



Council of the European Union
General Secretariat

Brussels, 19 January 2024

**Interinstitutional files:
2023/0109 (COD)**

WK 852/2024 INIT

LIMITE

CYBER

This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.

WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Horizontal Working Party on cyber issues (attachés)
N° prev. doc.:	WK 16914/23
Subject:	Proposal for a Regulation of the European Parliament and of the Council laying down measures to strengthen solidarity and capacities in the Union to detect, prepare for and respond to cybersecurity threats and incidents - Presentation

Delegations will find in the Annex a presentation by the Presidency to illustrate the results of the technical meetings held on 9, 11, 16 and 17 January 2024, presented by the Presidency at the HWPCI meeting on 17 January 2024.

PUBLIC

Cyber Solidarity Act update HWPCI – 17/1/24



Cyber Solidarity Act

PUBLIC

- Result of the first technical meetings
- Issues for discussion in HWPCI in preparation for the next technical meetings
- Basis: 4 col document WK 458/24

Result of the first technical meetings

Article 1 – Subject matter and definitions

Agreed

- **Most Council amendments on terminology** (e.g. “coordinated” detection, “initial” recovery)
- **Complementarity with CSIRTs Network, NIS CG, EU-CyCLONe**
- Pan-European **“network”** (not “infrastructure”) of cyber hubs
- Ref. to **SMEs**, microenterprises & start-ups + **technological sovereignty** & open strategic autonomy.

Pending

- **“Cyber hubs” & “Alert System”** could be acceptable for EP but will depend on definitions (Art. 2)
- New references to **national security** subject to EP internal check
- EP request to add **skills as specific objective**
- Insistence on **MS prior approval for incident review**

Proposals by the Presidency

- **Line 61: focus on maintaining approval MS of Incident Review Mechanism in art.18**
- **Line 61a: focus on attention for skills throughout the text with practical consequences instead of adding another objective (for example line 135)**
- **Line 62-63: Stick to language on national security**

Result of the first technical meetings

Article 9 – Cyber(security) Emergency Mechanism

Agreed

- Council's clarification of **ECCC responsibilities vs. EC & ENISA** for the Reserve
- EP: "**Cybersecurity** Emergency Mechanism" for consistency

Pending

- **Voluntary nature** accepted in principle, but EP wants stronger ref. to added value of EU coordination

Result of the first technical meetings

Article 12 – Establishment of the Reserve

Agreed

- Possibility of **conversion of pre-committed services** to preparedness services linked to incident response
- Council's clearer distinction of the **3 types of users**
- **Mapping of needs & available services** merges EP & Council amendments

Pending

- **Priorities & evolution of the Reserve, including role for ENISA:** EP to confirm acceptance of Council wording but in principle OK with involvement of NIS CG & CyCLONe + 2-y review of priorities
- EP's request for a **delegated act** on type & number of Reserve services

Result of the first technical meetings

Article 13 – Requests for Reserve support

Agreed

- All Council clarifications on **process** for submitting requests for each user type + **detailed info items** to be included in the requests
- Template for requests to be developed with **CyCLONe** instead of NIS CG

Pending

- EP not yet fully convinced of need to add new provisions on **confidentiality** & preserving commercial interests of entities concerned
- EP's request for a **delegated acts** vs. Council's deletion of implementing acts

Result of the first technical meetings

Article 14 – Implementation of the Reserve

Agreed

- **Targeted amendments** (e.g. EP: “scale and severity” of incident, Council: “agreement between provider, user and affected entity”)

Pending

- **72h-response time** not confirmed
- **Council to be informed of decision on requests – but not EP?**
- **Prioritisation rules:** EP questions why EU institutions should come after MS
- EP not yet convinced about need to refer to “**visible markings**”
- **Liability** of Commission and ENISA in cases of gross negligence and as users
- Delay for summary report
- Information handling

Proposals by the Presidency

- **Line 149: compromise agreement on timing, reconsider involvement of Council and Commission based on reporting obligations further in the article**
- **Line 155a and b: put MS and EU IBA's at same level of priority**
- **Line 157: accept "shall" for use of templates by ENISA**
- **Line 158: accept responsibility COM/ENISA in case of gross negligence only if this is in line with the Financial Regulation.**
- **Line 159: accept one month delay as this is only a summary report**

Result of the first technical meetings

Article 15 – Coordination with crisis management mechanism

Agreed

- Move §1 and 2 to art.17a

Pending

- EP questions whether moving §3 and 4 to the recitals is strong enough, despite Council arguments on legal basis.

Result of the first technical meetings

Article 16 – Trusted providers

Agreed

- **Move gender balance (EP proposal) to recital**
- **Move unbundled service provision (EP proposal) to a recital**

Pending

- Trusted providers/ managed security service providers
- Inclusion of agreements in framework for protection information
- Need for a security clearance
- Up to date hardware and software – CRA
- Language requirement: right balance
- Deadline for certification of providers
- Inclusion of territorial and sovereignty requirements

Proposals by the Presidency

- **Line 181: agree to a reasonable timing for mandatory certification**

Result of the first technical meetings

Article 16a – Mutual assistance

Agreed

- Full alignment

Pending

Result of the first technical meetings

Article 17 – Support to DEP-associated third countries

Agreed

- **Cooperation Commission with the HR/VP and involvement of ENISA.**

Pending

- Requirement for a Council implementing decision
- General idea of reporting on capabilities, but quid involvement of CyCLONe?

Proposals by the Presidency

- **Line 187: reconsider reference to CyCLONe**

PUBLIC

FOLLOW US ON OUR SOCIAL MEDIA



@belgiumineu



@EU2024BE



Permanent Representation of Belgium to the EU



@EU2024BE



@EU2024BE



@EU2024BE



www.belgium24.eu



PUBLIC

be

EU



belgium24.eu