



PARLIAMENT
OF THE CZECH REPUBLIC
Chamber of Deputies
Jan Bauer
Chairman
Committee for European Affairs

Prague, 14th June 2013

Dear Mr. President,

I would like to inform you about the opinion of the Committee for European Affairs of the Chamber of Deputies of the Parliament of the Czech Republic on the Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Cybersecurity Strategy of the European Union: An Open, Safe and Secure Cyberspace /Council No. 6225/13, JOIN(2013)1 final/ and the Proposal for a 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 /Council No. 6342/13, COM(2013)48 final/.

The respective documents were included in the agenda of the 45th session of the Committee for European Affairs and were scrutinized on 23th May 2013. According to the Rules of Procedure of the Chamber of Deputies a Director of the National Security Authority was present at the session to introduce the preliminary government's framework position.

After the hearing of the rapporteur's review and after the discussion the Committee has adopted the resolution No. 321 which is enclosed to this letter. According to this resolution the Committee i. a. disagrees with the impact of the measures in Article 14, paragraph 1 and 2 of the Proposal for a Directive to all European companies excluding microcompanies and believes that the measures listed here should concentrate on strategic enterprises whose operation is necessary for the fundamental functioning of the society.

Enclosure

Mr. José Manuel Barroso
President of the European Commission

Brussels

PARLIAMENT OF THE CZECH REPUBLIC
Chamber of Deputies
Committee for European Affairs

Resolution No. 321

45th session on 23th May 2013

The Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Cybersecurity Strategy of the European Union: An Open, Safe and Secure Cyberspace /Council No. 6225/13, JOIN(2013)1 final/

The Proposal for a 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 /Council No 6342/13, COM(2013)48 final/

Conclusions of the Resolution:

Committee for European Affairs

1. **welcomes** the Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Cybersecurity Strategy of the European Union: An Open, Safe and Secure Cyberspace
2. **supports** the Commission's efforts to ensure the safety and the protection of the cyberspace through a coordinated approach on European as well as international level
3. **takes into account** the Proposal for a 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
4. **supports** the framework position of the government from 6th March 2013 to this document
5. **considers** the delegation of powers to the Commission in the scope of the proposed directive to be unsubstantiated
6. **disagrees** with the impact of the measures in Article 14, paragraph 1 and 2 of the Proposal for a Directive to all European companies excluding microcompanies and believes that the measures listed here should concentrate on strategic enterprises whose operation is necessary for the fundamental functioning of the society
7. **demand**s the Government of the Czech Republic to promote the changes in the text of the Directive formulated in the annex to this resolution during the discussion in the EU institutions
8. **demand**s the Government of the Czech Republic to inform the Committee about the course and results of the discussion the Proposal for a Directive in the EU institutions
9. **authorizes** the chairman of the Committee to inform the European Commission about this resolution

Annex to the Resolution:

On the text of the Proposal for a Directive:

- 1) **Preamble paragraph 1:** „Network and information systems and services play a vital role in the society. Their reliability and security are essential to economic activities ~~and social welfare~~, and in particular to the functioning of the internal market.“

Comment: Network and information systems and services are not essential to social welfare . This is evident in countries where social welfare is but network and information systems and services do not work there.

- 2) **Preamble paragraph 5:** „To cover all relevant incidents and risks, this Directive should apply to ~~all~~ network and information systems. The obligations on public administrations“

Comment: The text is not in accordance with the provisions of the proposal..

- 3) **Preamble paragraph 18:** „On the basis in particular of national crisis management experiences and incooperation with ENISA, the Commission and the Member States should develop a Union NIS cooperation plan defining cooperation mechanisms to counter risks and incidents.“

Comment: Unclear, we recommend to specify who should elaborate a Union NIS cooperation plan.

- 4) **Chapter 1, Article 6:** „Each Member State shall notify to the Commission without delay the designation of the competent authority, its tasks, ~~and any subsequent change thereto~~. Each Member State shall make public its designation of the competent authority.“

Comment: Impossible to fulfil . In fact it is not possible to report completely all changes.

