



CRITICAL INFRASTRUCTURE PROTECTION AND ROLE OF INFRASTRUCTURE OWNERS/OPERATORS

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Abstract: *In the last decade the issue of critical infrastructure and its protection has come into attention of the European Union. Along with the implementation of critical infrastructure protection also comes the question of who will invest in the protection and what benefits these investments should bring to individual entities. This article presents a vision of the EU's critical infrastructure protection and defines the role of owner/operator who is involved in protecting critical infrastructure.*

Key words: *critical infrastructure, protection, owner, operator*

1. INTRODUCTION

In every society/country, several infrastructures (at least the state's infrastructure itself) can be defined. These infrastructures have a different meaning to the functioning of a state – known as criticality of infrastructure. In an ideal world, the country would guarantee trouble-free function of its infrastructures. Nevertheless, it is impossible to reach such state in real world. The main reason of this is the change of human society in the last few centuries. In the past, the society was significant with its reserve behaviour (city walls, gates, etc.) and its resistance (self-sufficient infrastructure – source of water, own services, stores of food etc.). Today's metropolises are different – open, not limited by walls and/or borders and interconnected with centralized systems of infrastructure and trade links of the globalized world. This applies not only for European cities but for the whole European community – the European Union. The interconnection of particular technologies, infrastructures and countries brings not only advantages but also disadvantages, such as dependence and vulnerability. Recently we have seen the possible threats endangering present countries e.g. terrorism, natural disasters, negligence, accidents, hacking or felony. These threats are not limited by international borders which was demonstrated during terrorist attacks in the USA (September 2001, New York), Indonesia (October 2002, Bali), Spain (March 2004, Madrid) and in the United Kingdom (June 2005, London).

It is because of these reasons why it is important to distinguish the significance (criticality) of particular infrastructures for society and secure their functions according to their significance and protection not only on a regional basis. Effective protection needs communication, coordination and cooperation on national, European and (in a case of need) worldwide level among all involved subjects. The European Union has been dealing with problems of current critical infrastructure and its protection since the beginning of the third millennium. The Council of EU requested the preparation of overall strategy for enhancing protection of critical infrastructures on a meeting in June 2004. In response, on 20 October 2004 the Commission adopted a Communication on critical infrastructure protection in the fight against terrorism which put forward suggestions as to what would enhance European prevention of, preparedness for and response to terrorist attacks involving critical infrastructures (EU, 2008).

The Council's conclusions on "Prevention, Preparedness and Response to Terrorist Attacks" and the "EU Solidarity

Programme on the Consequences of Terrorist Threats and Attacks" adopted by Council in December 2004 endorsed the intention of the Commission to propose a European Programme for Critical Infrastructure Protection (EPCIP) and agreed to the set-up by the Commission of a Critical Infrastructure Warning Information Network – CIWIN (EU, 2005). CIWIN concerns specifically with the information sharing process between EU Member States. CIWIN will be a compulsory system with two distinct functions (a platform for information sharing and exchange of the best practice combined with a Rapid Alert System - RAS). But at the moment this system/ network is not finished.

On 17 November 2005 the Commission adopted a Green Paper on a European programme for critical infrastructure protection which provided policy options on the establishment of the programme and the CIWIN (EU, 2008). In December 2005 the Justice and Home Affairs Council called upon the Commission to make a proposal for a EPCIP; in April 2007 the Council adopted conclusions on the EPCIP in which it reiterated that it was the ultimate responsibility of the Member States to manage arrangements for the protection of critical infrastructures within their national borders (EU, 2008).

Directive of the Council 2008/114/EC on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection was adopted on 8th December 2008. This directive presents the first step of chosen admission (step by step) whose aim is to determine and indicate ECI and to assess the need to increase their protection. This also establishes duties of an owner/operator of ECI.

2. ROLE OF OWNERS/OPERATORS OF ECI

For owners and operators of a particular infrastructure, the label "critical infrastructure" represents specific responsibility. This specific kind of responsibility depends on the label of the infrastructure, i.e. national – NCI or European – ECI. Critical infrastructure (or NCI) means an asset, system or part thereof located in Member States which is essential for the maintenance of vital societal functions, health, safety, security, economic or social well-being of people, and the disruption or destruction of which would have a significant impact in a Member State as a result of the failure to maintain those functions (EU, 2008). European critical infrastructure means critical infrastructure located in Member States, the disruption or destruction of which would have a significant impact on at least two Member States. The significance of the impact shall be assessed in terms of cross-cutting criteria. This includes effects resulting from cross-sector dependencies on other types of infrastructure (EU, 2008).

