Contribution ID: 5dda8d1e-bf3b-4059-9134-d96d9d5fc596

Date: 08/02/2019 15:05:54

Open Public Consultations as part of the Evaluation Study of Council Directive 2008/114 on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection

Fields marked with * are mandatory.

Introduction

The European Critical Infrastructure Protection Directive (2008/114/EC) of 8 December 2008 establishes a procedure for identifying and designating European Critical Infrastructures (ECI) in the energy and transport sectors, as well as a common approach for assessing the need to improve their protection. It is a key pillar of the European Programme for Critical Infrastructure Protection (EPCIP), which aims to protect critical infrastructures against a range of threats using an all-hazards approach.

Critical infrastructure is defined as an asset, system or part thereof located in a Member State which is essential for the maintenance of vital societal functions, health, safety, security, economic and/or social well-being of people. The disruption or destruction of said infrastructure would have a significant impact in a Member State as a result of the failure to maintain the aforementioned vital societal functions.

The objectives of the European Critical Infrastructure Directive are to:

- Identify European Critical Infrastructures (ECI), defined as those infrastructures, which, if subjected to disruption or destruction, would have a significant impact on at least two Member States;
- Ensure that all identified European Critical Infrastructures are protected, particularly through the creation of an Operator Security Plan (OSP), which should be appropriately and regularly reviewed.

In the years since its introduction in 2008, various issues concerning the current Directive have been identified. These include, for instance, a narrow sectoral scope (limited to the energy and transport sectors), and the slow pace of the ECI identification and designation process on the part of the Member States. For these and other reasons, the Commission recently launched an external evaluation of the Directive that will assess its effectiveness, efficiency, relevance, coherence and EU added value. The evaluation covers all EU Member States and takes account of a heightened terrorist threat since 2008, an awareness of hybrid threats, but also the emergence of new threats, including, for instance, the unlawful use of unmanned aerial vehicles ("drones").

As part of this evaluation, the European Commission has launched an public consultation, which aims to collect the views of all stakeholders, including European citizens, as to whether the Directive has met and is currently meeting its objectives, namely to improve the protection and ensure the resilience of critical infrastructures. The evaluation will be available for twelve weeks.

Please submit your responses via the online questionnaire below. Respondents may answer the questionnaire in any official EU language, regardless of the language of the questionnaire that the respondent selects. (Should you wish to provide your contribution by other means than online, please contact the European Programme for Critical infrastructure Protection (EPCIP) through its functional mailbox: HOME-EPCIP@ec.europa.eu.)

All individual replies will be made available for analysis by the contractor carrying out the evaluation. They will also be published on the European Commission's consultations webpage (https://ec.europa.eu/info /consultations). The contractor's final report, which will account for the public consultation and other forms of consultation as part of the evaluation, will form the basis for a Staff Working Document produced by the Commission, which will be published on DG Migration and Home Affairs' (HOME's) website (https://ec.europa.eu/home-affairs/) during the spring of 2019.

More information concerning the ongoing evaluation is available via the following link on DG HOME's website: https://ec.europa.eu/home-affairs/what-is-new/work-in-progress/initiatives/evaluation-council-directive-2008-114_en. Information concerning the European Programme for Critical Infrastructure Protection (EPCIP) specifically and critical infrastructure protection more generally can be found here: https://ec.europa.eu/home-affairs/what-we-do/policies/crisis-and-terrorism/critical-infrastructure_en.

