

The European Commission, DG/JLS

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Denmark's response to the Green Paper on a European Programme for Critical Infrastructure Protection

Denmark appreciates the opportunity to comment on the Green Paper on a European Programme for Critical Infrastructure Protection (EPCIP), and acknowledges and welcomes the Commission's initiatives in regard to EPCIP. Denmark supports the overall goal of augmenting critical infrastructure protection capability in Europe and helping MS reduce vulnerability within their national critical infrastructure.

The specific questions of the Green Paper are answered and commented in the attached document based on the original Green Paper ("Danish Comments for EPCIP Green Paper 26 JAN 06"). A summary of responses from the Danish private sector received by the Danish government is annexed to this letter.

Suggested goal and key principles

Denmark proposes that the goals of EPCIP are:

- To improve protection of infrastructure critical to the European Union.
- To raise critical infrastructure protection capability in Europe in order to help Member States reduce the vulnerability of their national critical infrastructure.

Denmark agrees with the suggested key principles but suggest that three additional principles be considered: "Sector-By-Sector Approach", "Industry Competitiveness", and "Added Value":

- The principle of "Sector-by-sector Approach" is founded on the fact that protective measures exist nationally, bilaterally, regionally, at EU level, and internationally. EPCIP must be a balanced supplement to these measures, and EPCIP should therefore to the widest extent possible be anchored in the relevant sectors. Successful critical infrastructure protection requires tailor-made solutions rather than general legislation.
- The Green Paper presents "Industry Competitiveness" as a part of the overall goal whereas Denmark finds that it is a key principle.
- The principle of "Added Value" stresses that it is absolutely essential that any additional measures implemented to protect European critical infrastructure (ECI) add value and substantially increase levels of protection.

Furthermore, Denmark would like to underline the importance of the principle of subsidiarity. The protection of critical infrastructure is first and foremost a national responsibility and a responsibility of the owners/operators.

Specific issues

Referring to the principle of subsidiarity, national critical infrastructure is outside the scope of EPCIP and should remain so. Denmark finds the proposal of designating certain assets of the national critical infrastructure as ECI useful.

However, it should be kept in mind that ECI assets is and should remain part of the Member States' national critical infrastructure inventory, and designation of assets as ECI should not change the basic division of responsibilities. Denmark finds that the ECI dimension constitutes an additional "layer" to the national critical infrastructure protection efforts. Any future measures at the European level must therefore complement national measures/regulation rather than replace them. Furthermore, any designation of critical infrastructure assets as ECI should be with the full consent of the Member State that hosts the assets.

Denmark prefers that the definition of ECI includes "the potentially serious cross-border impact which affects 3 or more Member States". But the number of affected Member States is not a sufficient criterion for identifying ECI and it is vital that aspects about criticality are included in the ECI identification process.

The Indicative List of Critical Infrastructure Sectors provides a basis for further discussions of the definitions of what is European critical infrastructure, but the list needs to be revised.

Although the "Critical Infrastructure Warning Information Network" (CIWIN) can be an important instrument in terms of strengthening the exchange of experiences and knowledge, it should not have a role in sharing specific threat and vulnerability information. Principles about CIWIN's functions should precede any advanced plans about design and implementation.

Non-paper on the step-by-step approach to EPCIP

Denmark – together with the Netherlands, Sweden, and United Kingdom – initiated a non-paper on the step-by-step approach to EPCIP. It is a direct response to the Commission's invitation at the informal EPCIP meeting in Bruxelles on 8 December 2005 to come forward with suggestions on how to implement EPCIP. The non-paper is a supplement to the Green Paper, and the purpose is to address the issue of programme implementation rather than the specific content of EPCIP.

The non-paper will be forwarded before the end of the week.

Denmark looks forward to receiving the Commissions proposal for the programme and to participate in the coming discussions and the implementation of EPCIP.

Sincerely,

Mads Ecklon

Annex - Summary of responses from the Danish private sector

The Confederation of Danish Industries supports an EU programme for protection of critical infrastructure. The Confederation finds it positive, that the EU aims at securing a common level of protection in the EU. In order to secure harmonisation, transparency and equal competition it is vital, that this type of initiatives are decided and coordinated in the EU. The Confederation also finds it positive that the programme shall minimise the negative consequences for competitiveness, and it finds that it is important to address this goal as much as possible, when the programme is made more specific and launched.

The Danish Chamber of Commerce finds it important to coordinate the critical infrastructure protection insofar as it has an international dimension and that there is a need for some form of coordination at EU level. The Chamber finds that the methods used must be carefully considered whether it should be regulation, guidelines, best practice. The Chamber points out that international cooperation already exists and that it would be neither feasible nor efficient to build a new agency for CIP at the same level. A framework for protection of critical infrastructure must fully take into account the existing measures and should in particular not interfere with the joint efforts of the European intelligence agencies. The Danish Chamber of Commerce believes that precautionary measures must be divided into measures against terrorism and measures against other hazards. Protection (meaning prevention of terrorism and other hazards) is as a rule the responsibility of the authorities.

The Telecommunications Industries Association in Denmark finds that the telecommunication sector differs from other sectors of the critical infrastructure and that the sector therefore should be assessed and developed independent of the principles for other sectors of critical infrastructure. Taking into account the increasingly differentiated nature of the telecommunication sector and international customer relations, a harmonization of standards and methods should be pursued. In the telecommunication sector there are very few specific installations that can be identified as European critical infrastructure.

The North Sea Operators Committee – Denmark states that EPCIP should only address the threat of terrorism as existing legislation and operators' contingency plans already cover other types of hazards. The protection of installations from external threats remains a police or military function. Owners/operators must be involved from the start; in identifying CI, in determining the criteria to be used and in drafting protection measures. It would be unacceptable if the costs of any extended measures should be borne by owners/operators, since such measures would primarily aim at protecting energy supplies for the society in general. CI-WIN should also alert operators in real time of threats and alerts.