

Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 18,826, 8 ta' Novembru, 2011

Taqsimha B

A.L. 434 tal-2011

**ATT DWAR L-UNJONI EWROPEA
(KAP. 460)**

**Ordni tal-2011 dwar Infrastruttura Kritika u Infrastruttura
Kritika Ewropea (Identifikazzjoni, Indikazzjoni u Protezzjoni)**

BIS-SAHHA tas-setgħat mogħtijin bl-artikolu 4(2) tal-Att dwar l-Unjoni Ewropea, il-Prim Ministru għamel dan l-Ordni li ġej:-

1. (1) It-titolu ta' dan l-Ordni hu l-Ordni tal-2011 dwar Infrastruttura Kritika u Infrastruttura Kritika Ewropea (Identifikazzjoni, Indikazzjoni u Protezzjoni). Titolu u kamp ta' applikazzjoni.

(2) L-għan ta' dan l-Ordni huwa t-traspożizzjoni tad-Direttiva tal-Kunsill 2008/114/KE tat-8 ta' Diċembru 2008 dwar l-identifikazzjoni u l-indikazzjoni tal-Infrastruttura Kritika Ewropea u l-valutazzjoni tal-htieġa għat-titjib tal-ħarsien tagħhom.

2. F'dan l-Ordni:

Tifsir.

"analizi tar-riskju" tfisser il-konsiderazzjoni ta' xenarji ta' theddid relevanti, sabiex tiġi valutata l-vulnerabbiltà u l-impatt potenzjali ta' interuzzjoni jew qerda ta' infrastruttura kritika;

"id-Direttiva" tfisser id-Direttiva tal-Kunsill 2008/114/KE tat-8 ta' Diċembru, 2008, dwar l-identifikazzjoni u l-indikazzjoni ta' Infrastrutturi Kritiċi Ewropej u l-valutazzjoni tal-bżonn ta' titjib fil-ħarsien tagħhom, kif tista' tiġi emendata minn żmien għal żmien;

"ħarsien" tfisser l-attivitajiet kollha mmirati lejn l-iżgurar tal-funzjonament, il-kontinwità u l-integrità ta' infrastrutturi kritiċi sabiex tinzamm lura, tiġi mtaffija u newtralizzata theddida, riskju jew vulnerabbiltà;

"informazzjoni dwar il-ħarsien tal-infrastruttura kritika" tfisser fatti dwar infrastruttura kritika, li jekk jiġu żvelati jistgħu jiġu wżati għall-pjanijiet u azzjonijiet bil-ħsieb li tiġi kawżata interuzzjoni jew qerda ta' stallazzjonijiet tal-infrastruttura kritika;

"infrastruttura kritika" jew "IK" tfisser attiv, sistema jew parti minnhom li jinsabu fl-Istati Membri li huma essenzjali għall-manteniment ta' funzjonijiet vitali tas-soċjetà, is-saħħa, is-sigurtà, is-

sikurezza, il-benessere ekonomiku jew soċjali tal-poplu u li t-tfixkil jew il-qerda tagħhom ikollu impatt sinifikanti fi Stat Membru bħala riżultat tal-falliment biex jinżammu dawk il-funzjonijiet;

"Infrastruttura Kritika Ewropea" jew "IKE" tfisser infrastruttura kritika li tinsab f'Malta li l-interruzzjoni jew il-qerda tagħha jkollha impatt sinifikanti fuq mill-inqas żewġ Stati Membri. Is-sinifikat tal-impatt għandu jiġi valutat f'termini ta' kriterji trasversali. Dan jinkludi l-effetti li jirriżultaw minn dipendenzi transettorjali fuq tipi oħra ta' infrastruttura;

"proprietarji jew operaturi ta' IK" tfisser dawk l-entitajiet responsabbli għall-investment fi, u, jew l-operat ta' kuljum ta', attiv jew sistema partikolari jew parti minnhom indikati bħala IK jew IKE taħt dan l-Ordni;

"Stat Membru" tfisser Stat Membru tal-Unjoni Ewropea;

"il-Unit" tfisser il-Unit dwar il-Harsien ta' Infrastruttura Kritika (HIK) ta' Malta stabbilit taħt l-artikolu 3.

Unit dwar il-Harsien ta' Infrastruttura Kritika.

