

TECHNICAL SPECIFICATIONS

Request for Service n. 30: Evaluation Study of Council Directive 2008/114 of 8 December 2008 on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection

1. Summary

The purpose of the study is to provide the Commission with a qualitative and quantitative evaluation of Directive 2008/114 of 8 December 2008 on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection.

The evaluation that will be carried out follows on a Directive review conducted in 2012 and the Comprehensive Assessment of EU Security Policy conducted by the Commission services in 2017 (SWD (2017) 278). The Assessment found that the conceptual framework emphasizing four strands of work (Prevent, Protect, Pursue and Respond) articulated in the 2005 Counter-Terrorism Strategy remains valid. Within this framework, the EU was found to have gradually refined and developed its approach by addressing a number of dimensions of the terrorist threat, from the legal framework to border security, countering radicalisation, disrupting terrorist financing as well as their access to firearms, explosives and CBRN materials, and, particularly relevant in this case, protecting critical infrastructures.

Taking into account these and other related outcomes and mechanisms, the evaluation at hand aims to assess the effectiveness, efficiency, relevance, coherence and European added value of the Directive, and on this basis offer conclusions and recommendations as to possible improvements that might strengthen the protection and resilience of critical infrastructure. While the evaluation is not focused on other non-legislative elements of the European Programme for Critical Infrastructure Protection (EPCIP), these elements should be accounted for where appropriate.

2. Objectives and purpose

In accordance with Article 11 of the Directive, an initial review was conducted in 2012. The findings and recommendations were the subject of Staff Working Documents (2012)190 and (2013)318, respectively. The review process resulted in the finding that although the Directive was quickly translated into national law in all Member States, its application was limited, with few infrastructures being formally designated as European Critical Infrastructure (ECI). The review also noted significant discrepancies in the application of the Directive among the Member States, but also that reporting on the application of the Directive was to some extent irregular. While the review found that the Directive certainly facilitated the process by which Member States and operators assessed the protection needs of designated ECI in the transport and energy sectors, there were limited indications

that it had in fact actually improved security in said sectors. This finding suggested to the reviewers a need to revise the Directive's sector-specific risk assessment methodology. Instead, any revised methodology should employ a systems approach, whereby different critical infrastructures are situated within a broader, interconnected network. It was decided that the systems approach would be encouraged by the Commission. On the basis of this particular finding, four pilot projects examining four different examples of pan-European critical infrastructure in different sectors (Eurocontrol, Galileo, the electricity transmission grid, and the gas transmission network) were launched.

The aforementioned 2017 Comprehensive Assessment of EU Security Policy underlined the new challenges faced by the European Union in view of recent and ongoing changes in above all the *modus operandi* of terrorist organisations threatening Europe/European interests, but also on the basis of emerging threats (i.e. UAVs). Specifically, the Assessment pointed to the need to prepare for attacks on critical infrastructure, sometimes involving the use of explosives as well as CBRN agents/materials. In light of this threat, the Assessment concluded that there is a need to take a broad view on the protection of critical infrastructures in the EU, starting with the evaluation of Directive 2008/114. Doing so should provide indications as to the best way forward.

In its Eleventh progress report towards an effective and genuine Security Union (COM(2017) 608), the Commission reported that the evaluation at hand will take account of lessons learned concerning the Directive, but also those lessons that stem from other related developments in recent years, including the adoption of the Directive (EU) 2016/1148 of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union (the NIS Directive).

The evaluation should provide insights into and a common understanding on a number of overarching issues, namely:

- Whether the Directive has been effective in delivering intended results;
- Whether the Directive has achieved those results in the most efficient manner;
- Whether the Directive is relevant in view of current and future needs/challenges; and
- Whether the Directive is coherent and complementary to other relevant EU and national policies in all relevant areas. In other words, does the Directive provide European added value?

The evaluation should assess if/to what extent the Directive has created any regulatory burdens on the Member States, operators and any other relevant stakeholders, and if so, to what extent these burdens are justified in light of the results that have been achieved. In a related vein, the evaluation should identify any existing barriers/obstacles to the better implementation of the Directive. Furthermore, the evaluation should aim to capture any best practices and/or new challenges with regard to protection of critical infrastructure that

are identified by the relevant stakeholders. These findings should lead, as appropriate, the Contractor to present a set of recommendations as to possible paths forward.

3. Scope of the study

The evaluation should assess all aspects of the Directive from its entry into force in 2008 until the start date of this study (anticipated to be July 2018). This includes an analysis of the implementation and application of the Directive in each Member State, as well as an evaluation of the Directive against the criteria set out below.

