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### WORKING PAPER

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### **WORKING DOCUMENT**

From:	General Secretariat of the Council
To:	Delegations
N° prev. doc.:	5341/1/20 REV 1
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 - Comments by CY, LT and SK

Delegations will find in Annex comments from CY, LT and SK delegations on the above-mentioned subject (doc. 5341/1/20 REV 1).

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## CYPRUS

In relation to the above document, we present below our proposals for changes, (black text is comments, blue text is extract from the current legal text, red text is our new proposal).

### Proposals on the proposed text:

1. In recital (9c), in the interest of clarity, please add the following:  
*(9c) ...Nevertheless, considering that the funding for the functioning of the Centre would originate primarily from the [DEP] and [Horizon Europe] funding programmes, it is necessary, in the case of Joint actions, that the Centre is considered as an Institutional partnership for the purpose of budget implementation, including the programming phase.*

2. In Article 2.3, to preserve the principle of the “virtual common pot”, please reinstate the following (current wording only ensures that beneficiaries are established in the EU):

*"joint actions" mean actions included in the Centre's Work Programme receiving Union financial support from the Horizon Europe and/or Digital Europe Programmes as well as financial or in-kind support by one or more Member States, to be implemented via projects involving beneficiaries established in the Member States which provide financial or in kind support to those beneficiaries stemming from those Member States.*

Alternatively, you may use the text in Article 8.1(c) of the proposed Horizon regulation:

*Project level contributions from one participating state shall only be made on the basis of the funding requested in proposals from beneficiaries established in that participating state.*

3. In Article 13.3(ca) please clarify which annual work programme we are referring to:  
*“in ~~the~~ line with the Centre's annual work programme, adopt decisions to allocate funds from the EU budget to joint actions between the Union and Member States;*
4. In Article 21.1(b) please add the following (in red), in the interest of legal certainty.  
*An amount from the Horizon Europe Programme, including for administrative costs, for joint actions, which shall be up to a level equal to the amount contributed voluntarily by Member States pursuant to Art. 21(5) and not exceed [the amount determined in the strategic planning process] to be carried out pursuant to Article 6(6) of Regulation XXX [Horizon Europe Regulation] and the multiannual strategic and annual work programmes of the Centre.*

## LITHUANIA

Lithuanian comments and suggestions for the **text changes** concerning Recitals 9c and 27; Article 4a for the HR Presidency compromise proposal (doc. 5341/1/20, REV1).

### Recital 9c

(9c) In order to support its role in the area of cybersecurity and to provide a strong governance role for the Member States and the involvement of a Network of National Coordination Centres, the Centre should be established as a **Union** body with legal personality. **To achieve its role, it should manage funding. The Centre should perform a dual role by undertaking specific tasks in the area of cybersecurity as laid down in Art 4 and 4a and by managing cybersecurity related funding** from several programmes at the same time – notably Horizon Europe and Digital Europe, and possibly even further EU programmes, in line with their regulations. **The Centre will therefore have a special nature. Nevertheless, considering that the funding for the functioning of the Centre would originate primarily from the [DEP] and [Horizon Europe] funding programmes and in view of the absence of appropriate funding alternatives in those funding programmes, it is necessary that the Centre is considered as a partnership for the purpose of budget implementation, including the programming phase.**

**Commented [A1]:** Clarification and more explanation in the text needed on what body the Centre will be, taking into account the HE part.

### Recital 27

(27) ~~The Competence Centre should have an Industrial and Scientific Advisory Board~~ **The Community should act also as a source of advice ensuring regular dialogue of the Centre with the private sector, consumers' organisations, academia and other relevant stakeholders. The Industrial and Scientific Advisory Board should focus on issues relevant to stakeholders and bring them to the attention of the Competence Centre's Governing Board.** The composition of the **Community** ~~Industrial and Scientific Advisory Board~~ and the tasks assigned to it, such as being consulted regarding the work **programme**, should ensure sufficient representation of stakeholders in the work of the ~~Competence~~ Centre.

