EUROPEAN COUNCIL

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COVER NOTE

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| form: | General Secretariat of the Council |
| to: | Delegations |
| Subject: | EUROPEAN COUNCIL<br>25/26 APRIL 2014<br><br>CONCLUSIONS |

Delegations will find attached the conclusions of the European Council (25/26 April 2014).

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*Conclusions – 25/26 April 2014*

## Council Conclusions
## on draft directive of the European Parliament and of the Council
## concerning measures to ensure a high common level of network and information security across the Union

*Article 5*

### National NIS strategy and national NIS cooperation plan

1. Each Member State shall adopt a national NIS strategy defining the strategic objectives and concrete policy and regulatory measures to achieve and maintain a high level of network and information security. The national NIS strategy shall address in particular the following issues:

(a) The definition of the objectives and priorities of the strategy based on an up-to-date risk and incident analysis;

(b) A governance framework to achieve the strategy objectives and priorities, including a clear definition of the roles and responsibilities of the government bodies and the other relevant actors;

(c) The identification of the general measures on preparedness, response and recovery, including cooperation mechanisms between the public and private sectors;

(d) An indication of the education, awareness raising and training programmes;

(e) Research and development plans and a description of how these plans reflect the identified priorities;

(f) Member States may work along with the assistance of ENISA in developing their national NIS strategies and national NIS cooperation plans, based on a common minimum NIS strategy;

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(g) National defence strategy: each national NIS strategy of MS should be consistent with defense strategies in building up active defence and passive defence by identifying the cyber risks to prevent risks.

2. The national NIS strategy shall include a national NIS cooperation plan complying at least with the following requirements

(a) A risk management framework to establish a methodology for the identification, prioritization, evaluation and treatment of risks, the assessment of the impacts of potential incidents, prevention and control options, and to define criteria for the choice of possible countermeasures;

(b) The definition of the roles and responsibilities of the various authorities and other actors involved in the implementation of the framework ;

(c) The definition of cooperation and communication processes ensuring prevention, detection, response, repair and recovery, and modulated according to the alert level;

(d) A roadmap for NIS exercises and training to reinforce, validate, and test the plan. Lessons learned to be documented and incorporated into updates to the plan.

3. The national NIS strategy and the national NIS cooperation plan shall be communicated to the Commission within three months from their adoption.

*Article 6*

National competent authorities and the single point of contact on the security of network and information systems

1. Each Member State shall:

(a) Designate one or more civilian national competent authorities on the security of network and information systems. If Member States designate more than one civilian national

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authority, then they shall designate one of the authorities as the single point of contact for EU coordination. If only one civilian national authority is established, it would automatically be the single point of contact.

(b) Define a common standard of security which that contact points are to meet with the help of ENISA and other standardization bodies.

2. The competent authorities shall monitor the application of this Directive at national level and contribute to its consistent application throughout the Union.

3. Member States shall:

(a) Ensure the civilian national competent authorities have adequate technical, financial and human resources to carry out in an effective and efficient manner the tasks assigned to them and thereby to fulfil the objectives of this Directive. The Union shall adopt an outcome and efficiency oriented approach to assess the performance of the competent authorities.

(b) Ensure the effective, efficient and secure cooperation of the competent authorities via the network referred to in Article 8.

4. Member States shall ensure that the competent authorities and the single point of contact receive the notifications of incidents from public administrations and market operators as specified under Article 14(2) and are granted the implementation and enforcement powers referred to under Article 15.

5. The competent authorities shall consult and cooperate, whenever appropriate, with the relevant law enforcement national authorities and data protection authorities.

6. Each Member State shall notify to the Commission without delay the designation of the single point of contact, its tasks, and any subsequent change thereto. Each Member State shall make public its designation of the competent authority.

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*Article 7*

## Computer Emergency Response Team

1. Each Member State shall set up at least one Computer Emergency Response Team (hereinafter: 'CERT') for each of the sectors established in Annex II, responsible for handling incidents and risks according to a well defined process, which shall comply with the requirements set out in point (1) of Annex I. A CERT may be established within the competent authority.