The evaluation should provide an overview of and account for other EU instruments that have entered into force since 2008 and that deal either directly or indirectly with the protection of critical infrastructure. (A non-exhaustive list is provided in Annex II.) The extent to which they might be seen as redundant, complementary, or obstacles to the effective implementation of the Directive should be assessed. Any possible gaps that might exist should be analysed.

While the evaluation is not focused on other non-legislative elements of the European Programme for Critical Infrastructure Protection (EPCIP), these elements should be accounted for where appropriate.

On the basis of the findings of the evaluation, the Contractor shall make clear and operational recommendations so as to address any identifiable shortcomings concerning the current legislative framework. This is also so as to ensure that the general objectives of the Directive have and continue to be achieved. The results of this study will support the Commission in preparing a Staff Working Document presenting the findings of the evaluation.

4. Evaluation tasks

The Contractor will be expected to complete a number of evaluation tasks. Specifically, the Contractor shall assess:

- The scope and content of the Directive, including the definitions provided therein, the sectors/subsectors currently affected by the Directive, etc.
- The organisation of work aimed at implementing the Directive at both the European and Member States levels. This should include a description of the division of labour that exists at the Member State level between the competent authorities and relevant operators on the basis of, among other things, relevant national-level legislation.
- The extent to which the provisions of the Directive have been implemented. In the event that the Contractor finds that provisions of the Directive have in fact not been implemented, the underlying reason/s (e.g. gaps, omissions, ambiguities in the wording of the Directive, the wording of the criteria used to identify ECI) should be

identified. Here, the Contractor is expected to create an overview of and carry out a thorough analysis concerning all relevant legislation, implementation strategies and guidelines that might have been established at the Member State level in response to the Directive. A comparative implementation analysis is well-suited to the task of illustrating any similarities and/or differences as to how the various Member States have approached and implemented the Directive, but also in identifying any legal/practical/operational incompatibilities between (but also within) Member States that might have hampered implementation.

The Commission's Better Regulation Guidelines (SWD(2017) 350) make clear that the evaluation goes beyond an assessment of what has happened; it should provide an independent and objective judgment as to why something has occurred (i.e. the role of the EU intervention) and, if possible, how much has changed as a consequence. Completing the evaluation tasks described above in a manner that adheres to the Better Regulation Guidelines requires that the Contractor consider the Directive from a variety of different perspectives (relevance, effectiveness, efficiency, coherence, sustainability, and European added value). Specific questions related to each of these perspectives are described below. They should be complemented by any other questions that the Contractor deems necessary in order to carry out the evaluation.

Relevance

- To what extent are the definitions set out in the Directive still deemed to be suitable and fit for purpose? To what extent is the notion of critical infrastructure/European critical infrastructure as defined in the Directive appropriate in light of contextual changes and the needs of stakeholders? To what extent does the definition of critical infrastructure provided in the Directive fit with the sectors that it applies to?
- To what extent do the scope, set of objectives, but also the formal means of implementation set out in the Directive correspond to the current and possible future threats facing critical infrastructure?
- Is the Directive suitable to the needs/interests of the relevant industries and other stakeholders?
- To what extent does the Directive contribute to stated EU priorities?
- Are there provisions contained in the Directive that might be considered obsolete?
- How well adapted is the Directive to the various technological/scientific, economic, social, political and environmental advances that have occurred since it was passed in 2008?

Effectiveness

- To what extent has the Directive achieved the stated objectives?
- To what extent can any observable achievements regarding the enhanced security of critical infrastructure be attributed directly to the Directive or other developments

(i.e the introduction of other EU instruments, actions at the Member State level, on the part of operators, etc.)?

- To what extent, if at all, has the Directive impacted on the protection of critical infrastructure at the Member State level that was not designated as ECI during the reference period for the study?
- Are there any factors that limit the effectiveness of the Directive? If so, what are these, what do they stem from, and which stakeholders to they involve?

Efficiency

- Have the results that can be attributed to the Directive been achieved at a reasonable cost? Is the regulatory burden on Member States, industry and other relevant stakeholders created by the implementation of the Directive (i.e. specific requirements/procedures) commensurate with observable results? In answering these questions, the Contractor shall conduct a cost/benefit analysis, and where the burden is seen to be disproportionate, make recommendations aimed at reducing the burden on the relevant stakeholders.
- What factors have influenced the efficiency of the Directive? How? To what extent?

Coherence

- To what extent is the Directive coherent with and complementary to other policy interventions with similar objectives (at EU/Member States/international levels)?
- To what extent are there any synergies, inconsistencies, gaps, or overlaps between existing EU legislative framework and the respective legislative frameworks that exist at the Member State level?

Sustainability

- Are the effects already achieved on account of the Directive likely to be long-lasting?