3. (1) Għandu jkun hemm korp li jkun magħruf bħala l-Unit dwar il-Harsien ta' Infrastruttura Kritika (HIK) fi hdan l-Uffiċċju tal-Kabinet, l-Uffiċċju tal-Prim Ministru.

(2) Il-Unit għandu jkun fdat bis-setgħat u r-responsabbiltajiet kif provdut dwarhom f'dan l-Ordni.

(3) Il-Unit għandu, *inter alia*, jkun responsabbli sabiex -

(a) jiġu stabbiliti kriterji għall-identifikazzjoni u l-indikazzjoni ta' IK;

(b) jiġi identifikat attiv kritiku u jinżamm inventarju nazzjonali għal IK;

(ċ) jiġi żgurat li titwettaq valutazzjoni tar-riskju mill-proprietarji jew operaturi ta' IK;

(d) jiġi żgurat li kull proprietarju jew operatur ta' IK ifassal u jżomm Pjan ta' Sigurtà għall-Operaturi;

(e) jiġi kollazzjonat pjan nazzjonali ta' infrastruttura kritika;

(f) jiġu instigati simulazzjonijiet ta' emergenza skont pjanijiet settorali;

(g) ikun hemm kollaborazzjoni mal-Unjoni Ewropea u msieħba internazzjonali fuq (HIK); u

(h) tinbena shubija ma' operaturi ta' IK għall-qsim ta' informazzjoni.

(4) Il-*Unit* għandu barra minn hekk jaġixxi bħala punt ta' kuntatt tal-ħarsien għall-protezzjoni tal-infrastruttura kritika Ewropea ("Punt ta' Kuntatt HIKE") f'Malta, u għandu jikkoordina internament kwistjonijiet relatati mal-ħarsien tal-infrastruttura kritika Ewropea f'Malta, kif ukoll ma' Stati Membri oħra u mal-Kummissjoni:

Izda id-disposizzjonijiet ta' dan is-subartikolu m'għandux iwaqqaf awtoritajiet nazzjonali oħra milli jkunu involuti fi kwistjonijiet relatati mal-ħarsien tal-infrastruttura kritika Ewropea.

(5) Il-*Unit* għandu wkoll iwettaq dawk id-dmirijiet relatati u konsegwenzjali li l-Prim Ministru minn żmien għal żmien jista' jiddelega.

4. (1) Il-*Unit* għandu, skont il-proċedura stabbilita fl-Iskeda, jidentifika infrastrutturi kritiċi Ewropej potenzjali f'Malta li - Identifikazzjoni ta' IKE.

(a) jissodisfaw il-kriterji trasversali u settorjali li jinsabu f'dan l-artikolu, u

(b) jissodisfaw it-tifsiriet tal-kliem "infrastruttura kritika" u "Infrastruttura Kritika Ewropea" fl-artikolu 2.

(2) Il-kriterji trasversali msemmija fis-subartikolu (1) għandhom jinkludu dan li ġej:

(a) il-kriterju ta' diżgrazzji, ivvalutat f'termini tan-numru potenzjali ta' mwiet jew korrimenti;

(b) il-kriterju tal-effetti ekonomiċi, ivvalutat f'termini tas-sinifikat tat-telf ekonomiku u, jew degradazzjoni ta' prodotti jew servizzi; inklużi l-effetti ambjentali potenzjali;

(c) il-kriterju tal-effetti pubbliċi, ivvalutat f'termini ta' l-impatt fuq il-fiduċja pubblika, is-sofferenza fiżika u l-interruzzjoni tal-ħajja ta' kuljum, inkluż it-telf ta' servizzi essenzjali.

(3) Il-limiti applikabbli għal kriterji trasversali għandhom jiġu stabbiliti abbażi ta' każ b'każ mill-*Unit* u jkunu bbażati fuq is-severità tal-impatt tal-interruzzjoni jew qerda ta' infrastruttura kritika partikolari.

(4) Il-*Unit* għandu jinforma lill-Kummissjoni Ewropea fuq bażi annwali bin-numru ta' infrastrutturi għal kull settur li għalihom ikunu saru diskussjonijiet rigward il-limiti tal-kriterji trasversali.

(5) Il-kriterji settorjali msemmija fis-subartikolu (1) għandhom -

(a) jieħdu f'konsiderazzjoni l-karatteristiċi tas-setturi tal-IKE individwali; u

(b) jiġu klassifikati.

