert functionality that shall enable participating Member States and the Commission to post alerts on immediate risks and threats to critical infrastructure.**

(1) The CIWIN shall **be designed as** an electronic forum for the CIP related to information exchange.

Amendment 18
Proposal for a decision
Article 4 – paragraph 1 a (new)

(1a) The technical platform for CIWIN shall be present in at least one secure location in each Member State.

Amendment 19
Proposal for a decision
Article 4 – paragraph 2 – subparagraph 2

Fixed areas shall be included in the system on a permanent basis. While their content may be adjusted, the areas may not be removed, renamed **or new areas added**. Annex I contains a list of fixed areas.

Fixed areas shall be included in the system on a permanent basis. While their content may be adjusted, the areas may not be removed **and** renamed. Annex I contains a list of fixed areas. **This does not preclude the inclusion of new areas if the functioning of the system demonstrates that it is necessary.**

Amendment 20
Proposal for a decision
Article 5 – paragraph 1

(1) **Participating** Member States shall designate a CIWIN Executive and notify the Commission thereof. CIWIN Executive shall be responsible for granting or denying access rights to the CIWIN within the relevant Member State.

(1) Member States shall designate a CIWIN Executive and notify the Commission thereof. CIWIN Executive shall be responsible for granting or denying access rights to the CIWIN within the relevant Member State.

(This amendment applies throughout the text.)

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Amendment 21
Proposal for a decision
Article 5 – paragraph 2

(2) **Participating** Member States shall provide access to the CIWIN in compliance with the guidelines adopted by the Commission.

(2) Member States shall provide access to the CIWIN in compliance with the **user** guidelines adopted by the Commission.

Amendment 22
Proposal for a decision
Article 6 – paragraph 1 – point b

(b) laying down guidelines on the terms of use of the system, including confidentiality, transmission, storage, filing and deletion of information. The Commission shall also establish the terms and procedures for granting full or selective access to the CIWIN.

(b) laying down **user** guidelines on the terms of use of the system, including confidentiality, transmission, storage, filing and deletion of information. The Commission shall also establish the terms and procedures for granting full or selective access to the CIWIN.

Amendment 23
Proposal for a decision
Article 6 – paragraph 3 a (new)

(3a) The Commission shall monitor the functioning of the CIWIN system.

Amendment 24
Proposal for a decision
Article 7 – paragraph 2

(2) Users' rights to access documents shall be on a 'need to know' basis **and must** at all times respect the author's specific instructions on the protection and distribution of a document.

(2) Users' rights to access documents shall be on a 'need to know' basis. **Users shall** at all times respect the author's specific instructions on the protection and distribution of a document.

Amendment 25
Proposal for a decision
Article 7 – paragraph 2 a (new)

(2a) In Member States, the exchange of sensitive information uploaded onto CIWIN between authorised users and third parties shall be subject to the prior authorisation of the owner of that information and shall take place in accordance with relevant Community and national law.

Amendment 26
Proposal for a decision
Article 7 a (new)

Article 7a

Requirements relating to information included in CIWIN

For any information or documents uploaded in the system an automatic translation will be possible.

The Commission shall, in collaboration with CIP contact points, develop a list of key words for each sector which could be used when uploading or searching for information in CIWIN.

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AMENDMENT

Amendment 27**Proposal for a decision
Article 8**

The Commission shall develop and regularly update User guidelines containing full details of CIWIN's **functionalities** and roles.

The Commission shall develop and regularly update **the** User guidelines containing full details of CIWIN's **functionality** and roles.

Amendment 28**Proposal for a decision
Article 8 – paragraph 1 a (new)**

The User Guidelines shall be established in accordance with the advisory procedure laid down in Article 3 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾.

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

Amendment 29**Proposal for a decision
Article 10 – paragraph 1**

The Commission shall review and evaluate the operation of the CIWIN every three years, and shall submit regular reports to **the** Member States.

The Commission, **using specially developed indicators for monitoring progress**, shall review and evaluate the operation of the CIWIN every three years, and shall submit regular reports to **all** Member States, **the European Parliament, the Committee of the Regions and the European Economic and Social Committee**.

Amendment 30**Proposal for a decision
Article 10 – paragraph 2**

The first report, which shall be submitted within three years after the entry into force of this Decision, shall, in particular, identify those elements of the Community network which should be improved or adapted. It shall also include any proposal that the Commission considers necessary for the amendment or adaptation of this Decision.

The first report, which shall be submitted within three years after the entry into force of this Decision, shall, in particular, identify those elements of the Community network which should be improved or adapted **and shall, in particular, assess the participation of each Member State in the CIWIN system as well as the possibility of upgrading CIWIN to include a rapid alert system (RAS) functionality**. It shall also include any proposal that the Commission considers necessary for the amendment or adaptation of this Decision.

Amendment 31**Proposal for a decision
Article 11**

This Decision shall **apply as from 1 January 2009**.

This Decision shall **take effect on the day of its publication in the Official Journal of the European Union**.

Amendment 32**Proposal for a decision
Annex II – point 3**

(3) Alert Areas, which may be created in the event of an alert being triggered in the RAS, and will constitute the channel of communication during CIP-related activities;

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