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REPORT

From:	Presidency
To:	Delegations
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Subject:	Presidency Progress Report on the Council Recommendation on a Blueprint to coordinate a Union-level response to disruptions of critical infrastructure with significant cross-border relevance

The present report sets out the work done so far in the Council's preparatory bodies and gives an account on the state of play in the examination of the above mentioned proposal.

The report has been drawn up under the responsibility of the Presidency and it is prepared in view of the JHA Council of the 4-5 December 2023. The Council will be invited to take note of the report.

Presidency Progress Report on the Council Recommendation on a Blueprint to coordinate a Union-level response to disruptions of critical infrastructure with significant cross-border relevance

I. INTRODUCTION

1. On 6 September 2023, the Commission tabled a proposal for a Council Recommendation on a Blueprint to coordinate a Union-level response to disruptions of critical infrastructure with significant cross-border relevance.¹ This Blueprint was specifically called for in the Council Recommendation on a Union-wide coordinated approach to strengthen the resilience of critical infrastructure, adopted on the 8 December 2022, which was negotiated in the aftermath of the Nord Stream sabotage. Both this new Blueprint and the Council Recommendation of 2022 are complements to the key cross-sectorial Union legislation on the physical resilience of critical infrastructure: the Directive on the Resilience of the Critical Entities (CER Directive) which was adopted in December 2022.
2. In recent times, the risks that the critical infrastructure in the Union face have increased, not least due to the augmented threat of hybrid attacks or the intensification of extreme weather events related to climate change. The recent incidents suffered by underwater critical infrastructure in the Baltic Sea, affecting Finland, Estonia and Sweden, are an undeniable reminder of this and of the need to continuously strengthen our resilience, nationally and at the Union level. Last month, the European Council stressed the need for effective measures to strengthen the resilience and ensure the security of critical infrastructure. The Presidency considers that the efforts to advance on the negotiations of the critical infrastructure Blueprint significantly contribute to this aim.

¹ 12485/23 +ADD1.

3. The Commission draft highlights the different levels of cooperation at European Union level as regards response to significant critical infrastructure incidents with a cross border dimension. It aims to achieve three main objectives: (1) improving shared situational awareness, (2) reinforcing coordinated public communication, and (3) coordinated effective response. This draft Blueprint aims to complement the recently adopted CER Directive of December 2022 as regards response to such incidents.

II. WORK WITHIN THE COUNCIL PREPARATORY BODIES

4. In the Council, the examination of the proposal is carried out in a specific formation of the Working Party on Civil Protection, dedicated to the Critical Entities Resilience Directive (hereinafter PROCIV-CER). This formation includes delegates designated by the Member States to follow the discussions on the CER Directive and more broadly on the protection and resilience of critical infrastructure and the resilience of critical entities.
5. Discussions on the draft text began during the 12 September meeting with a comprehensive presentation from the Commission of the key aspects. Member States were offered with the opportunity to express their preliminary views on the proposal. Several questions were raised, including on the sectoral scope and the threshold for the use of the Blueprint, the interaction of this Blueprint with other existing crisis management mechanisms, and terminology.
6. The PROCIV-CER WP pursued the discussions on the proposal on 4 October. The PROCIV-CER meeting was preceded by a half-day exercise that the Commission organised in the form of a scenario-based discussion. The goal was to test the draft Critical Infrastructure Blueprint in a fictitious scenario and thereby provide an opportunity to identify potential shortcomings and improvements that can feed into the negotiations of the proposal in the Council.

7. The Presidency introduced a first Presidency compromise ahead of the 8 November PROCIV CER WP meeting. Member States welcomed the important progress made, noting however the need to continue the discussions regarding a number of issues, which included: the sectoral scope and the threshold for the use of the Blueprint; the synergies with and role of other Union crisis mechanisms and centres, such as the role of the Emergency Response Crisis Centre, in this new Blueprint; the most suitable way of conveying the primary role of the Member States on crisis management and in the protection of national security; the appropriate protection of sensitive and classified information; and the roles of the Council and Commission bodies and forums in this new Blueprint. The Commission clarified certain aspects, including those related to elements that were previously raised by the Member States.
8. The Presidency is currently preparing a second Presidency compromise to be presented ahead of the 11 December PROCIV CER WP meeting.
9. In terms of coordination, the Presidency has undertaken efforts to involve other relevant Working Parties when appropriate in this cross sectorial file. Delegates of the Working Party PROCIV (Working Party on Civil Protection) were invited to take part in PROCIV CER of 8 November as the issues discussed touched upon matters of their interest. The Politico Military Group (PMG) discussed the EU-NATO cooperation paragraph at their 13 November meeting.

III. CONCLUSIONS

10. The Presidency is very appreciative of the work carried out by the Commission and the Member States during the negotiation process. The Presidency also acknowledges the important coordination efforts made by the Member States within their national administration which has allowed for constructive discussions and advancement of the negotiations.
11. The Presidency assesses that the negotiations have advanced well but it may not be possible to adopt this Council Recommendation before the end of the semester given that several issues require further consideration. In addition, some Member States have requested further time for national consultations in this complex, cross sectorial file which touches on national security matters. The Spanish Presidency is working closely with the incoming Belgian Presidency to ensure a smooth transition of the file, in case it would be needed.
12. In light of the above, the Permanent Representative Committee and Council are invited to take note of the progress made on the examination of the proposed Blueprint.