About you

Bulgarian
Croatian
Czech
Danish
Dutch
English
Estonian
Finnish
French
Gaelic
German
Greek
Hungarian
Italian
Latvian
Lithuanian
Maltese
Polish
Portuguese

Romanian

*Language of my contribution

Slovenian
Spanish
Swedish
*I am giving my contribution as
Academic/research institution
Business association
Company/business organisation
Consumer organisation
© EU citizen
 Environmental organisation
Non-EU citizen
Non-governmental organisation (NGO)
Public authority
Trade union
Other
*First name
Oliver
*Surname
LOEBEL
LOEDEL
*Email (this won't be published)
oliver.loebel@eureau.org
City of the coat out at a coat of the coat of the coat out at a coat of the
*Organisation name
255 character(s) maximum
EurEau
*Organization size
*Organisation size
Micro (1 to 9 employees) Small (10 to 40 employees)
Small (10 to 49 employees)
Medium (50 to 249 employees)
Large (250 or more)
_
Transparency register number

255 character(s) maximum

Slovak

Check if your organisation is on the <u>transparency register</u>. It's a voluntary database for organisations seeking to influence EU decision-making.

*Country of origin

Pleas	e add your country of origin, o	or tha	at of your organisation.				
0	Afghanistan	0	Djibouti	0	Libya	0	Saint Pierre and Miquelon
0	Åland Islands	0	Dominica	0	Liechtenstein	0	Saint Vincent and the Grenadines
	Albania		Dominican Republic		Lithuania		Samoa
	Algeria		Ecuador		Luxembourg	0	San Marino
	American Samoa	0	Egypt		Macau	0	São Tomé and
							Príncipe
	Andorra		El Salvador		Madagascar	0	Saudi Arabia
	Angola		Equatorial Guinea		Malawi	0	Senegal
	Anguilla		Eritrea		Malaysia		Serbia
	Antarctica		Estonia		Maldives	0	Seychelles
	Antigua and Barbuda		Ethiopia		Mali	0	Sierra Leone
	Argentina		Falkland Islands		Malta	0	Singapore
	Armenia		Faroe Islands		Marshall Islands	0	Sint Maarten
	Aruba		Fiji		Martinique	0	Slovakia
	Australia		Finland		Mauritania	0	Slovenia
0	Austria	0	Former Yugoslav Republic of Macedonia	0	Mauritius	0	Solomon Islands
	Azerbaijan		France		Mayotte	0	Somalia
	Bahamas		French Guiana		Mexico		South Africa
0	Bahrain	0	French Polynesia	©	Micronesia	0	South Georgia and the South Sandwich Islands
0	Bangladesh	0	French Southern and Antarctic Lands	0	Moldova	0	South Korea
	Barbados		Gabon		Monaco		South Sudan
	Belarus		Georgia		Mongolia		Spain
0	Belgium		Germany		Montenegro		Sri Lanka
	Belize		Ghana		Montserrat		Sudan
	Benin		Gibraltar		Morocco		Suriname
0	Bermuda	0	Greece	0	Mozambique	0	Svalbard and Jan Mayen
	Bhutan		Greenland		Myanmar/Burma		Swaziland
	Bolivia		Grenada		Namibia		Sweden
	Bonaire Saint		Guadeloupe		Nauru		Switzerland
	Eustatius and Saba						
0	Bosnia and Herzegovina	0	Guam	0	Nepal	0	Syria
	Botswana		Guatemala		Netherlands		Taiwan
	Bouvet Island		Guernsey		New Caledonia		Tajikistan

