



Parliament of Romania

Senate

Bucharest, April 9, 2013

Courtesy translation

OPINION

of the ROMANIAN SENATE on 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 - COM (2013) 48**

The Senate of Romania has checked the compliance of 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 COM (2013) 48** with the subsidiarity and proportionality principles according to Protocol 2 of the Treaty of Lisbon concty of Lisbon.

Taking into account the report of our permanent Committees for European Affairs and Economy, Industries and Services, **the Plenum of the Senate**, during its session of 8 April 2013, found that the mentioned proposal complies with the principles of subsidiarity and proprtionality. Following the analysis of the background of the proposal and in the perspective of the further negotiations, several aspects have been underlined:

- As regards the obligations of the Member States to appoint a competent national authority in charge with the safety information systems and network, the Romanian

Senate underlined that entities having strictly distinct competences as those regulating in the field of electronic communications, as well as intervening teams in case of informatic emergency (in Romania – National Center for Response to Cyber Security Incidents – CERT) or acting as personal data protection authorities, are already in place. In this context, it would be difficult to select a competent authority. The Senate therefore recommends to take out of the proposal text the reference concerning the setting up of the CERT within the framework of the competent authority and supports the idea to install sectoral CERTs, working in close cooperation with national CERT.

- With a view to the classification of the services suppliers for the information society, the Senate appreciated that their enumeration is irrelevant, given the fact that misapprehensions could issue when including certain suppliers in one of the mentioned categories. In order to avoid such juridical lack of clarity, it is more indicated to define the suppliers categories and, on one side, on the other side, to introduce certain types of suppliers in the application sphere of the present proposal. In this sense, the Senate mentioned that social networks and Yahoo/Google search, have to observe the safety specific requirements of data processing.

- The Senate would also agree to replace the terms *network* and *informatic system* since they are not inderdependant, are expressing different thoughts and may have their own meaning.

PRESIDENT OF THE ROMANIAN SENATE


George Crin Laurentiu ANTONESCU