European added value

To what extent has the Directive achieved European added value as opposed to what could have been achieved at either the national or the international level? On the basis of the answers to these and other related questions, the Contractor will formulate clear, robust and evidence-based conclusions and recommendations as to how the effectiveness of the Directive might be further improved.

5. Methodology and data collection

The offer should include a detailed description of how the bidder intends to work during the preparatory, fieldwork and analytical phases of the study, respectively. The offer shall not exceed more than fifty (50) pages (annexes excluded).

During the preparatory phase, the Contractor will be expected to:

- Define the intervention logic;¹
- Refine the evaluation questions set out earlier in the Terms of Reference and present an evaluation matrix;
- Map the data that is available and identify outstanding data needs;
- Finalise an analytical framework for carrying out the study; and
- Develop the tools necessary in order to independently consult with stakeholders and support the Commission in carrying out the public consultations.

During the fieldwork phase of the evaluation, the Contractor will collect relevant information from the various stakeholders, which in the context of this evaluation include:

- The relevant DGs within the European Commission as well as the European External Action Service (EEAS)² and any other EU services/agencies that are deemed relevant (i.e. Europol and ENISA);
- The relevant competent authorities at the Member State level that are responsible for the implementation of the Directive;
- Operators of critical infrastructures and other industry stakeholders impacted by the Directive;
- Academia and think tanks; and
- The general public.

The data collection strategy detailing this work should be included in the bid submitted to the Commission. This description should be demonstrative and concrete, not vague and generic. Advantages, limitations and risks involved in using the proposed methodology should be explained. There should be a clear link between the stated evaluation questions and the proposed methodology.

The data collection strategy should detail how the bidder intends to use various data collection tools in carrying out the evaluation. Such tools include:

- Quantitative and qualitative analysis on the basis of existing reports, studies, statistical data, etc.;
- Online surveys, interviews, and workshops targeting the relevant stakeholders; and
- Any other tools (such as case studies) that the bidder deems appropriate for the purposes of the evaluation.

¹ This is a descriptive tool that can be used to depict the chain of expected effects (outputs, outcomes and impacts) associated with the Directive. This exercise should help in determining the extent to which the intended chain of effects relating to the Directive have in fact been achieved over the course of the reference period for the study. More information on intervention logic methodology can be found at http://ec.europa.eu/europeaid/how/evaluation/methodology/impact_indicators/wp_meth_en.pdf

² Within the EEAS, the Space Task Force in particular should be consulted, in addition to any other relevant units.

The data collection strategy should account for the various consultations targeting different stakeholder groups that will be carried out during the fieldwork phase the evaluation. The Contractor will work closely with the Commission in carrying these out. A general overview of the various consultations that will be carried out over the course of the evaluation are described below:

- The Contractor will consult with the relevant DGs within the European Commission, the European External Action Service (EEAS), and any other EU services/agencies that are deemed relevant (i.e. Europol and ENISA). These consultations should be carried out early on during the evaluation, and may involve a combination of online surveys and/or interviews (in-person, telephone, video teleconference). A Steering Group set up to oversee the Contractor's work (described in more detail below) will provide the Contractor with appropriate points of contact at the start of the evaluation.
- The Contractor will carry out targeted consultations with the relevant stakeholders at the Member State level (competent authorities, operators). These consultations will include a two-day workshop organised by the Commission in September/October 2018 in Brussels. The Contractor will be responsible for using this workshop as an opportunity to collect data relevant to the evaluation. Minutes for the meeting will be provided by the Contractor. The workshop in Brussels in September/October 2018 will be complemented by workshops, online surveys, and/or interviews (in-person, telephone, video teleconference) with stakeholders at the Member State level as appropriate. (The identification of relevant stakeholders at the Member State level will be done by the Member States' designated points of contact on CIP-related issues (many of whom are likely to attend the workshop in September/October).) The Contractor's proposal concerning additional workshops, online surveys, and/or interviews will be discussed during the Inception meeting with the Steering Group (held three (3) weeks after the start of the evaluation, see section 9 below).
- The Commission will independently consult with the designated points of contacts at the Member State level throughout the course of the evaluation. The results of these consultations will be made available to the Contractor. The Contractor will also have an opportunity to provide the points of contact with an update on the evaluation during a regular meeting in November 2018. This will also be an opportunity for the Contractor to collect feedback directly from the points of contact.
- The bidder should include in his data collection strategy details concerning how academia and/or think tanks will be approached. The Commission will provide approval before any contacts with academia/think tanks are made.
- The Commission will launch a twelve-week public consultation on the main aspects of the evaluation via the Commission's website. The Contractor shall prepare and draft a questionnaire (to be agreed upon by the Commission) that the public consultation will be based on, and then analyse all replies that are submitted. The results of the analysis of the public consultation will be presented by the Contractor in a synopsis

report consistent with the structure provided in the Better Regulation Guidelines (SWD(2017) 350). This will be included as an annex in the Final Report.

