

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed 2003/0032(COD)
Information society, eEurope 2005: European network and information security Agency Amended by 2007/0291(COD) Amended by 2010/0274(COD) Repealed by 2010/0275(COD)	
Subject 3.30.25 International information networks and society, internet	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	ITRE Industry, External Trade, Research, Energy		20/03/2003
		PSE PAASILINNA Reino	
	Committee for opinion	Rapporteur for opinion	Appointed
	BUDG Budgets		25/03/2003
		PSE KUCKELKORN Wilfried	
	LIBE Citizens' Freedoms and Rights, Justice and Home Affairs		20/03/2003
		PPE-DE CEDERSCHIÖLD Charlotte	
	JURI Legal Affairs and Internal Market		18/03/2003
		PSE MCCARTHY Arlene	
Council of the European Union	Council configuration	Meeting	Date
	Justice and Home Affairs (JHA)	2561	19/02/2004
	Transport, Telecommunications and Energy	2543	20/11/2003
	Transport, Telecommunications and Energy	2515	05/06/2003
	Transport, Telecommunications and Energy	2499	27/03/2003
European Commission	Commission DG	Commissioner	
	Communications Networks, Content and Technology		

Key events			
10/02/2003	Legislative proposal published	COM(2003)0063	Summary
13/03/2003	Committee referral announced in Parliament, 1st reading		
27/03/2003	Debate in Council	2499	
05/06/2003	Debate in Council	2515	Summary
07/10/2003	Vote in committee, 1st reading		Summary
06/10/2003	Committee report tabled for plenary, 1st reading	A5-0353/2003	

18/11/2003	Debate in Parliament		
19/11/2003	Decision by Parliament, 1st reading	T5-0500/2003	Summary
19/02/2004	Act adopted by Council after Parliament's 1st reading		
10/03/2004	Final act signed		
10/03/2004	End of procedure in Parliament		
13/03/2004	Final act published in Official Journal		

Technical information

Procedure reference	2003/0032(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amended by 2007/0291(COD) Amended by 2010/0274(COD) Repealed by 2010/0275(COD)
Legal basis	EC Treaty (after Amsterdam) EC 095; EC Treaty (after Amsterdam) EC 156
Stage reached in procedure	Procedure completed

Documentation gateway

Legislative proposal	COM(2003)0063	11/02/2003	EC	Summary
Economic and Social Committee: opinion, report	CES0747/2003 OJ C 220 16.09.2003, p. 0033-0035	18/06/2003	ESC	
Committee report tabled for plenary, 1st reading/single reading	A5-0353/2003	07/10/2003	EP	
Text adopted by Parliament, 1st reading/single reading	T5-0500/2003 OJ C 087 07.04.2004, p. 0074-0246 E	19/11/2003	EP	Summary

Additional information

European Commission	EUR-Lex
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Final act

[Regulation 2004/460](#)
[OJ L 077 13.03.2004, p. 0001-0011](#) Summary

Information society, eEurope 2005: European network and information security Agency

PURPOSE : to present a proposal for a Regulation establishing the European Network and Information Security Agency. CONTENT the European Parliament, the Council, and the Commission are advocating closer European co-ordination on information security. The setting up of an entity with a legal personality would be the most efficient way to achieve this objective. The proposal reflects a number of concerns that were expressed during the consultation with the Member States such as the trustworthiness, competence, efficiency and consistency of the proposed Agency. The broad objective of the Agency is to create a common understanding in Europe of issues relating to information security

that is necessary to ensure the availability and security of networks and information systems in the Union. To meet this objective the definition of network and information security has to be wide and cover all activities that can have adverse effects on the security of networks and information systems. The Agency shall: - provide assistance in the application of Community measures relating to network and information security. The assistance it provides shall help ensure interoperability of information security functions in networks and information systems, thereby contributing to the functioning of the Internal Market; - enhance the capability of both Community and Member States to respond to network and information security problems. The Agency will play a key role for the security of Europe's networks and information systems and the development of the information society in general; - have advisory and co-ordinating functions, where data on information security is gathered and analysed. Today both public and private organisations with different objectives gather data on IT-incidents and other data relevant to information security. There is, however, no central entity on European level that in a comprehensive manner can collect and analyse data and provide opinions and advice to support the Community's policy work on network and information security; - serve as a centre of expertise where both Member States and Community Institutions can seek advice on technical matters relating to security; - further contribute to a broad co-operation between different actors in the information security field, e.g. to assist in the follow-up activities in support of secure e-business. Such co-operation will be a vital prerequisite for the secure functioning of networks and information systems in Europe. The participation and involvement of all stakeholders is necessary; - contribute to a co-ordinated approach to information security by providing support to Member States. To ensure interoperability of networks and information systems, the Agency will also provide opinions and support for harmonised processes and procedures in the Member States when applying technical requirements that affect security. Not only legal requirements, but to a large extent technical requirements can affect the interoperability and create obstacles to the well functioning Internal Market; - further play a supportive role in the identification of the relevant standardisation needs, and in the promotion of security standards and certification schemes and of their widest possible use by the Commission and the Member States in support of the European legislation. As the network and information security issues are global there is also a need for international co-operation in this field. The Agency will provide support for the Community contacts with relevant parties in third countries. The Agency will be managed by an Executive Director who possess a high degree of independence and flexibility and who will be responsible for the internal functioning of the Agency.?