(6) Fl-applikazzjoni tal-kriterji trasversali u settorjali, bil-għan li jiġu identifikati l-IKE, il-*Unit* jista' jagħmel użu minn dawk il-linji gwida u limiti hekk kif jiġu żviluppati mill-Kummissjoni Ewropea flimkien mal-Istati Membri skont l-Artikolu 3 tad-Direttiva.

(7) Is-setturi u s-sottosetturi li ġejjin għandhom ikunu soġġetti għal dan l-Ordni:

(a) is-settur tal-enerġija li huwa maqsum fis-sottosetturi li ġejjin:

(i) l-elettriku, li jkun jinkludi infrastrutturi u faċilitajiet għall-ġenerazzjoni u t-trasmissjoni ta' l-elettriku fir-rigward tal-provvista tal-elettriku;

(ii) żejt, li jkun jinkludi produzzjoni taż-żejt, ir-raffinar, it-trattament, il-ħażna u t-trasmissjoni ta' żejt bil-*pipelines*;

(iii) gass, li jkun jinkludi l-produzzjoni tal-gass, ir-raffinar, it-trattament, il-ħażna u t-trasmissjoni ta' gass bil-*pipelines*, u terminals LNG; u

(b) is-settur tat-transport li huwa maqsum fis-sottosetturi li ġejjin:

(i) it-transport fuq it-toroq;

(ii) transport tal-ajru;

(iii) in-navigazzjoni fl-oċeani u t-traġitti qosra bil-baħar; u

(iv) il-portijiet.

Indikazzjoni ta' IKE.

5. (1) Il-*Unit* għandu jinforma l-awtoritajiet rilevanti fi Stati Membri oħra li jistgħu jiġu affettwati b'mod sinifikanti minn

IKE potenzjali dwar l-identità tagħha u r-raġunijiet għall-indikazzjoni tagħha bħala IKE.

(2) IKE potenzjali li tinsab f'Malta, li tkun għaddiet mill-proċedura stabbilita fl-Iskeda għandha tiġi komunikata biss lill-Istati Membri li jistgħu jkunu affettwati b'mod sinifikanti minn dak l-IKE potenzjali.

(3) Meta IKE potenzjali tkun tinsab f'Malta, il-*Unit* għandu -

(a) jinvolvi ruħu f'diskussjonijiet mal-awtoritajiet rilevanti fl-Istati Membri oħra li jistgħu jiġu affettwati b'mod sinifikanti mill-IKE potenzjali; u

(b) jindikaha bħala IKE wara li jkun hemm ftehim bejn il-Gvern u l-Istati Membri li jistgħu jkunu affettwati b'mod sinifikanti.

(4) Meta IKE indikata tkun tinsab f'Malta, il-*Unit* għandu jinforma lill-Kummissjoni Ewropea fuq bażi annwali bin-numru tal-IKE indikati għal kull settur u bin-numru ta' Stati Membri dipendenti fuq kull IKE indikata u l-Istati Membri li jistgħu jkunu affettwati b'mod sinifikanti mill-IKE biss għandhom ikunu jafu l-identità tagħha.

(5) Meta IKE tkun tinsab f'Malta, il-*Unit* għandu jinforma lill-proprietarju jew operatur tal-infrastruttura dwar l-indikazzjoni tagħha bħala IKE u dik l-informazzjoni għandha tkun klassifikata f'livell xieraq.

(6) Il-proċess ta' identifikazzjoni u indikazzjoni ta' IKE taħt dan l-Ordni għandu jiġi rivedut fuq bażi regolari.

6. (1) Il-pjan ta' sigurtà għall-operaturi ("PSO") għandu -

Pjanijiet ta' sigurtà għall-operaturi.

(a) jidentifika l-attiv tal-*IK* u l-*IKE* li jkunu jinsabu f'Malta;

(b) jidentifika soluzzjonijiet għas-sigurtà li jeżistu jew qed jiġu implimentati għall-*harsien* tagħhom; u

(ċ) jkopri, minn tal-inqas, l-informazzjoni li hemm fl-artikolu 7 ta' dan l-Ordni.