It is important that all logistical costs anticipated by the bidder are provided in the bid. In section 9 below, a detailed list of foreseen trips (to Brussels and elsewhere) is provided. Depending on the outcomes of the Inception meeting with the Steering Group (described above), additional travel on the part of the Contractor may be decided upon by the Commission. All costs associated with travel decided upon on the basis of discussions during the Inception meeting will be covered by the Commission or a third party mandated by the Commission. They will be authorised by a prior written notification of the Commission.

During the final analytical phase of the evaluation, the Contractor will:

- Analyse the data that has been obtained during the preparatory and fieldwork phases of the project using appropriate methodological tools;
- Measure and quantify the results;
- Answer and reflect upon the stated evaluation questions; and
- Provide overall conclusions on each evaluation criterion, based strictly on the collected evidence.

6. Risks – IMPORTANT NOTICE

The bidder should provide a list of identified risks and constraints that he foresees in carrying out the evaluation. This should be accompanied by a mitigation plan describing how the bidder intends to cope with these risks/constraints.

The mitigation plan should address the management of classified information in light of the possibility that some of the information that is made available to the Contractor may be considered sensitive by the stakeholders on the basis of the EU's own classified information system (EUCI), relevant national-level regulation or both.³ The Contractor is fully responsible for competently handling any such information in an appropriate manner. Every member of the Contractor's evaluation team will have to sign a non-disclosure and confidentiality declaration (see Annex IV). Furthermore, those individuals which are part of the evaluation team who may be privy to sensitive information at the Member State level or in the hands of operators should have a confidential security clearance (or equivalent) according to the EU classified information categorisation. The management of sensitive information should be thoroughly addressed as part of the data collection strategy described in the bid submitted to the Commission. In the offer, the bidder should explain how he intends to receive, store, exploit and then at the conclusion of the evaluation destroy sensitive data using an appropriate and certified information management system.

³ For more information concerning EUCI, see Council Decision of 23 September 2013 on the security roles for protecting EU classified information (2013/488/EU)

Based on the outcomes of the consultation process, the steering group will make a determination as to the need for elements of the final report or annexes to be classified.

7. General work plan and organisation

Responsibility for and management of the evaluation rests with the Directorate-General for Migration and Home Affairs (DG HOME) within the European Commission. The awarded Contractor will support and assist DG HOME in carrying out this study.

A Steering Group will be constituted in order to monitor all stages of the evaluation. The work of the Steering Group will be led by an Evaluation Manager within DG HOME. The Evaluation Manager will be the main point of contact with the Contractor. Among other things, the Steering Group will closely follow the evaluation process, and make necessary decisions concerning the various deliverables that the Contractor has committed to providing.

The Contractor shall take into account the comments and recommendations of the Steering Group and keep it regularly informed about the progress of the work. The Contractor should be prepared to attend at least five (5) meetings of the Steering Group on the Commission's premises in Brussels over the course of the evaluation. Minutes should be drafted by the Contractor, to be agreed among the participants, for each meeting held at the Commission. The Contractor will be requested to prepare presentations on the progress and/or final results of the evaluation during these meetings, or in other contexts.

Detailed information concerning the Steering Group's role during the evaluation is provided in sections 8 and 9, below.

8. Deliverables

The overall duration of the evaluation shall not exceed six (6) months, commencing from the date of signature of the contract by the last of the contracting parties.

The Commission will require the Contractor to submit the following reports during this six-month period; an Inception Report for review, an Inception Report for acceptance, an Interim Report for review, an Interim Report for acceptance, a Final Report for review, and a Final Report for acceptance. The reports shall be written in English. Each report will be examined by the Commission services, which may ask for additional information or propose changes in order to redirect the work where necessary. All reports must be formally accepted by the Commission.

Specifically the Final Report should include an abstract (maximum 200 words) in English, French and German. The Final Report should be accompanied by an executive summary (maximum six pages), also in English, French and German. The executive summary should be provided separately (again on paper (six hard copies) and digitally (in both MS Word and PDF formats). The total length of the Final Report (excluding annexes) shall not exceed 70 pages.

