

Entities of critical infrastructure protection in the Czech Republic

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Abstract: - The article summarizes the current procedure of the CI elements identification and designation. This procedure is a part of the critical infrastructure protection in terms of Czech Republic and EU. There have been defined entities from the present-day condition analysis which are currently actively taking part in this procedure and also entities which have the potential to influence the procedure of critical infrastructure protection. On the basis of a synthesis of partial outcomes, entities of the system of critical infrastructure protection in Czech Republic were defined. Further, a concise description of these entities and an outline of how these entities influence the system of critical infrastructure protection in Czech Republic were added.

Key-Words: - entities, critical infrastructure, protection, European critical infrastructure

1 Introduction

The matters concerning critical infrastructure have been dealt with on European level since the beginning of the second millennium. The obligatory legislative document regulating the matters of critical infrastructure protection is a directive EU 2008/114ES “On the identification and designation of European critical infrastructures and the assessment of the need to improve their protection” (hereafter “directive”) passed on December 8, 2008. This directive represents the first stage of the European programme for Critical Infrastructure Protection (EPCIP).

Czech Republic, as a member state of the EU, implemented this directive in its legislation in December, 2010 by creating the amendment 430/2010 Coll. of the act 240/2000 Coll. (Critical Act) and determines new obligations when dealing with critical infrastructure protection (CIP). In terms of this amendment, a procedure of identification and designation of critical infrastructure is in progress at the moment. The procedure of identification and designation of critical infrastructure (CI) and entities taking part in this procedure are described in the following chapter. However, further entities which are not presently engaged in this procedure, but could influence the system of CIP, can be defined.

2 Entities of the current procedure of identification and designation of CI

The amendment 430/2010 creates conditions for dealing with the CIP matters on national level. Defining CI on the national level is a precondition for specifying the European critical infrastructure (ECI) and hence even for satisfying the requirements following from the directive. In the legal code of Czech Republic, the matters of critical infrastructure had not been in any way regulated until December 2010.

A procedure of identification and designation of CI is in progress in Czech Republic at the moment. Based on this procedure, active CIP system entities in CZ can be defined. The procedure proceeds from the already mentioned legislation and consists of these four steps:

2.1 First selection of critical infrastructures within individual sectors

This step is in process in the Czech Republic at the moment. Entities which are implementing this step are gestors for the individual sectors (respective Ministries and other central administrative authorities, into whose sphere the CI sectors fall) and CI subjects (individual owners or operators of the CI). The selection is carried out on the basis of a consensus between the gestors and the CI subjects and when applying the sector criteria defined by the legislative.

2.2 Applying the definition of critical infrastructure

This step is directly intertwined with the previous one. The core of this step is that the potential CI has to comply with the CI definition which is given by legislation (directive). This step is carried out by the same entities as in the previous step.

2.3 Applying the definition of European critical infrastructure

The ECI definition will be applied to CI defined by the sector criteria and complying with the CI definition. The CI's which satisfy the transboundary element definition of ECI, will follow the next step of the procedure. The CI's which do not satisfy the transboundary element of the definition of ECI can be designated as national CI's of the Czech Republic. This step is carried out by the same entities as in the previous two steps.

2.4 Applying the cross-cutting criteria

Each Member State shall apply the cross-cutting criteria to the remaining potential ECI's. The cross-cutting criteria shall take into account the severity of impact and, for infrastructure providing an essential service, the availability of alternatives; and the duration of disruption/recovery. A potential ECI which does not satisfy the cross-cutting criteria will not be considered to be an ECI. This step is arranged by the Ministry of Internal Affairs – Firebrigade Directorate General as the highest CIP gestor and a contact point in Czech Republic in terms of ECI.

The CI's that have passed through all the steps of this procedure are considered to be potential ECI. These potential ECI will be announced by the Ministry of Internal Affairs to a respective EU authority – European committee and to those Member States which they may have a severe impact on. The subsequent steps of this procedure will be carried out on the EU level.

As it follows from the procedure of the CI elements identification and designation, the active CIP entities in Czech Republic at this time are Ministries and other central administrative authorities, into whose sphere fall some sectors of the CI and individual owners or operators of the CI. In terms of EU, the EU sheltering authority for EPCIP is the European Committee. However, there are other entities which influence or may influence the arising the system of critical infrastructure protection. These entities and their concise

characteristics are the content of the following chapter.

3 Entities of critical infrastructure protection in Czech Republic

Entities which influence or may influence the CIP system in CZ have different levels of activity: European level, national level but also district level and lower (regional). In this respect, the CIP system is influenced the most by entities from European and national level. These are discussed in detail further on but entities with a regional sphere of activity level are also included in the listing.

3.1 European Union entities

The main entity which shelters EPCIP is the European Committee. The European Committee is an authority which has the right of initiative, implementation, direction and legislation inspection. The Committee acts as the contract keeper (its fulfilment) and embodies the interests of the Community. Another entity on the European level which directly impacts the CIP is European Council. Its goal is to give the European Union prompts for further development and determine its general direction.