(2) Il-*Unit* għandu jivvaluta jekk kull *IK* u *IKE* indikati li jinsabu f'Malta għandhomx *PSO* jew jekk huma għandhomx stabbilti miżuri ekwivalenti li jindirizzaw il-kwistjonijiet identifikati fl-artikolu 7.

(3) Jekk il-*Unit* jsib li PSO jew miżuri ekwivalenti ma ġewx ippreparati, il-*Unit* għandu jiżgura li, b'kull mezz meqjus xieraq, il-PSO jew miżuri ekwivalenti jithejjew, u jkunu jindirizzaw il-kwistjonijiet identifikati fl-artikolu 7:

Iżda, meta jkunu diġà jeżistu arrangamenti superviżorji jew ta' sorveljanza fir-rigward ta' IK jew IKE li jkunu jinsabu f'Malta, dawk l-arrangamenti m'humiex affettwati bid-disposizzjonijiet ta' dan l-artikolu u l-*Unit* għandu jkun is-superviżur taht dawk l-arrangamenti eżistenti:

Iżda wkoll il-konformità ma' kull miżura, inkluż miżura tal-Unjoni Ewropea, li f'settur partikolari tkun teħtieġ, jew tirreferi għall-ħtieġa li jkun hemm, pjan simili jew ekwivalenti għal PSO u superviżjoni mill-*Unit* ta' pjan bħal dak, titqies bħala li tissodisfa l-ħtiġiet kollha taht dan l-artikolu.

(4) Il-*Unit* għandu jiżgura li l-PSO jew miżuri ekwivalenti skont dan l-artikolu jkunu fis-seħħ u jiġu riveduti regolament fi żmien sena wara l-indikazzjoni ta' kull IK u kull IKE:

Iżda dan il-perjodu jista' jiġi estiż f'ċirkostanzi eċċezzjonali, u l-*Unit* għandu javża lil Kummissjoni Ewropea b'kull estensjoni mogħtija fir-rigward ta' IKE skont dan is-subartikolu.

Proċedura IKE
PSO.

7. (1) Il-proċedura ECI OSP msemmija fl-artikolu 6 għandha tkopri minn tal-inqas il-kwistjonijiet li ġejjin:

(a) l-identifikazzjoni tal-attiv importanti;

(b) it-tweġiq ta' analiżi tar-riskju bbażat fuq xenarji ta' theddida maġġuri, il-vulnerabilità ta' kull attiv u l-impatt potenzjali; u

(ċ) l-identifikazzjoni, l-indikazzjoni u l-prijoritizzazzjoni ta' kontro-miżuri u l-proċeduri b'distinzzjoni bejn:

(i) miżuri ta' sigurtà permanenti, li jidentifikaw investimenti ta' sigurtà indispensabbli u mezzi li huma rilevanti biex jiġu użati f'kull ħin. Dawn għandhom jinkludu l-informazzjoni li hemm fis-subartikolu (2); u

(ii) miżuri ta' sigurtà fuq livelli differenti, li jistgħu jiġu attivati skont il-livelli varji ta' riskju u theddid.

(2) L-informazzjoni msemmija fis-subartikolu (1)(ċ)(i) hi informazzjoni li għandha x'taqsam ma':

- (a) miżuri ġenerali bħal ma huma l-miżuri tekniċi, li jkunu jinkludu installazzjoni ta' mezzi għal sejba, ta' kontroll ta' aċċess, ta' ħarsien u mezzi ta' prevenzjoni;
- (b) miżuri organizzativi, li jkunu jinkludu proċeduri ta' sejhiet ta' allarm u kriżi;
- (ċ) miżuri ta' kontroll u verifika;
- (d) komunikazzjoni;
- (e) trawwim ta' għarfien u taħriġ; u
- (f) sigurtà fis-sistemi ta' informazzjoni.

8. (1) Il-*Unit* għandu jivvaluta jekk kull IKE indikata li tinsab f'Malta għandhiex Uffiċjal ta' Kollegament tas-Sigurtà jew ekwivalenti, li għandu jaġixxi bħala l-punt ta' kuntatt għal kwistjonijiet relatati mas-sigurtà bejn il-proprjetarju jew operatur tal-IKE u l-*Unit*.

Uffiċjali ta'
Kollegament
tas-Sigurtà.