The following deliverables will be provided as per the approximate timeframe specified below:

- A kick-off meeting will be held on the Commission premises within one (1) week of the contract being signed. Among other things, this will be an opportunity to raise initial issues regarding the proposed methodological approach and to agree on the draft structure of the interim and final reports.
- Within two (2) weeks of the contract being signed, the Contractor will submit an Inception Report for review. This report will specify the methodological approach and the specific tools (see section 6, above) that the Contractor intends to utilise in carrying out the evaluation (including the intervention logic, an evaluation matrix with clear indicators, judgment criteria, etc.). It will also include a detailed work plan and a draft questionnaire for the public consultation which should be based on a detailed consultation strategy.
- An initial meeting will be held between the Steering Group and the Contractor on the Commission premises within one (1) week of the submission of the Inception Report. The purpose of this meeting is to provide comments on the Contractor's work during the inception phase. Depending on the feedback provided by the Commission, the Contractor is expected to submit a revised Inception Report for approval.
- The following week, the public consultation will be launched via the Commission's website.
- The same week as the public consultations are launched, the Contractor should be prepared to provide the Steering Group with draft questionnaires, outlines for semi-structured interviews, etc. intended for use during the targeted consultations with stakeholders.
- Within 10 weeks from the signing of the contract, the Contractor will submit an Interim Report for review. This report shall not exceed 60 pages, annexes excluded. At a minimum, this report should include:
 - An overview of the status of the project, including an orientation of the report in relation to the overall work plan and specific deliverables;
 - A summary of the data collected to date, including an assessment of both the data collection process itself and of the quality of the data collected (i.e. whether available data provides a sound basis for achieving the evaluation objectives);

- An overview and preliminary analysis of the outcomes of both the public and targeted stakeholder consultations;
- Any preliminary findings that the Contractor has been able to identify. These should be accompanied by a consolidated rationale for how these findings were reached;
- A description of any problems encountered and details concerning how they were/might be resolved;
- A determination as to whether any changes should be made to the work plan or to any other element of the evaluation in order to achieve the evaluation objectives; and,
- A proposal for the structure/organisation of the final report.

The exact date for submission of the Interim Report will be agreed to by both the Commission and the Contractor. Upon the submission of the Interim Report, the Contractor will be invited to a third meeting with the Steering Group. This meeting should occur no later than two (2) weeks after the Interim Report is submitted. The purpose of this meeting is to discuss and resolve any outstanding issues. The Contractor shall have no more than twenty (20) days after this meeting in which to submit an Interim Report for acceptance and any information that might have been requested by the Commission.

- Within 20 weeks from the signing of the contract, a Final Report for review shall be submitted by the Contractor. This document should provide the results of all tasks described in the Terms of Reference, and must be clear enough for any potential reader to comprehend. It will cover all elements of the work plan and shall include sound analysis of findings and factually-based conclusions and recommendations in line with the purpose and objectives articulated above. Furthermore, it should take into account any previous guidance provided by the Steering Group.

The Final Report shall at the very least include:

- An introduction;
- A description of the research methodology, accompanied by a discussion of any limitations that the Contractor has encountered in using said methodology;
- The results of the evaluation (including the analysis of the implementation of the Directive);
- Conclusions and recommendations; and
- Annexes (including a catalogue of all data collected, a synopsis report of the consultation activities and a detailed analysis of the open public consultation).

The Final Report for review should be accompanied by a draft executive summary setting out the conclusions of the report. This should be no more than six (6) pages

long and written in English. The executive summary should outline the Contractor's main conclusions, the evidence available to support these conclusions, and the recommendations that stem from them. Clear, detailed references to all data sources underpinning the findings of the report should be provided in a bibliography. This should include, for instance, records of all interviews conducted and other forms of contacts taken. However, the names of those contacted are not required here.

- A meeting between the Steering Group and the Contractor will be organised within one week of the submission of the Final Report for review. During this meeting, the Steering Group will provide comments, after which the Contractor is provided no more than twenty (20) days to make revisions.
- Within 24 weeks after the signing of the contract, the Contractor will submit the Final Report for acceptance and provide two audio-visual presentations of the Final Report's main findings on the Commission's premises in Brussels over the course of a single day.

The Final Report should take into account any comments provided by members of the Steering Group on the previous draft Final Report. In addition, the Contractor will submit a finalized Executive Summary (no more than six (6) pages in length), this time in English, French and German, as well as a 200-word abstract, also in English, French and German. The abstract should convey the evaluation's purpose, objectives and major findings in accessible language.

The Final Report should be provided by the Contractor in six (6) hard copies and digitally (both in MS Word and PDF formats). The Final Report shall adhere to the same structure as the Commission's Staff Working Documents the Commission's "visual identity" policy as articulated in the Commission's Visual Identity Manual.⁴

The Final Report must be formally accepted by the Commission before the Contractor may receive payment in full. The Final Report must be of high editorial quality. In the event that the Contractor is judged not to have produced a final report of high editorial quality within the timeframe defined by the contract, the Commission can decide to have the Final Report professionally edited at the expense of the Contractor (e.g. deduction of these costs from the final payment).