	Brazil	0	Guinea	0	New Zealand		Tanzania
	British Indian Ocean	0	Guinea-Bissau	0	Nicaragua		Thailand
	Territory						
	British Virgin Islands		Guyana		Niger		The Gambia
	Brunei		Haiti		Nigeria		Timor-Leste
0	Bulgaria	0	Heard Island and McDonald Islands	0	Niue	0	Togo
0	Burkina Faso	0	Honduras	0	Norfolk Island		Tokelau
0	Burundi	0	Hong Kong	0	North Korea		Tonga
	Cambodia	0	Hungary	0	Northern Mariana		Trinidad and Tobago
			0 ,		Islands		9
	Cameroon	0	Iceland	0	Norway		Tunisia
	Canada	0	India	0	Oman		Turkey
	Cape Verde	0	Indonesia	0	Pakistan		Turkmenistan
	Cayman Islands	0	Iran	0	Palau		Turks and Caicos
							Islands
	Central African		Iraq		Palestine		Tuvalu
	Republic						
	Chad		Ireland		Panama		Uganda
	Chile		Isle of Man	0	Papua New Guinea		Ukraine
	China		Israel		Paraguay		United Arab Emirates
	Christmas Island		Italy		Peru		United Kingdom
	Clipperton		Jamaica		Philippines		United States
	Cocos (Keeling)		Japan		Pitcairn Islands		United States Minor
	Islands						Outlying Islands
	Colombia		Jersey		Poland		Uruguay
	Comoros		Jordan	0	Portugal		US Virgin Islands
	Congo		Kazakhstan	0	Puerto Rico		Uzbekistan
	Cook Islands		Kenya		Qatar		Vanuatu
	Costa Rica		Kiribati		Réunion		Vatican City
	Côte d'Ivoire		Kosovo		Romania		Venezuela
	Croatia		Kuwait		Russia		Vietnam
	Cuba		Kyrgyzstan		Rwanda		Wallis and Futuna
	Curaçao		Laos		Saint Barthélemy		Western Sahara
	Cyprus		Latvia		Saint Helena		Yemen
					Ascension and		
					Tristan da Cunha	_	
	Czech Republic		Lebanon		Saint Kitts and Nevis		Zambia
	Democratic Republic		Lesotho	0	Saint Lucia		Zimbabwe
	of the Congo	_		_			
	Denmark		Liberia		Saint Martin		

*Publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

Anonymous

Only your type, country of origin and contribution will be published. All other personal details (name, organisation name and size, transparency register number) will not be published.

Public

Your personal details (name, organisation name and size, transparency register number, country of origin) will be published with your contribution.

*I agree with the personal data protection provisions

Questions concerning the ECI Directive

1.1) In your view, to what extent do the following incident types pose a serious threat to critical infrastructures in the EU?

	No opinion	Not at all	To a small extent	To some extent	To a fairly large extent	To a large extent
Natural disasters (earthquakes, fires, floods, etc.)	0	0	0	0	0	0
Cyberattacks/cyber-enabled attacks	0	0	0	0	•	0
Supply chain disruptions	0	0	0	•	0	0
Energy supply disruptions	0	0	0	•	0	0
Terrorist attacks	0	0	0	•	0	0
Transportation accidents	0	0	•	0	0	0
Accidents involving hazardous materials	0	0	•	0	0	0
Insider infiltration	0	0	0	0	•	0
Unlawful intrusion (including by unmanned aerial vehicles ("drones"))	0	0	•	0	0	0
Attacks of different kinds orchestrated by state-sponsored actors	0	0	0	0	•	0
Other	0	0	0	0	0	0

1.2) If you have identified other serious threats to critical infrastructures ("other" in the question above), please describe them here.