(2) F'kaz li l-*Unit* isib li ma jeżistix Uffiċjal ta' Kollegament tas-Sigurtà jew ekwivalenti fir-rigward ta' IKE indikata l-*Unit* għandu jiżgura, b'kull mezz meqjus xieraq, li dak l-Uffiċjal ta' Kollegament tas-Sigurtà jew ekwivalenti jiġi nominat:

Izda l-konformità ma' kull miżura, inkluż miżura tal-Unjoni Ewropea, li f'settur partikolari tkun teħtieġ, jew tirreferi għall-ħtieġa li jkun hemm, Uffiċjal ta' Kollegament tas-Sigurtà jew ekwivalenti għandha titqies bħala li tissodisfa l-ħtieġiet kollha taħt dan l-artikolu.

(3) Il-*Unit* għandu jimplimenta mekkaniżmu ta' komunikazzjoni xieraq bejnu u kull Uffiċjal ta' Kollegament tas-Sigurtà jew ekwivalenti, bil-għan li tiġi skambjata informazzjoni rilevanti li tirrigwarda r-riskji u t-theddid identifikati f'rabta mal-IKE involuta. Dan il-mekkanizmu ta' komunikazzjoni għandu jkun mingħajr preġudizzju għar-rekwiziti li jikkonċernaw l-aċċess għal informazzjoni sensitiva u klassifikata stabbiliti b'xi liġi oħra.

9. (1) Il-*Unit* għandu jmexxi valutazzjoni tat-theddid fir-rigward ta' sottosetturi tal-IKE fi żmien sena wara l-indikazzjoni tal-infrastruttura kritika f'Malta bħala IK jew IKE f'dawk is-sottosetturi.

Rappurtar.

(2) Il-*Unit* għandu, kull sentejn, jippreżenta lill-Kummissjoni Ewropea rapport klassifikat dwar id-*data* ġenerika fuq bażi fil-qosor dwar it-tipi ta' riskji, vulnerabbiltajiet u theddid li ltaqa' magħhom għal kull settur tal-IKE li fih giet indikata IKE taħt l-artikolu 5.

Informazzjoni
sensittiva li
għandha
x'taqsam mal-
harsien ta'
infrastruttura
kritika.

10. (1) Kull persuna li tittratta informazzjoni klassifikata skont dan l-Ordni f'isem il-*Unit* jew il-Gvern ta' Malta għandu jkollha livell xieraq ta' kontroll ta' sigurtà li għandu jiġi stabbilit mill-*Unit*.

(2) Il-*Unit* għandu jiżgura li informazzjoni sensittiva, li għandha x'taqsam mal-harsien ta' infrastruttura kritika preżentata lilu, ma tintużax għall-ebda għan ieħor għajr il-harsien tal-infrastrutturi kritiċi.

(3) Id-disposizzjonijiet ta' dan l-artikolu għandhom jgħoddu wkoll għal informazzjoni mhux bil-miktub skambjata waqt il-laqgħat li fihom jiġu diskussi suġġetti sensittivi.

SKEDA

(Artikolu 4)

Proċedura għall-identifikazzjoni tal-infrastruttura kritika
li tista' tiġi indikata bħala IKE

Fl-identifikazzjoni ta' infrastruttura kritika li tista' tiġi indikata bħala IKE skont l-artikolu 4, il-*Unit* għandu jimplementa dawn il-passi konsekuttivi li ġejjin:

(1) Fil-Pass Nru. 1, il-kriterji settorjali msemmija fl-artikolu 4(7) għandhom japplikaw sabiex issir l-ewwel għażla ta' infrastrutturi kritiċi fi hdan kull settur.

(2) Fil-Pass Nru. 2, it-tifsira ta' "infrastruttura kritika" fl-artikolu 2 għandha tapplika għall-IKE potenzjali identifikata taht il-Pass Nru. 1.

Is-sinifikat tal-impatt għandu jiġi stabbilit bl-użu ta' metodi nazzjonali għall-identifikazzjoni ta' infrastrutturi kritiċi jew b'riferenza għall-kriterji trasversali stabbiliti fl-artikolu 4(2). Għal infrastruttura li tipprovdi servizz essenzjali, għandha titqies id-disponibbiltà ta' alternattivi, u t-tul ta' żmien ta' interuzzjoni jew irkupru jew it-tnejn flimkien.