The Contractor will also be called upon to make two audio-visual presentations of the Final Report on the Commission's premises in Brussels within the 24-week evaluation period on the basis of the Final Report. These presentations should focus on findings, conclusions and recommendations and will target Commission staff and other

⁴ This document is available at the following web address:
https://ec.europa.eu/info/sites/info/files/charter_en_0.pdf

stakeholders, including Member States. These presentations must be agreed to by the Commission beforehand, and electronic versions of the finalised presentations made available to the Commission for future use.

The Final Report may be published on the Commission's website alongside the executive summary, the abstract, and the annexes on the Commission's central website. Any decision to publish the Final Report on the Commission website will take into account the extent to which portions of the report and/or annexes contain classified information.

9. Indicative evaluation timeline

- July 2018: Contract signature (CS)
- July 2018: Kick-off meeting in Brussels between Steering Group and Contractor (CS+1 week)
- July 2018: Submission of Inception Report for review (CS+2 weeks)
- July 2018: Inception Report meeting in Brussels between Steering Group and Contractor (CS+3 weeks)
- July 2018: Public consultations are launched via the Commission's website (CS+4)
- July-August 2018: Submission of Inception Report for acceptance (CS+4-5 weeks)
- September 2018: Submission of Interim Report for review (CS+10 weeks)
- September-October 2018: Workshop held in Brussels (CS+12-16 weeks)
- October 2018: Interim Report meeting in Brussels between Steering Group and Contractor (CS+12 weeks)
- October 2018: Submission of Interim Report for acceptance (CS+15 weeks)
- July-October 2018: The results of the public consultations are provided to the Contractor as they are made available to the Commission
- November 2018: The Interim Report is presented during a points of contact meeting in Brussels (CS+16-19 weeks)
- November 2018: Submission of Final Report for review (CS+20 weeks)
- December 2018: Final Report meeting in Brussels between Steering Group and Contractor (CS+ 21 weeks)
- December 2018: Submission of Final Report for acceptance (CS+ 24 weeks)
- December 2018: The Contractor provides two (2) presentations on the Commission's premises in Brussels (CS+ 24 weeks)

Minor changes to the evaluation timeline can be made in dialogue with the Steering Group. However, the overall evaluation period shall not exceed six (6) months in length.

As noted earlier, the Contractor is expected to make a number of trips to Brussels over the course of the evaluation. In total, a total of at least seven (7) meetings in Brussels are foreseen. These include the Kick-off meeting, the Inception Report meeting, the Interim Report meeting, and the Final Report meeting, as well as the workshop in September-

October, the presentation for the points of contact in November, and the presentations in December.

Depending on the outcomes of the Inception meeting with the Steering Group (described above), additional travel on the part of the Contractor may be decided upon by the Commission. All costs associated with these trips will be paid for by the Commission.

10. Intellectual property rights

All data collected by the Contractor and the various reports are the property of the European Commission. Rights relating to its reproduction and publication will remain the property of the European Commission. No document based, in whole or in part, upon the work undertaken in the context of this contract may be published without the prior formal written consent of the European Commission.

11. Budget

The estimated maximum budget for the evaluation is EUR 300 000.

12. Quality assessment criteria

The overall quality of the evaluation will be assessed by the European Commission on the basis of the Commission's quality assessment framework as per Annex III.

The Commission's assessment of the evaluation's quality in the form of a quality assessment grid as per the Commission's quality assessment framework will be published.

Annex I: Background

The European Council of June 2004 called for the preparation of an overall strategy to protect critical infrastructure. The Commission adopted on 20 October 2004 a Communication on Critical Infrastructure Protection in the Fight against Terrorism (COM(2004) 702) which put forward a number of suggestions as to how to enhance European efforts to prevent, prepare for and respond to terrorist attacks involving critical infrastructure.

The Council 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 setting up by the Commission of a Critical Infrastructure Warning Information Network (CIWIN). In November 2005, the Commission adopted a Green Paper on a European Programme for Critical Infrastructure Protection (EPCIP), which provided policy options on how the Commission could establish EPCIP and CIWIN.

In its Communication of 12 December 2006 on a European Programme for Critical Infrastructure Protection (COM(2006) 786), the Commission set out an overall policy approach and framework for critical infrastructure protection activities in the EU. The four main focus areas of the EPCIP would be:

- A procedure for the identification and designation of European critical infrastructures and assessment of the need to improve their protection (addressed in detail in Council Directive 2008/114/EC);
- Measures designed to facilitate the implementation of EPCIP, including an Action Plan, the Critical Infrastructure Warning Information Network (CIWIN), the use of CIP expert groups at EU level, a CIP information-sharing process, and the identification and analysis of interdependencies;
- Funding for CIP-related measures and projects focussing on ‘Prevention, Preparedness and Consequence Management of Terrorism and other Security-Related Risks’ for the period 2007-2013; and
- The development of an EPCIP external dimension.

