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### WORKING PAPER

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### **WORKING DOCUMENT**

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From:	General Secretariat of the Council
To:	Delegations

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Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing the European Cybersecurity Industrial, Technology and Research Competence Centre and the Network of National Coordination Centres: four column document - approval/assessment of the entities for the NCC's
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Delegations will find attached a revised Presidency proposal for the approval/assessment of the entities for the NCCs (option 4).

**Option 4 – Governing Board approves NCC preselection with procedural safeguards**

Article 6(1)				
94	1. By [date], each Member State shall nominate the entity to act as the National Coordination Centre for the purposes of this Regulation and notify it to the Commission.	1. By [date], each Member State shall nominate the entity to act as the National Coordination Centre for the purposes of this Regulation and notify it to the Commission.	1. By [date], each Member State shall nominate <del>the</del> <u>an</u> entity to act as the National Coordination Centre for the purposes of this Regulation and notify it <u>without delay</u> to the <del>Commission</del> <u>Governing Board</u> . <u>Such entity may be an entity already established in that Member State.</u>	1. <del>By</del> <u>[date 6] months after the entry into force</u> each Member State shall nominate <del>the</del> <u>one</u> entity to act as the National Coordination Centre for the purposes of this Regulation and notify it <u>without delay</u> to the <del>Commission</del> <u>Governing Board</u> . <u>Such entity may be an entity already established in that Member State.</u>
94a				1a. A Member State may, at any time, ask the Commission for an opinion concerning the capacity of the entity that the Member State has nominated or intends to nominate as its National Coordination Centre to manage funds so as to achieve the mission and objectives laid down in this Regulation. The Commission shall deliver its opinion to that Member State within three months.

Article 6(2)				
95	2. On the basis of an assessment concerning the compliance of that entity with the criteria laid down in paragraph 4, the Commission shall issue a decision within 6 months from the nomination transmitted by the Member State providing for the accreditation of the entity as a National Coordination Centre or rejecting the nomination. The list of National Coordination Centres shall be published by the Commission.	2. On the basis of an assessment concerning the compliance of that entity with the criteria laid down in paragraph 4, the Commission shall issue a decision within 6 months from the nomination transmitted by the Member State providing for the accreditation of the entity as a National Coordination Centre or rejecting the nomination. The list of National Coordination Centres shall be published by the Commission.	2. On the basis of <del>an assessment concerning the compliance of that</del> <u>the nomination by a Member State of an</u> entity <del>with which fulfils</del> the criteria laid down in paragraph 4, the <del>Commission</del> <u>Governing Board</u> shall <del>issue a decision within 6 months from the nomination transmitted by the Member State providing for the accreditation of the list that</del> entity as a National Coordination Centre <del>or rejecting no</del> <u>later than 3 months after</u> the nomination. The list of National Coordination Centres shall be published by the <del>Commission</del> <u>Centre</u> .	2. On the basis of <del>an assessment concerning the compliance of that</del> <u>the nomination by a Member State of an</u> entity <del>with which fulfils</del> the criteria laid down in paragraph 4, the <del>Commission</del> <u>Governing Board</u> shall <del>issue a decision within 6 months from the nomination transmitted by the Member State providing for the accreditation of the list that</del> entity as a National Coordination Centre <del>or rejecting the nomination no</del> <u>later than 3 months after the notification</u> . The list of National Coordination Centres shall be published by the <del>Commission</del> <u>Centre</u> .
97	4. The nominated National Coordination Centre shall have the capability to support the Competence Centre and the Network in fulfilling their mission laid out in Article 3 of this Regulation. They shall possess or have direct access to technological expertise in cybersecurity and be in a position to effectively engage and coordinate with industry,	4. The nominated National Coordination Centre shall have the capability to support the Competence Centre and the Network in fulfilling their <del>mission</del> laid out in Article 3 of this Regulation. They shall possess or have direct access to technological expertise in cybersecurity and be in a position to	4. The <del>nominated</del> <u>have be a public sector entity or an entity with a majority of public participation performing public administrative functions under national law, including by means of delegation and having</u> the capability to support the <del>Competence</del> <u>Centre</u> and the Network in fulfilling their mission laid out in Article 3 of this	4. The <del>nominated</del> <u>have be a public sector entity or an entity with a majority of public participation performing public administrative functions under national law, including by means of delegation, and having</u> the capability to support the <del>Competence</del> <u>Centre</u> and the Network in fulfilling their <del>mission</del> laid out in Article 3 of this