Defining functions of an owner/operator of CI is crucial to determine other components of EPCIP. The head component is the European Union represented by the Council of EU and the European Commission. The EU deals with strategical aspects of EPCIP and of development of precaution horizontally applicable on entire operations in protection of critical infrastructure. It also provides support for member countries in

the area of their domestic critical infrastructures. Another component is those countries which co-created EPCIP and now are responsible for its fulfillment on domestic level. The countries regularly inform the particular organs of EU of the development in the area of CIP on domestic level. Each Member State has a contact point for issues concerning the protection of ECI. These contact points should coordinate matters of ECI protection within the Member State and with other Member States and the Commission.

The last component of EPCIP is owners/operators of CI. As it was said earlier, their roles depend on the label of the subject, i.e. national or European CI. Protection of NCI is the subject of the particular member state of the owner/operator of NCI. Thus the role of owners/operators can vary in each country of EU. However, the EU recommends adoption of similar admissions of protection of domestic critical infrastructures.

The role of owners/operators is unified in the area of protection of ECI. In this case the responsibilities and advantages for owner of label CI are shown as ECI (label of infrastructure as ECI is done by a member country after the agreement with other member countries which this infrastructure might have an impact on).

2.1 Obligations of owners/operators of ECI:

- To help to create a framework for effective communication between public and private sectors, so between responsible and designated by the State ministry and operator respectively owner of critical infrastructure. The outcome of this partnership is to create a communication channel that allows the sharing of relevant information.
- Owners/operators of each European Critical Infrastructure establish and update an Operator Security Plan and to review it at least every two years (EU, 2008).
- Owners/operators of each European Critical Infrastructure should designate a Security Liaison Officer in order to facilitate cooperation and communication with relevant national critical infrastructure protection authorities. The Security Liaison Officer shall be designated within one year following the designation of the critical infrastructure as a European Critical Infrastructure (EU, 2008).
- Other responsibilities that are not described in detail by the Directions even announcements. It is for example the application of best available technology in the construction or modernization element CI, familiarizing employees with the security plan, etc.
- Invests which are connected to previous points.

2.2 Advantages and benefits for owners/operators of ECI:

- The introduction of similar approaches to the protection of NCI in the Member States would contribute to ensuring that CI stakeholders throughout Europe benefit from not being subjected to varying frameworks resulting in additional costs and that the Internal Market is not distorted (EU, 2006).
- The Commission shall support, through the relevant Member State authority, the owners/operators of designated ECIs by providing access to available best practices and methodologies as well as support training and the exchange of information on new technical developments related to critical infrastructure protection (EU, 2008).
- Savings related to previous points.

Looking at financing of the CIP it can be seen that not only national but also European entities are, in a certain way, divesting of their responsibility for safety related investments and operation of the ECI and transferring this responsibility to

the operator of the ECI. EU funds the implementation of EPCIP in terms of the program "Prevention, Preparedness and Consequence Management of Terrorism and other Security Related Risks" for the period 2007-2013. Funding in terms of the program will be used primarily to develop tools, strategies, methodologies, studies, assessments and activities/measures in the area of effective protection of critical infrastructure (both at the level of EU and the level of Member states).

3. CONCLUSION

The fundamental task of the state is to guarantee protection of interests to be protected (the basic need of human society) as lives, health, property, environment and the existence of human society. The essential elements, links and flows of the system which are the basis of the state's ability to achieve stability in every situation and start further development, must go right in normal, abnormal and critical conditions. Then the state is able to fulfill its function. It is in this field that I see the potential and direction of my further research to contribute to the protection of CI.

EPCIP defines the role of owners/operators of ECI and therefore his/her rights and obligations. At present, the role of the owner is in a domain of labeling and identification of ECI and the assessment of the need to improve their protection. The main responsibilities of the owner of ECI are: to help create framework for effective communication between the government and the private sector, to create and update plans of security to the operator of ECI, instruct the Security Liaison Officer and investment associated with these activities, operating and security of ECI. Among the benefits for to the owner should be the unification of accesses to protection of the critical infrastructure within the EU and the right to benefit from an access to the available well-proven procedures and methodologies and exchanging information related to the CIP. It is questionable whether these benefits and support for the owner of ECI are sufficient in the context of the competitive struggle on the market. Not only the states but also the European Union wishes to secure and maintain the functional continuity of the critical infrastructure and thereby also the functional continuity of the society.

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