ctive still relevant a EU?	and needed	d to ensu	re a con	nmon lev	el of protection	n of critical infrastru	ctures acr
	No opinion	Not at all		a small ktent	To some extent	To a fairly large extent	To a la exter
In the energy sector	0	0	(•	0	0	0
In the transport sector	0	0	(•	0	0	0
relevant for critical i	equirements infrastructure	are in pla es with a	ce to pro strong cr measure	otect critic ross-bord	cal infrastructure er aspect. d be taken at E	s. The ECI directive	otect critic
Detailed national re relevant for critical in the properties of th	equirements infrastructure additional e threats lis 1.2?	are in pla es with a ses with a s	ce to prostrong cr measure uestion 1	res shoul 1.1, or froncks (i.e. s	cal infrastructure er aspect. d be taken at Eom other threat	EU level to better press that you independent	rotect critic dently
Detailed national re relevant for critical in the structures from the structures from the structures from the coordinated actions context of the agree the structure of the agree of the structure o	equirements infrastructure at additional e threats lis 1.2?	are in pla es with a se specific sted in Quagainst cy ment of cy	measure lestion 1	res should the control of the contro	cal infrastructure er aspect. d be taken at E com other threat state-organised er Security Act)	EU level to better press that you independent	rotect critic dently ttacks) in th
Detailed national re relevant for critical in the structures from the structures from the structures from the coordinated actions context of the agree the structure of the agree of the structure o	equirements infrastructure at additional e threats lised 1.2? In the soft the EU and the soft the soft the EU and the soft the soft the EU and the soft the	are in pla es with a se specific sted in Quagainst cy ment of cy	measure lestion 1	res should the control of the contro	cal infrastructure er aspect. d be taken at E com other threat state-organised er Security Act)	EU level to better presented to state-supported at	rotect critic dently ttacks) in th
Detailed national re relevant for critical in Do you believe that structures from the tified in Question 1 Coordinated actions context of the agree	equirements infrastructure at additional e threats lise 1.2? s of the EU and reinforcer any improve op	are in pla es with a ses with a s	measure lestion 1	res should the control of protect critical control of protect critical control of protect control of protect critical control of protect critical control of protect critical control of protect critical control critical	cal infrastructure er aspect. d be taken at E com other threat state-organised er Security Act)	EU level to better presented to state-supported at	otect critic dently ttacks) in th

To some

extent

0

To a small

extent

0

In the energy sector

0

To a large

extent

To a fairly large

extent

0

In the transport sector	0	0	0	0
-------------------------	---	---	---	---

4.3) Assuming you answered Question 4.2, what in your view are the factors that have contributed to an increase in the level of protection of critical infrastructures?

o opinion.

4.4) In case you have not seen any improvement in the level of protection of critical infrastructures, what in your view explains this?

No opinion.			

5) To what extent do you agree with the following statements?

	No opinion	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree
The ECI Directive has contributed to achieving common levels of protection for critical infrastructures in the EU.	•	0	0	0	0	0
The ECI Directive has contributed to defining similar and clear responsibilities and obligations for critical infrastructure protection stakeholders in all Member States.	•	0	0	0	0	0
The ECI Directive has contributed to a higher level of protection of the internal market from the effects of any disruption/destruction of critical infrastructures.	•	©	©	0	0	•
The ECI Directive has produced observable operational changes concerning measures and procedures for the protection of critical infrastructures.	•	0	0	0	0	0
The ECI Directive has enhanced cooperation between Member States on matters related to critical infrastructure protection.	•	0	0	0	0	0
The sectoral scope of the ECI Directive (pertaining to the transport and energy sectors) is appropriate in light of the desired impact.	0	©	0	0	•	•
The exclusion of the information and communication technology (ICT) sector from the scope of the ECI Directive has not limited its impact.	•	©	0	0	0	•

	To a small extent									
[☐ To some extent									
[To a fairly large e	extent								
[□ To a large extent									
des		is not/minin	•		•	eel that the current E xplain why, and hov				
	The designation approach must be limited to infrastructures with a strong cross-border impact. Critical infrastructures that are organised locally / regionally with no impact on other EU Member States, such as the water services sector, should not be designated as ECI. They are regulated at the national / regional level. The Member States are best able to assess the critical characteristics of the infrastructure for society.									
tho:	In your view, is the se Member States. No opinion Not at all To a small extent. To some extent. To a fairly large extent.	that may be	•	•		signate ECI in agree	ement with			
7.2	Please elaborate	on your res	ponse to	the previous que	estion.					
	The decision not to regional infrastructu	· ·				I is appropriate. Thes	se are local /			
8.1) In your opinion, to what extent has the ECI Directive provided added value compared to what Member States could achieve in the field of critical infrastructure protection in the absence of the ECI Directive?										
		No opinion	Not at all	To a small extent	To some extent	To a fairly large extent	To a large extent			
	In the energy sector	•	0	0	0	0	0			
	In the transport sector	•	0	0	0	0	0			

6.1) In your view, is the current approach based on the designation of European Critical Infrastructures

(ECI) by Member States appropriate and effective?