3.2 Ministries and other central administrative authorities of CZ

Ministries and other central administrative authorities are gestors or co-gestors for the individual CI sectors and their main task is coordination and consensus finding with CI subjects when implementing CIP. The ministries these are: Ministry of Foreign Affairs, Ministry of Defence, Ministry of Finance, Ministry of Labour and Social Affairs, Ministry of Internal Affairs, Ministry of Environment, Ministry of Industry and Trade, Ministry of Transport, Ministry of Agriculture, Ministry of Health, Ministry of Justice. The Ministry of Internal Affairs is a contact point for the ECI matters and performs tasks in the CIP sector following from Czech Republic's membership in European Union (proposes cross-cutting criteria; processes a list that is a base for CI elements and ECI elements determination; communicates and informs the European Committee about ECI; etc.). Central administrative offices acting as gestors or co-gestors for the individual CI sectors are: Energy regulatory office, Administration of State Material Reserves, Czech Telecommunication Office, Czech

National Bank, State Office for Nuclear Safety, Czech Mining Office, National Security Authority, Czech Statistical Office, Security Information Service.

At this time, mainly gestors and co-gestors from sectors which the procedure of CI identification and designation (power-industry and transport) is being implemented in, are engaged.

3.3 CI subjects – owners/operators of the CI

According to legislation, the CI subjects are the individual owners or operators of the CI element. At this time, the procedure of CI elements identification and designation is not yet finished, so the individual subjects have not yet been informed about being the ECI owners/operators and about the rights and duties they have in connection with this designation. However, it is in the interest of these subjects to be a part of the CIP procedure from its beginning. Most subjects which the present procedure of CI elements identification and designation concerns are actively participating in this procedure. According to the legislation, the primary and ultimate responsibility for the ECI protection rests with the Member States and owners/operators of these infrastructures. So if the potential subjects of this procedure take part in it, they may (among other things) also influence which and how many ECI elements are designated and later on also the financial demandingness (effectivity) of the measures that will be executed in terms of CIP. Financial responsibility related to measures increasing the ECI element security rests with the ECI element owner/operator.

3.4 Economical subjects

By economical subjects, persons (physical, juridical) or aggregated categories of persons are meant. Economical subjects do not fall into the first three entity groups described but they are economically interested in the potential CI sector. With it are connected economical impacts on these subjects following from CIP implementation. It is the active participation of the economical subjects in the CIP system that allows them to influence the economical impact of the taken steps following from the CIP system. By that, mainly requirements on financial activity of the taken steps, prevention and removal of the duplicities in the system, rightfulness of the measures etc. are meant.

3.5 Public

The previous category may be subsequently understood also as a public entity. Furthermore, the public interests are primarily represented by central administrative authorities of CZ. Nevertheless, despite these relevant circumstances we introduce the public entity individually. The reason is the emergence of the CIP as a system for citizen - public security increase. Hence the public entity should be considered individually. The ways the CIP system may influence the public are multiple. The primary, indirect way, is via state structures - central administrative authorities of the given member state. These authorities are lead by an elected public representation or this elected representation chooses the leadership of the given central administrative authorities. Another way is via civil association whose purpose will be defending specific interests of a certain part of public in the CIP system. The public interests may be influenced also by an individual. For example, the Ministry of Internal Affairs in CZ established a database of experts in the security research sector which, among other things, deals with the research sectors concerning the CIP matters. However, a certain level of expert qualification is required for this activity.

3.6 Other entities

The last entity group is represented by institutions and organizations which are concerned with the CIP matters on an expert level. That includes services both paid (auditorial, consultant and counselling companies) or in terms of research (universities, research institutes, etc.). These entities have a high potential for influencing the CIP system, mainly as far as the professional aspect is concerned.

4 Conclusion

In the Czech Republic, multiple primary entities which influence the system of critical infrastructure protection can be defined. These entities range by the level of activity from European, through national to regional level. A possibility to influence the CIP system is related to it, among other things. This article represents a basic listing of entities which take part in the current procedure of the CI elements identification and designation in the Czech Republic, as well as entities which have the potential to join this procedure and take part and influence the CIP system in the future.

Mainly potential CI subjects, individual gestors and co-gestors are engaged in the current procedure of the CI elements identification and designation in CZ. The initiative for this procedure came from the European Union entities in terms of the European programme for Critical Infrastructure Protection. It is possible to say that other entity groups will take part in this procedure (experts from the CIP sector, research institutions, consulting companies, etc.) but question is if this part is sufficiently. Considering that the CIP system is outlined for public protection and security increase, they should participate in this system more. The state should arrange a higher level of public education as far as these matters are concerned. The CIP system is going to affect the life of each citizen of a Member State. Thus everyone should take the opportunity to influence the future and direction of security environment in their state and European Union as a whole accordingly.

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