(3) Fil-Pass Nru. 3, l-element transkonfinali tat-tifsira tal-IKE fl-artikolu 2 għandha tapplika għall-IKE potenzjali li tkun għaddiet mill-ewwel żewġ passi ta' din il-proċedura. L-IKE potenzjali li ma tissodisfax it-tifsira għandha ssegwi l-pass li jmiss ta' din il-proċedura. Għal infrastruttura li tipprovdi servizz essenzjali, għandha titqies id-disponibbiltà ta' alternattivi, u t-tul ta' żmien ta'

interuzzjoni jew l-irkupru jew it-tnejn flimkien.

(4) Fil-Pass Nru. 4, il-kriterji trasversali stabbiliti fl-artikolu 4(2) għandhom japplikaw għall-IKE potenzjali rimanenti. Il-kriterji trasversali għandhom jieħdu f'konsiderazzjoni:

- (a) is-severità tal-impatt;
- (b) l-infrastruttura li tipprovdi servizz essenzjali, id-disponibbiltà ta' alternattivi; u
- (ċ) it-tul ta' żmien tat-interuzzjoni jew l-irkupru jew it-tnejn flimkien.

IKE potenzjali li ma tissodisfax il-kriterji trasversali ma għandhiex tiġi kkunsidrata bħala IKE.

L.N. 434 of 2011

**EUROPEAN UNION ACT
(CAP. 460)**

**Critical Infrastructures and European Critical Infrastructures
(Identification, Designation and Protection) Order, 2011**

BY VIRTUE of the powers conferred by article 4(2) of the European Union Act, the Prime Minister has made the following Order:-

Citation and
scope.

1. (1) The title of this order is the Critical Infrastructures and European Critical Infrastructures (Identification, Designation and Protection) Order, 2011.

(2) The purpose of this Order is the transposition of Council Directive 2008/114/EC of 8 December 2008 on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection.

Interpretation.

2. In this Order:

"critical infrastructure" or "CI" means an asset, system or part thereof located in Malta 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;

"the Directive" means Council Directive 2008/114/EC of 8 December 2008 on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection, as may be amended from time to time;

"European critical infrastructure" or "ECI" means critical infrastructure located in Malta 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 which shall include effects resulting from cross-sector dependencies on other types of infrastructure;

"Member State" means a Member State of the European Union;

"owners or operators of CIs" means those entities responsible for investments in, and, or day-to-day operation of, a particular asset, system or part thereof designated as a CI or an ECI under this Order;

"protection" means all activities aimed at ensuring the functionality, continuity and integrity of critical infrastructures in order to deter, mitigate and neutralise a threat, risk or vulnerability;

"risk analysis" means consideration of relevant threat scenarios in order to assess the vulnerability and the potential impact of disruption or destruction of critical infrastructure;

"sensitive critical infrastructure protection related information" means facts about a critical infrastructure, which if disclosed could be used to plan and act with a view to causing disruption or destruction of critical infrastructure installations;

"the Unit" means the Malta Critical Infrastructure Protection (CIP) Unit established under article 3.

3. (1) There shall be a body to be known as the Malta Critical Infrastructure Protection (CIP) Unit within Cabinet Office, Office of the Prime Minister. Critical Infrastructure Protection Unit.

(2) The Unit shall be entrusted with the powers and duties provided for in this Order.

(3) The Unit shall, *inter alia*, be responsible for -

(a) establishing the criteria for the identification and designation of CIs;

(b) identifying critical assets and maintaining a national inventory for CIs;

(c) ensuring that a risk assessment is carried out by all owners or operators of CIs;

(d) ensuring that each owner or operator of a CI draws up and maintains an Operator Security Plan;

(e) collating a national critical infrastructure plan;

(f) instigating simulated runs of sectoral emergency plans;

(g) collaborating with the European Union and international partners on CIP; and

(h) building partnerships with operators of CIs for information-sharing.

(4) The Unit shall furthermore act as the European critical infrastructure protection contact point ("ECIP contact point") in Malta, and shall coordinate European critical infrastructure protection issues within Malta, with other Member States, and with the European Commission:

Provided that the provisions of this sub-article shall not preclude other national authorities from being involved in European critical infrastructure protection issues.

(5) The Unit shall also perform such related and consequential duties as the Prime Minister may delegate from time to time.

Identification of ECIs.

