



EUROPEAN COMMISSION

*Brussels, 24.1.2019  
C(2019) 562 final*

*Dear Presidents,*

*The Commission would like to thank the Cortes Generales for their Opinion on the proposal for a Regulation establishing the European Cybersecurity Industrial, Technology and Research Competence Centre and the Network of National Coordination Centres {COM(2018) 630 final} and the proposal for a Regulation amending Regulation No 1141/2014 as regards a verification procedure in relation to breaches of the rules on the protection of personal data in the context of the elections to the European Parliament {COM(2018) 636 final}.*

*In making the first proposal, the Commission is making good on the announcement in the 2017 Joint Communication on Resilience, Defence and Deterrence: Building strong cybersecurity for the EU {JOIN(2017) 450 final} to reinforce EU cybersecurity capability through a network of cybersecurity centres with a European competence centre at its heart. The mission of the proposed European Cybersecurity Industrial, Technology and Research Competence Centre and the Network of National Coordination Centres would be to help the European Union retain and develop the cybersecurity technological and industrial capacities necessary to secure its Digital Single Market. This goes hand-in-hand with the key objective to increase the competitiveness of the Union's cybersecurity industry and turn cybersecurity into a competitive advantage of other European industries.*

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*Regarding the proposal to amend Regulation No 1141/2014 on the statute and funding of the European political parties and foundations, the Commission would like to recall that the competence of national data protection authorities in Member States does not depend on whether the Information Technology suppliers are European or non-European companies. As long as the processing of personal data takes place in the context of the activity of an establishment of a company in the Union (as it is generally the case for big Information Technology international companies active on the European market), the General Data Protection Regulation applies, regardless of whether the processing takes place in the Union or not. Based on that, the national data protection authority can issue decisions which could trigger a new verification mechanism provided for in the Commission proposal amending Regulation No 1141/2014.*

*The Commission welcomes the view of the Cortes Generales that both proposals are in line with the principle of subsidiarity set out in the Treaty on European Union.*

*Discussions between the co-legislators, the European Parliament and the Council, concerning the proposal are now underway and the Commission remains hopeful that an agreement will be reached in the near future. The Opinion of the Cortes Generales has been made available to the Commission's representatives in the ongoing legislative negotiations and will inform these discussions. In response to the more technical comments in the Opinion, the Commission would like to refer to the Annex.*

*The Commission hopes that the clarifications provided in this reply address the issues raised by the Cortes Generales and looks forward to continuing the political dialogue in the future.*

*Yours faithfully,*

*Frans Timmermans  
First Vice-President*

*Mariya Gabriel  
Member of the Commission*

## Annex

*The Commission has carefully considered each of the issues raised by the Cortes Generales in their Opinion on the already existing activities in the framework of the North Atlantic Treaty Organisation and is pleased to offer the following clarifications.*

*As highlighted by the Joint Communication on Resilience, Defence and Deterrence: Building strong cybersecurity for the EU of 2017, ensuring synergies between the civilian and military cybersecurity market is important since they share common challenges and dual-use technology that call for close collaboration in critical areas.*

*The proposed European Cybersecurity Industrial, Technology and Research Competence Centre and the Network of National Coordination Centres will have a clear focus on civilian cybersecurity and in particular will manage Union budget of two civilian programmes – the Digital Europe Programme and Horizon Europe. At the same time, the Competence Centre will seek to enhance synergies between the civilian and defence dimensions of cybersecurity (article 4.7).*

*It will give support to Member States and other relevant actors by providing advice, sharing expertise and facilitating collaboration with regard to projects and actions; upon request by Member States, it could also act as a project manager notably in relation to the European Defence Fund (article 4.8). Also, coordination mechanisms with e.g. the European Defence Agency are foreseen (article 10.1).*