2. Member States shall ensure that CERTs have adequate technical, financial and human resources to effectively carry out their tasks set out in point (2) of Annex I.

3. Member States shall ensure that CERTs rely on a secure and resilient communication and information infrastructure at national level, which shall be compatible and interoperable with the secure information-sharing system referred to in Article 9.

4. Member States shall inform the Commission about the resources and mandate as well as the incident handling process of the CERTs.

5. The CERTs shall act under the supervision of the competent authority or the single point of contact, which shall regularly review the adequacy of their resources, mandates and the effectiveness of their incident handling process.

   (a) Member States shall ensure that CERTs have adequate human and financial resources to actively participate in international, and in particular Union, cooperation networks

   (b) The CERTs shall be enabled and encouraged to initiate and to participate in joint exercises with other CERTs, with all Member States CERTs, and with appropriate institutions of non-member States as well as with CERTs of multi and international institutions such as NATO and the UN.

   (c) Member States may ask for the assistance of ENISA or of other Member States in developing their national CERTs.

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## ANNEX I

### Requirements and tasks of the Computer Emergency Response Team (CERT)

The requirements and tasks of the CERT shall be adequately and clearly defined and supported by national policy and/or regulation. They shall include the following elements:

(1) Requirements for the CERT

(a) The CERT shall ensure high availability of its communications services by avoiding single points of failure and have several means for being contacted and for contacting others. Furthermore, the communication channels shall be clearly specified and well known to the constituency and cooperative partners.

(b) The CERT shall implement and manage security measures to ensure the confidentiality, integrity, availability and authenticity of information it receives and treats.

(c) The offices of the CERT and the supporting information systems shall be located in secure sites.

(d) A service management quality system shall be created to follow-up on the performance of the CERT and ensure a steady process of improvement. It shall be based on clearly defined metrics that include formal service levels and key performance indicators.

(e) Business continuity:

- – The CERT shall be equipped with an appropriate system for managing and routing requests, in order to facilitate handovers,
- – The CERT shall be adequately staffed to ensure availability at all times,
- – The CERT shall rely on an infrastructure whose continuity is ensured. To this end, redundant systems and backup working space shall be set up for the CERT to ensure permanent access to the means of communication.

(2) Tasks of the CERT

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(a) Tasks of the CERT shall include at least the following:

– Monitoring incidents at a national level,

– Providing early warning, alerts, announcements and dissemination of information to relevant stakeholders about risks and incidents,

– Responding to incidents,

– Providing dynamic risk and incident analysis and situational awareness,

– Building broad public awareness of the risks associated with online activities,

– Organising campaigns on NIS;

(b) The CERT shall establish cooperative relationships with private sector.

(c) To facilitate cooperation, the CERT shall promote the adoption and use of common or standardised practises for:

– incident and risk handling procedures,

– incident, risk and information classification schemes,

– taxonomies for metrics,

– information exchange formats on risks, incidents, and system naming conventions.

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ANNEX II

List of market operators

Referred to in Article 3(8) a):

1. e-commerce platforms

2. Internet payment gateways

3. Social networks

4. Search engines

5. Cloud computing services

6. Application stores

Referred to in Article (3(8) b):

1. Energy

– Electricity and gas suppliers

– Electricity and/or gas distribution system operators and retailers for final consumers

– Natural gas transmission system operators, storage operators and LNG operators

– Transmission system operators in electricity

– Oil transmission pipelines and oil storage

– Electricity and gas market operators

– Operators of oil and natural gas production, refining and treatment facilities

2. Transport

– Air carriers (freight and passenger air transport)

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– Maritime carriers (sea and coastal passenger water transport companies and sea and coastal freight water transport companies)

– Railways (infrastructure managers, integrated companies and railway transport operators)

– Airports

– Ports

– Traffic management control operators

– Auxiliary logistics services (a) warehousing and storage, b) cargo handling and c) other transportation support activities)

3. Banking: credit institutions in accordance with Article 4.1 of Directive 2006/48/CE.

4. Financial market infrastructures: stock exchanges and central counterparty clearing houses

5. Health sector: health care settings (including hospitals and private clinics) and other entities involved in health care provisions

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