4. (1) The Unit shall, in accordance with the procedure set out in the Schedule, identify potential European Critical Infrastructures in Malta which -

(a) satisfy the cross-cutting and sectoral criteria set out in this article; and

(b) meet the definitions of the terms "critical infrastructure" and "European critical infrastructure" in article 2.

(2) The cross-cutting criteria referred to in sub-article (1) shall comprise the following:

(a) casualties criterion, assessed in terms of the potential number of fatalities or injuries;

(b) economic effects criterion, assessed in terms of the significance of economic loss and, or degradation of products or services, including potential environmental effects;

(c) public effects criterion, assessed in terms of the impact on public confidence, physical suffering and disruption of daily life, including the loss of essential services.

(3) The thresholds applicable to the cross-cutting criteria shall be determined on a case-by-case basis by the Unit, and shall be based on the severity of the impact of the disruption or destruction of a particular critical infrastructure.

(4) The Unit shall inform the European Commission on an annual basis of the number of infrastructures per sector for which

discussions were held concerning the cross-cutting criteria thresholds.

- (5) The sectoral criteria referred to in sub-article (1) shall -
- (a) take into account the characteristics of individual ECI sectors; and
 - (b) be classified.

(6) In applying the cross-cutting and sectoral criteria with a view to identifying ECIs, the Unit may use such guidelines and thresholds as are developed by the European Commission together with the Member States pursuant to Article 3 of the Directive.

(7) The following sectors and subsectors shall be subject to this Order:

- (a) the energy sector which is divided into the following subsectors:
 - (i) electricity, comprising infrastructures and facilities for generation and transmission of electricity in respect of supply of electricity,
 - (ii) oil, comprising oil production, refining, treatment, storage and transmission by pipelines,
 - (iii) gas, comprising gas production, refining, treatment, storage and transmission by pipelines, and LNG terminals; and
- (b) the transport sector which is divided into the following subsectors:
 - (i) road transport,
 - (ii) air transport,
 - (iii) ocean and short-sea shipping, and
 - (iv) ports.

5. (1) The Unit shall inform the relevant authorities in other Member States which may be significantly affected by a potential ECI about its identity and the reasons for its designation as a potential ECI. Designation of ECIs.

(2) A potential ECI located in Malta, which has passed through the procedure set out in the Schedule shall only be

communicated to the Member States which may be significantly affected by that potential ECI.

(3) Where a potential ECI is located in Malta, the Unit shall -

(a) engage in discussions with the relevant authorities in other Member States which may be significantly affected by the potential ECI; and

(b) designate it as an ECI following an agreement between the Government of Malta and the Member States which may be significantly affected.

(4) Where a designated ECI is located in Malta, the Unit shall inform the European Commission on an annual basis of the number of designated ECIs per sector and of the number of Member States dependent on each designated ECI, and only the Member States which may be significantly affected by an ECI shall know its identity.

(5) Where an ECI is located in Malta, the Unit shall inform the owner or operator of the infrastructure concerning its designation as an ECI and such information shall be classified at an appropriate level.

(6) The process of identifying and designating ECIs under this Order shall be reviewed on a regular basis.

Operator
security plans.

6. (1) The operator security plan ("OSP") procedure shall -

(a) identify the CI and ECI assets located in Malta;

(b) identify the security solutions that exist or are being implemented for their protection; and

(c) cover, as a minimum, the information set out in article 7.

(2) The Unit shall assess whether each designated CI and ECI located in Malta possesses an OSP or has in place equivalent measures addressing the issues identified in article 7.

(3) If the Unit finds that an OSP or equivalent measures have not been prepared, it shall ensure, by any measures deemed appropriate, that the OSP or equivalent measures are prepared addressing the issues identified in article 7:

Provided that, where supervisory or oversight arrangements

already exist in relation to a CI or an ECI located in Malta, such arrangements are not affected by the provisions of this article and the Unit shall be the supervisor under those existing arrangements:

Provided further that compliance with any measure, including a European Union measure, which in a particular sector requires, or refers to a need to have, a plan similar or equivalent to an OSP and oversight by the Unit of such a plan, shall be deemed to satisfy all the requirements under this article.

(4) The Unit shall ensure that the OSP or equivalent measures pursuant to this article are in place and are reviewed regularly within one year following designation of each CI and each ECI:

Provided that the said period may be extended in exceptional circumstances, and the Unit shall notify the European Commission of any extension granted in relation to an ECI pursuant to this sub-article.