The subsequent Council Directive 2008/114 on European Critical Infrastructures established a procedure for identifying and designating European Critical Infrastructures (ECI) and a common approach for assessing the need to improve their protection. The Directive has a sectoral scope, applying only to the energy and transport sectors.

Per the Directive, each Member State shall inform the other Member States which may be significantly affected by a potential ECI about its identity and the reasons for designating it as a potential ECI. Each Member State on whose territory a potential ECI is located shall

engage in bilateral and/or multilateral discussions with the other Member States which may be significantly affected by the potential ECI. The Commission may participate in these discussions but shall not have access to detailed information which would allow for the unequivocal identification of a particular infrastructure.

The Member State on whose territory a potential ECI is located shall designate it as an ECI following an agreement between that Member State and those Member States that may be significantly affected. The acceptance of the Member State on whose territory the infrastructure to be designated as an ECI is located shall be required.

The Directive also requires owners/operators of designated ECI to prepare Operator Security Plans (advanced business continuity plans) and nominate Security Liaison Officers (linking the owner/operator with the national authority responsible for critical infrastructure protection).

The Operator Security Plan (OSP) procedure shall identify the critical infrastructure assets of the ECI and which security solutions exist or are being implemented for their protection. Each Member State shall assess whether each designated ECI located on its territory possesses an OSP or has in place equivalent measures. If a Member State finds that such an OSP or equivalent has not been prepared, it shall ensure by any measures deemed appropriate, that the OSP or equivalent is prepared. Each Member State shall ensure that the OSP or equivalent is in place and is reviewed regularly within one year following designation of the critical infrastructure as an ECI.

Finally, the Directive stipulates that Security Liaison Officers (SLO) shall function as points of contact for security related issues between owners/operators of the ECIs and relevant Member States authorities. Each Member State shall assess whether each designated ECI located on its territory possesses a Security Liaison Officer or equivalent. If a Member State 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. Each Member State shall implement an appropriate communication mechanism between the relevant Member State authority and the Security Liaison Officer or equivalent with the objective of exchanging relevant information concerning identified risks and threats in relation to the ECI concerned.

Annex II: Relevant EU instruments and other related documents

Several EU legal acts other than the Directive have been adopted that are in one way or another relevant to issues involving the protection of critical infrastructure. These include (among others, in no particular order):

- DIRECTIVE (EU) 2016/1148 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union
- REGULATION (EU) 2017/1938 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2017 concerning measures to safeguard the security of gas supply and repealing Regulation (EU) No 994/2010
- REGULATION (EU) No 994/2010 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 October 2010 concerning measures to safeguard security of gas supply and repealing Council Directive 2004/67/EC
- DIRECTIVE 2005/89/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 18 January 2006 concerning measures to safeguard security of electricity supply and infrastructure investment
- COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL European Energy Security Strategy (28.05.2014)
- COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE, THE COMMITTEE OF THE REGIONS AND THE EUROPEAN INVESTMENT BANK A Framework Strategy for a Resilient Energy Union with a Forward-Looking Climate Change Policy (25.02.2015)
- COUNCIL DIRECTIVE 98/83/EC of 3 November 1998 on the quality of water intended for human consumption
- COMMISSION DIRECTIVE (EU) 2015/1787 of 6 October 2015 amending Annexes II and III to Council Directive 98/83/EC on the quality of water intended for human consumption
- COMMISSION IMPLEMENTING REGULATION (EU) 2015/1998 of 5 November 2015 laying down detailed measures for the implementation of the common basic standards on aviation security
- COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS Space Strategy for Europe (26.10.2016)
- JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL Joint Framework on countering hybrid threats a European Union response (6.04.2016)
- REGULATION (EU) No 1285/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 December 2013 on the implementation and exploitation of European satellite navigation systems and repealing Council Regulation (EC) N° 876/2002 and Regulation (EC) N° 683/2008 of the European Parliament and the Council
- A Global Strategy for the European Union's Foreign and Security Policy, June 2016.

- REGULATION (EU) No 377/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 3 April 2014 establishing the Copernicus Programme and repealing Regulation (EU) No 911/2010
- Satellite Communication to support EU Security Policies and Infrastructures Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs Horizon 2020 - Framework Programme for Research and Innovation (2014-2020), Work programme 2014-2015 – Activity 3
- DECISION No 541/2014/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 April 2014 establishing a Framework for Space Surveillance and Tracking Support

Annex III: Quality Assessment Framework

The overall quality of the evaluation will be assessed by the European Commission on the basis of the Commission's quality assessment framework, provided below.