**Commented [A2]:** Clarification and explanation in the text needed on how will be the Community formed and its structure. Will it be based on any existing structures?

## Article 4a

### 4a.1 (d)

- (d) ~~The tasks of the Centre should in particular~~ Facilitate the use of results from research and innovation projects in actions related to the development of cyber products and solutions, seeking to avoid fragmentation and duplication of efforts and to replicate good cybersecurity practices, products and solutions, including those developed by SMEs and those based on open-source software. ~~Support to the deployment of cybersecurity products and solutions should to the extent possible rely on the European cybersecurity certification framework as defined by the Cybersecurity Act.~~

**Commented [A3]:** We suggest to transfer part of 4a.1(d) to the Implementation tasks.

**Commented [A4]:** We suggest to delete last sentence from the 4a.1.(d) as it reflects implementing nature. Additionally, we suggest to modify and transfer this part to the implementation tasks, see Art 4a.2.(e).

### 4a.2 (e)

- (e) Support to the deployment of cybersecurity products and latest solutions, including ~~Facilitate the acquisition of cybersecurity infrastructures – at the service of industries, the public sector and research communities, through voluntary contributions from Member States and EU funding for joint actions,~~ in line with the Agenda, multiannual work programme and the annual work programmes. EU funding shall not be conditioned to voluntary funding from Member States;

**Commented [A5]:** We suggest: 1) including part of the Art 4a.1.(d) last sentence into 4a.2.(e) as we see Centre's added value in support for the 'deployment' actions, and this is mentioned only once across Art 4a; 2) to delete 'for joint actions' in order to leave other existing options.

## SLOVAK REPUBLIC

- recital 7A – We propose to return this recital into the text, as it was already agreed upon by COREPER on 13 March 2019.
- article 4A (1) – We support the division of the tasks into strategic tasks and implementation tasks. We would like to ensure that the clear specification of these tasks will prevent the fragmentation and duplication with already existing structures (e.g. ENISA) and will create a synergy among all stakeholders in the area of cybersecurity.
- article 4A (2) – We would like to have it clearly defined that the Centre will have implementation role in cybersecurity sections of Digital Europe Programme and in joint actions receiving support from the cybersecurity sections of the Horizon Europe Programme and will implement other relevant EU funds when provided for in the legal acts of the Union or delegated by the Commission.
- article 6 – We propose to insert a new paragraph (7):  
*“The Network shall be represented by a Delegate of Network who will be nominated by the National Coordination Centres. The Delegate of Network shall act as a permanent observer in the Governing Board.”*
- We propose to supplement clearly defined tasks of the Network.
- article 7 – We propose to insert following provisions into this article:
  - *“Network of National Coordination Centres shall facilitate the cooperation and enable exchange of information and experiences among National Coordination Centres.”*,
  - *“Based on “bottom-up” principle, National Coordination Centres may add inputs to the preparation of Agenda, annual, bi-annual and multiannual work programmes submitted to Governing Board for approval.”*,
  - *“National Coordination Centres shall coordinate implementation of funds defined in art. 4A (2) at the national level.”*
- article 8 – We propose to keep the Cybersecurity Competence Community as simple as possible, without any administrative burdens. We propose to insert **“and the structure of the Community”** into the last sentence of paragraph (6):  
*“The requirements, the number of representatives **and the structure of the Community** shall be further specified by the Governing Board.”*
- We propose to supplement clearly defined role of the Community in respect to the Governing Board.

- article 13 – We propose to supplement a new task for the Governing Board:

*“The Governing Board shall govern the Network of National Coordination Centres.”*

- articles 18 – 20 - The deletion of Articles 18 to 20 concerning the Industrial and Scientific Advisory Board for its redundancy is welcomed, as its other functions can be fully ensured by the other bodies of the Center.
- article 31 (7) – We propose to delete newly added provision:

*“The human resources required in the Centre shall be met by redeployment of staff from the Commission and Union bodies.”*

We believe that there should not be any barriers for hiring new staff. We are convinced that principles of open, transparent and non-discrimination conditions will guarantee the best staff.

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