7. (1) The ECI OSP procedure referred to in article 6 shall cover at least the following matters: ECI OSP Procedure.

- (a) the identification of important assets;
- (b) the conduct of a risk analysis based on major threat scenarios, vulnerability of each asset, and potential impact; and
- (c) the identification, selection and prioritisation of counter-measures and procedures with a distinction between -
 - (i) permanent security measures, which identify indispensable security investments and means which are relevant to be employed at all times. These shall include the information set out in sub-article (2); and
 - (ii) graduated security measures, which can be activated according to varying risk and threat levels.

(2) The information referred to in sub-article (1)(c)(i) is information concerning:

- (a) general measures such as technical measures, including installation of detection, access control, protection and prevention means;
- (b) organisational measures, including procedures for alerts and crisis management;

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- (c) control and verification measures;
- (d) communication;
- (e) awareness raising and training; and
- (f) security of information systems.

Security Liaison
Officers.

8. (1) The Unit shall assess whether each designated ECI located in Malta possesses a Security Liaison Officer or equivalent, who shall act as the point of contact for security related issues between the owner or operator of the ECI and the Unit.

(2) If the Unit finds that a Security Liaison Officer or equivalent does not exist in relation to a designated ECI it shall ensure, by any measures deemed appropriate, that such a Security Liaison Officer or equivalent is designated:

Provided that compliance with any measure, including a European Union measure, which in a particular sector requires, or refers to a need to have, a Security Liaison Officer or equivalent shall be deemed to satisfy all the requirements under this article.

(3) The Unit shall implement an appropriate communication mechanism between itself and each Security Liaison Officer or equivalent, with the objective of exchanging relevant information concerning identified risks and threats in relation to the ECI concerned. This communication mechanism shall be without prejudice to the requirements concerning access to sensitive and classified information laid down by any other law.

Reporting.

9. (1) The Unit shall conduct a threat assessment in relation to CI and ECI subsectors within one year following the designation of critical infrastructure in Malta as a CI or an ECI within those subsectors.

(2) Every two years the Unit shall submit to the European Commission a classified report containing generic data on a summary basis on the types of risks, threats and vulnerabilities encountered per ECI sector in which an ECI has been designated under article 5.

Sensitive critical
infrastructure
protection-
related
information.

10. (1) Any person handling classified information pursuant to this Order on behalf of the Unit or the Government of Malta shall have an appropriate level of security vetting to be determined by the Unit.

(2) The Unit shall ensure that sensitive critical infrastructure protection-related information submitted to it is not used for any

purpose other than the protection of critical infrastructures.

(3) The provisions of this article shall also apply to non-written information exchanged during meetings at which sensitive subjects are discussed.

SCHEDULE

[Article 4]

Procedure for the identification of critical infrastructures which may be designated as an ECI.

In identifying critical infrastructures which may be designated as an ECI pursuant to article 4, the Unit shall apply the following consecutive steps:

(1) In Step 1, the sectoral criteria referred to in article 4(7) shall be applied in order to make a first selection of critical infrastructures within each sector.

(2) In Step 2, the definition of the term "critical infrastructure" in article 2 shall be applied to the potential ECI identified under Step 1.

The significance of the impact shall be determined by using national methods for identifying critical infrastructures or with reference to the cross-cutting criteria set out in article 4(2). For infrastructure providing an essential service, the availability of alternatives and the duration of disruption or recovery or both shall be taken into account.

(3) In Step 3, the trans-boundary element of the definition of "ECI" in article 2 shall be applied to the potential ECI that has passed the first two steps of this procedure. A potential ECI which does satisfy the definition shall follow the next step of the procedure. For infrastructure providing an essential service, the availability of alternatives and the duration of disruption or recovery or both shall be taken into account.

(4) In Step 4, the cross-cutting criteria set out in article 4(2) shall be applied to the remaining potential ECIs. Such cross-cutting criteria shall take into account -

- (a) the severity of impact;

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(b) for infrastructure providing an essential service, the availability of alternatives; and

(c) the duration of disruption or recovery or both.

A potential ECI which does not satisfy the cross-cutting criteria shall not be considered to be an ECI.

VERŻJONI ELETTRONIKA