Objective of the assessment	Aspects to be assessed	Fulfilled? Y, N, N/A	Comments
1. Scope of evaluation	Confirm with the Terms of Reference and the work plan that the contractor :		
	a. Has addressed the evaluation issues and specific questions	[]	
	b. Has undertaken the tasks described in the work plan	[]	
	c. Has covered the requested scope for time period, geographical areas, target groups, aspects of the intervention, etc.	[]	
2. Overall contents of report	Check that the report includes:		
	a. Executive Summary according to an agreed format, in the three languages	[]	
	b. Main report with required components	[]	
	<ul style="list-style-type: none"> ▪ Title and Content Page ▪ A description of the policy being evaluated, its context, the purpose of the evaluation, contextual limitations, methodology, etc. ▪ Findings, conclusions, and judgments for all evaluation issues and specific questions ▪ The required outputs and deliverables ▪ Recommendations as appropriate 		
c. All required annexes	[]		
3. Data collection	Check that data is accurate and complete		
	a. Data is accurate	[]	
	<ul style="list-style-type: none"> ▪ Data is free from factual and logical errors ▪ The report is consistent, i.e. no contradictions ▪ Calculations are correct 		
	b. Data is complete	[]	

Objective of the assessment	Aspects to be assessed	Fulfilled? Y, N, N/A	Comments
	<ul style="list-style-type: none"> ▪ Relevant literature and previous studies have been sufficiently reviewed ▪ Existing monitoring data has been appropriately used ▪ Limitations to the data retrieved are pointed out and explained. ▪ Correcting measures have been taken to address any problems encountered in the process of data gathering 		
4. Analysis and judgments	Check that analysis is sound and relevant		
	a. Analytical framework is sound	[]	
	<ul style="list-style-type: none"> ▪ The methodology used for each area of analysis is clearly explained, and has been applied consistently and as planned ▪ Judgements are based on transparent criteria ▪ The analysis relies on two or more independent lines of evidence ▪ Inputs from different stakeholders are used in a balanced way ▪ Findings are reliable enough to be replicable 		
	b. Conclusions are sound	[]	
5. Usefulness of recommendations	<ul style="list-style-type: none"> ▪ Conclusions are properly addressing the evaluation questions and are coherently and logically substantiated ▪ There are no relevant conclusions missing according to the evidence presented ▪ Findings corroborate existing knowledge; differences or contradictions with existing knowledge are explained ▪ Critical issues are presented in a fair and balanced manner ▪ Limitations on validity of the conclusions are pointed out 		
	a. Recommendations are useful	[]	
	<ul style="list-style-type: none"> ▪ Recommendations flow logically from the conclusions, are practical, realistic, and addressed to the relevant Commission Service(s) or other stakeholders 		
	b. Recommendations are complete	[]	
	<ul style="list-style-type: none"> ▪ Recommendations cover all relevant main conclusions 		

6. Clarity of the report	a. Report is easy to read	[]	
	<ul style="list-style-type: none"> ▪ Written style and presentation is adapted for the various relevant target readers ▪ The quality of language is sufficient for publishing ▪ Specific terminology is clearly defined ▪ Tables, graphs, and similar presentation tools are used to facilitate understanding; they are well commented with narrative text 		
	b. Report is logical and focused	[]	
	<ul style="list-style-type: none"> ▪ The structure of the report is logical and consistent, information is not unjustifiably duplicated, and it is easy to get an overview of the report and its key results. ▪ The report provides a proper focus on main issues and key messages are summarised and highlighted ▪ The length of the report (excluded appendices) is proportionate (good balance of descriptive and analytical information) ▪ Detailed information and technical analysis are left for the appendix; thus information overload is avoided in the main report 		

Annex IV: non-disclosure and confidentiality declaration

Compulsory Form to be filled in and signed by each member of the contractor's team involved in the services

1. I, _____, agree not to disclose any classified, sensitive or proprietary information that is presented, discussed or made accessible during my contribution to the services performed under the specific contract HOME-2017-ISFP-FW-EVAL-0077, to any person or legal entity who has not signed a nondisclosure agreement. This also includes the access to any documentation and plans during the call for tender process.

I understand that information I may become aware of, or possess, as a result of this Access is considered classified. I agree not to appropriate such information for my own use or to release or disclose it to third parties unless specifically authorised to do so. I also understand that I must protect proprietary information from unauthorised use or disclosure for as long as it remains proprietary and refrain from using the information for any purpose other than that for which it was furnished.

I continue to be bound by this undertaking after completion of the services.

I understand that a violation of this agreement is subject to administrative, civil and criminal sanctions.

2. I declare that towards the Commission and as regards the performance of the services, I am not placed in a situation that could give rise to conflict of interests, in particular as a result of economic interest, political or national affinity, family or emotional ties, or any other relevant connection or shared interest.

Printed Name

Institution or Company

Address, E-Mail and Phone Number

Place and Date

Signature