No opinionNot at all

8.2) Please elaborate on your response to the question above.

No opinion.

9.1) In your opinion, have the costs (administrative, budgetary, in terms of personnel, etc.) related to the transposition and application of the ECI Directive been proportionate to its contribution in terms of the protection of critical infrastructures?

	No opinion	Very disproportionate	Disproportionate	Proportionate	Very proportionate
In the energy sector	•	0	•	0	•
In the transport sector	•	0	0	0	0

) In your opini y to remain in			e the C	Directive t	o be repeal	ed?		
	No opinion	No, not at all	at Yes, to a		Yes, to some exten	Y	es, to a fairly large extent	Yes, to
In the energy sector	•	0		0	0		0	0
In the transport sector	•	•		0	0		©	0
No opinion.		птезропа	e to th	e previou	is question.			
·		extent is th	e ECI	Directive	coherent w		lementary to ot	her existing
) In your opini		extent is th at enhanc	e ECI	Directive	coherent w		To a fairly	To large
) In your opini asures/mechar	nisms aimed	extent is that enhance	e ECI ing crit	Directive cical infras Not at	coherent w structure pro To a small	To some	To a fairly	To larg
) In your opini sures/mechar	sector (beside tive)	extent is the at enhance of the content is th	e ECI ing crit No inion	Directive cical infras Not at all	coherent w structure pro To a small extent	To some extent	To a fairly large exte	To largent exte
In the energy the ECI Direction (besides the ECI	sector (beside tive)	extent is that enhance	e ECI ing crit	Directive cical infras Not at all	coherent w structure pro To a small extent	To some extent	To a fairly large exte	To largent exte

9.2) Based on your response to the previous question, please explain why you deem the costs related to

the ECI Directive to be proportionate or disproportionate in relation to the demonstrated effects.

Health sector	•	0	0	0	0	0
Drinking water/food supply sector	0	0	0	©	•	•
Land-based digital infrastructure sector	•	0	•	•	•	•

11.2) If applicable, please elaborate on your responses to the previous question.

Drinking water supply is organised nationally / regionally and is not crossing borders. Hence, the consequences of a possible drinking water supply failure have no cross-border implications and the water infrastructure should not fall under the definition of ECI. Requirements are set through national / regional regulations. In particular drinking water supply security is covered by detailed national requirements which do not require an additional European layer. As regards information systems, the water sector applies the NIS directive. Other water-related EU legislation (directives on drinking water, urban waste water treatment and the water framework) exclude security-related aspects as they can be better addressed at the national level.

11.3) Can you identify other relevant measures/mechanisms in sectors not listed above? If so, to what extent are they coherent with/complementary to the ECI Directive?

The directives on drinking water, urban waste water treatment and the water framework exclude security-related aspects as they can be better addressed at the national level.

- 12.1) In your view, is the current scope of the Directive, limited to the energy and transport sectors, effective in protecting the most important critical infrastructures in the EU?
 - No opinion
 - Yes
 - O No
- 12.2) Please elaborate on your response to the question above.

From a water sector point of view, it clearly is. Drinking water supply is organised nationally / regionally and is not crossing borders. Hence, the consequences of a possible drinking water supply failure have no cross-border implications and the water infrastructure should not fall under the definition of ECI. Requirements are set through national / regional regulations.

Final comments and document upload

If you wish to provide additional comments or suggestions within the scope of this evaluation, please feel free to do so here.

Water services (including drinking water supply) are organised nationally / regionally and are not crossing borders. Hence, the consequences of a possible drinking water supply failure have no cross-border implications and the water infrastructure should not fall under the definition of ECI. Requirements are set through national / regional regulations.

Here you may upload a document containing additional remarks related to the evaluation of the ECI Directive.

The maximum file size is 1 MB
Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

Contact

Christer-Matteson.BROWN@ec.europa.eu