	the public sector and the research community.	effectively engage and coordinate with industry, the public sector, <u>the academic and research community, and citizens.</u> <u>The Commission shall issue guidelines further detailing the assessment procedure and explaining the application of the criteria</u> <del>and the research community.</del>	Regulation. <del>They</del> <u>It</u> shall <u>either</u> possess or have <del>direct</del> access to <u>research and</u> technological expertise in cybersecurity. <u>It shall have the capacity and be in a position</u> to effectively engage and coordinate with <u>the</u> industry, the public sector, <u>including authorities designated pursuant to the Directive (EU) 2016/1148</u> , and the research community. <u>It shall also have the administrative capacity to manage funds.</u>	Regulation. <del>They</del> <u>It</u> shall <u>either</u> possess or have <del>direct</del> access to <u>research and</u> technological expertise in cybersecurity. <u>It shall have the capacity and be in a position</u> to effectively engage and coordinate with <u>the</u> industry, <del>the public sector,</del> <u>the academic and research community and citizens, and the public sector, including authorities designated pursuant to the Directive (EU) 2016/1148, and</u> the research community. <u>It shall also have the administrative capacity to manage funds.</u>
97a				<p>4a. At any time, the National Coordination Centres may request to be recognized as fulfilling the capacity to manage funds so as to achieve the mission and objectives laid down in this Regulation, in accordance with the rules of Horizon Europe and Digital Europe.</p> <p>Based on such a request, the Commission shall assess the capacity of that National Coordination Centre to manage funds so as to achieve the mission and objectives laid down in this Regulation and issue a decision within three months of the request.</p> <p>Where the Commission has provided a positive opinion to a</p>

				<p>Member State in accordance with the procedure laid down in paragraph 1a, that opinion shall be deemed to be an approval decision regarding the respective entity in accordance with this paragraph.</p> <p>Following a consultation with the Governing Board, the Commission shall issue, no later than [2 months] from the entry into force of this Regulation, guidelines, including a specification of the conditions and how opinions and assessments are conducted.</p> <p>When adopting its decision, the Commission shall take into account the information and documentation provided by the requesting National Coordination Centre.</p> <p>In order to ensure that the decision process is transparent, any rejection must be duly justified, setting out the requirements the requesting National Coordination Centre has not yet fulfilled in order to for the request to be approved. Any National Coordination Centre whose request has been rejected, may at any time re-submit its request with additional information.</p> <p>Member States shall inform the Commission in case of changes of the National Coordination Centre</p>
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				(in the composition, legal nature or other relevant aspects) affecting its capacity to manage EU funds upon which the Commission may review its decision accordingly.
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Article 7(3)				
111	3. National Coordination Centres may receive a grant from the Union in accordance with Article 195 (d) of Regulation XXX [new Financial Regulation] in relation to carrying out the tasks laid down in this Article.	3. National Coordination Centres may receive a grant from the Union in accordance with Article 195 (d) of Regulation XXX [new Financial Regulation] in relation to carrying out the tasks laid down in this Article.	3. National Coordination Centres may receive a grant from the Union in accordance with <u>point (d) of the first paragraph of Article 195 (d) of Regulation XXX [new Financial Regulation] in (EU, Euratom) 2018/1046</u> in relation to carrying out the tasks laid down in this Article.	3. <u>Based on the decision in Art. 6 para 4a</u> , National Coordination Centres may receive a grant from the Union in accordance with <u>point (d) of the first paragraph of Article 195 (d) of Regulation XXX [new Financial Regulation] in (EU, Euratom) 2018/1046</u> in relation to carrying out the tasks laid down in this Article.  <u>3a. Where a National Coordination Centre is to receive a grant from the Union in accordance with point (d) of the first paragraph of Article 195 (d) of Regulation (EU, Euratom) 2018/1046 or implement specific actions for which grants have been awarded by the Centre, including through provision of financial support to third parties in accordance with Article 204 of Regulation (EU, Euratom) 2018/1046, the Commission as member of the Governing Board</u>

			<div>PUBLIC</div> <p><u>may instruct the Executive Director to suspend or cancel the conclusion or execution of the respective grant agreement if it considers that the conditions outlined in Article 6(4) are not met.</u></p> <p>Text Origin: Council Mandate</p>
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Article 13(3), point(sa)			
171a		<p><u>(sa) register entities nominated by Member States as their National Coordination Centres;</u></p>	<p><b>[WOULD BE DELETED DUE TO NEW PROCEDURE.]</b></p>

N.B.: Line 171a refers to a Governing Board task. The solution proposed in this document to the problem of NCC preselection and direct Union funding to NCCs is only valid if the Commission has 26% voting rights in the Governing Board for decisions based on Article 13(3), point(sa).