Information society, eEurope 2005: European network and information security Agency

The Council agreed on a general approach, pending the European Parliament's opinion in first reading, on the draft Regulation aimed at establishing a European Network and Information Security Agency. It requested the Permanent Representatives Committee to examine the Parliament's opinion when available so as to enable the Council to adopt a common position at a forthcoming meeting. The general approach was agreed on with two abstentions, by the German and United Kingdom delegations. The text of the general approach includes the main following changes in relation to the Commission's initial proposal: - Limitation of the Agency's activities to an advisory role and deletion of provisions concerning an advisory board. - Modification of the composition of the Management Board to include one representative of each Member State, three representatives appointed by the Commission and one representative each (without the right to vote) of the information and consumer technologies industry, consumer groups and academic experts in network and information security. - Extension of the Management Board's functions and of its involvement in the day-to-day operation of the Agency.?

Information society, eEurope 2005: European network and information security Agency

The committee adopted the report by Reino PAASILINNA (PES, FIN) amending the proposal under the 1st reading of the codecision procedure. The amendments focused on the tasks of the new agency, the composition of the advisory and management boards and the initial evaluation of the Agency's work. The committee said that the new agency should ensure that security solutions are easily accessible to small and medium-sized companies. It should provide advice to the Commission, Parliament, competent national and European bodies and the business community. It should also invite tenders for research in the area of network and information security. MEPs wanted the Agency's management board to be approved, before 31 January each year, by both the Commission and the European Parliament. They added that the Agency's advisory board of nine experts should include representatives from industry, consumer associations and the science and research sector in the area of network and information security. The committee also stressed that when the time comes, Parliament and the Council should have a say in whether the Agency's life-span is extended beyond 2008, rather than leaving this to the Commission.?

Information society, eEurope 2005: European network and information security Agency

The European Parliament adopted a resolution based on the draft by Reino PAASILINNA (PES, Finland.) Parliament and Council adopted a series of compromise amendments in order to ensure that the new European Network and Information Security Agency be speedily established and based provisionally in Brussels. The amendments adopted focus on the tasks of the new agency, the operational structure of the new Agency, the initial evaluation of the Agency's work and the seat of the agency. The European Network and Information Security Agency has the task of contributing to a high level of network and information security within the Community and of developing a culture of network and information security for the benefit of citizens, consumers, businesses and public sector organisations in the European Union, thus contributing to the proper functioning of the internal market. A new recital states that, to better understand the challenges in the network and information security field, there is a need for the Agency to analyse current and emerging risks. For that purpose the Agency may collect appropriate information, in particular through questionnaires, without imposing new obligations on the private sector or the Member States to generate data. Emerging risks are to be understood as issues already visible as possible future risks to network and information security. On the question of the composition of the Agency, Parliament stated that this would involve a Management Board, an Executive Director and a Permanent Stakeholders Group. Parliament deleted the Commission's provisions on having an Advisory Board and working groups. The Executive Director will establish the Permanent Stakeholders Group composed of experts representing the relevant stakeholders, such as the Information and Communication Technologies industry, consumer groups, and academic experts in network and information security. The Management Board will be composed of one representative of each Member State, (as opposed to the Commission's proposal of six representatives appointed by the Council) three representatives appointed by the Commission, as well as three representatives, proposed by the Commission and appointed by the Council, without the right to vote. Members increased the term of office for the Executive Director from two and half years to up to five years. He/she will be appointed after an open competition. The procedures regarding in particular the number, the composition, the appointment of the members by the Executive Director and the operation of the Group should be specified in the Agency's internal rules of operation and should be made public. Parliament also stressed that the objectives and the tasks of the Agency are

without prejudice to the competencies of the Member State regarding network and information security and to activities concerning public security, defence, State security and the activities of the State in areas of criminal law. As to the seat of the new Agency, both Parliament and Council state, "unless otherwise determined by common accord of the governments of the Member States, the provisional seat of the European Network and Information Security Agency shall be Brussels." (Statement annexed to the Council minutes). Finally, Parliament emphasised that the Agency should pay attention to small and medium sized enterprises.?

Information society, eEurope 2005: European network and information security Agency

PURPOSE : to establish a European Network and Information Security Agency with a view to ensuring a high and effective level of network and information security within the Community and in order to develop a culture of network and information security for the benefit of the citizens, consumers, enterprises and public sector organisations of the European Union, thus contributing to the smooth functioning of the internal market. **LEGISLATIVE ACT** : Regulation 460/2004/EC of the European Parliament and of the Council establishing the European Network and Information Security Agency. **CONTENT** : the Council adopted at first reading a Regulation establishing the European Network and Information Security Agency, as amended by the European Parliament. The European Network and Information Security Agency is intended to assist the Commission and the Member States in meeting requirements, including those set out in present and future Community legislation, in the light of increased concerns regarding network and information security. The Regulation will enhance the capability of the Community, the Member States and, as a consequence, the business community to prevent, address and to respond to network and information security problems. The Agency will be operational for an initial period of 5 years. It will be located in Greece following the Decision taken by the Heads of State or Government on 13 December 2003. **ENTRY INTO FORCE** : 14/03/2004.?