

In line with Article 21 of the Government of the Republic of Slovenia Act (Official Gazette of the RS, Nos. 24/05 – official consolidated text, 109/08 and 38/10 - Management of Assets Owned by the Republic of Slovenia Act) in relation to Article 29 of the Defence Act (Official Gazette of the RS, No. 103/04 – official consolidated text), the Government of the Republic of Slovenia issues a

D E C R E E

on European critical infrastructures

I. GENERAL PROVISIONS

1. Article 1 (Content)

(1) This Decree, in accordance with the 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 (OJ, L 345/75 of 23 December 2008, p. 77; hereinafter referred to as Directive 2008/114/EC), specifies the procedure for the identification and designation of European critical infrastructures in the Republic of Slovenia, content of the Operator Security Plan, appointment of a Security Liaison Officer, the procedure and deadlines for reporting to the Commission of the European Union (hereinafter referred to as Commission), and tasks of the point of contact for the protection of European critical infrastructures in the Republic of Slovenia.

(2) This Decree governs European critical infrastructures in energy, transport and other sectors. Sectors and sub-sectors are set out in Annex I which is an integral part of this Decree.

(3) European critical infrastructures, designated in accordance with this Decree in the territory of the Republic of Slovenia, are also critical infrastructures of national importance to the Republic of Slovenia and are considered buildings and structures of special importance for defence in a state of emergency or war, unless otherwise provided by the Government of the Republic of Slovenia.

Article 2 (Definitions)

The terms used in this Decree have the following meaning:

1. European critical infrastructures (hereinafter referred to as ECI) comprise critical infrastructures located in Member States, the disruption or destruction of which would have serious consequences as estimated by the cross-cutting criteria of at least two Member States.
2. Critical infrastructures of national importance include those assets and services which are essential for the country, and the disruption or destruction of which would have a significant impact on the national security, economy, vital social functions, health,

security and protection as well as social well-being, as assessed by the criteria of the Government of the Republic of Slovenia.

3. Risk analysis means the consideration of relevant risk scenarios in order to assess the vulnerabilities and potential consequences of the disruption or destruction of critical infrastructures.
4. The Operator Security Plan comprises, on the basis of a risk analysis, a defined set of organizational, personnel, material, information and communication, and other solutions as well as permanent and graduated security measures to ensure adequate protection of ECI adapted to the security situation in order to provide the functionality, continuity and integrity of ECI operation.
5. Sensitive information related to the protection of critical infrastructures is information on ECI, the disclosure of which could be used for the planning and implementation of activities with the intent of causing disruption or destruction of ECI devices and systems.
6. Protection signifies all activities aimed at ensuring the functionality, continuity and integrity of operation of critical infrastructures in order to prevent, mitigate and neutralize threats, risks and vulnerabilities.
7. Owners or operators of critical infrastructures are state bodies, companies, institutions and other organizations responsible for investing in a particular infrastructure capacity, system or part thereof which, in line with this Decree, is designated as ECI, or which are responsible for the operation of this capacity, system or part thereof.
8. Security Liaison Officer is a person who acts as a point of contact for issues related to the protection of ECI between the owner or operator of ECI and the ministries responsible for energy and transport, the inter-ministerial coordination group for the coordination of preparations for the protection of critical infrastructures in the Republic of Slovenia (hereinafter referred to as the inter-ministerial coordination group) and other ministries.
9. Entities responsible for preparations are state bodies which, together with the owners or operators of critical infrastructures, plan the preparations and measures for the protection of ECI.

II. IDENTIFICATION AND DESIGNATION OF ECI

Article 3 (Identification of ECI)

(1) Identification of potential ECI is carried out according to the procedure laid down in Annex II which is an integral part of this Decree. The inter-ministerial coordination group, on proposal of the ministries responsible for energy and transport, or other ministries, shall identify potential ECI which satisfies the cross-cutting and sectoral criteria laid down in this Decree and meets the definition of ECI set out in Item 1 Article 2.

(2) In the process of identifying potential ECI, the inter-ministerial coordination group may, at the initiative of the ministries responsible for energy and transport, or other ministries, ask the Commission to participate.

(3) The process of identifying potential ECI is implemented as an ongoing process, at least once a year or whenever there is a change in the cross-cutting or sectoral criteria.

(4) The cross-cutting criteria specified in Paragraph 1 of this Article include:

- The number of victims (assessed in terms of a potential number of fatalities or injuries).
- Economic consequences (assessed in terms of economic loss and degradation of products and services, including potential environmental effects).
- Public impact (assessed in terms of the impact on public confidence, physical suffering and disruption of daily life, including the loss of essential services).

(5) Thresholds for the cross-cutting criteria are developed on the basis of the severity of disruption or destruction of a particular infrastructure. Thresholds for the cross-cutting criteria shall be set by the Government of the Republic of Slovenia on proposal of the inter-ministerial coordination group for each case separately, at the initiative of the ministries responsible for energy and transport, or other ministries, and in cooperation with the owners and operators of ECI.

(6) The sectoral criteria take into account the characteristics of individual ECI sectors.

(7) In identifying potential ECI, the inter-ministerial coordination group and competent ministries may take into account the Commission's non-binding guidelines for the use of the cross-cutting and sectoral criteria and approximate thresholds for the identification of ECI.

Article 4 (Designation of ECI)

(1) If there is potential ECI in the Republic of Slovenia, bilateral or multilateral dialogues shall be established with the Member States for which the potential ECI could have serious consequences. Bilateral or multilateral dialogues with other Member States shall be led by the point of contact for the protection of ECI in cooperation with the inter-ministerial coordination group.

(2) ECI in the territory of the Republic of Slovenia is designated on the basis of an agreement concluded between the Republic of Slovenia and those Member States that might suffer serious consequences as a result of this ECI. By agreement with other Member States, concluded in accordance with the law governing foreign affairs, the method of exchanging classified information and other sensitive information in relation to the ECI and other issues is arranged.

(3) Without the consent of the Republic of Slovenia, no ECI can be designated in its territory on the proposal of a neighbouring country.

(4) In line with this Decree, ECI in the Republic of Slovenia shall be designated by the Government of the Republic of Slovenia on proposal of the inter-ministerial coordination group. The inter-ministerial coordination group shall form the proposal for the designation of ECI at the initiative of the ministries responsible for energy and transport, or other ministries, and, if necessary, shall carry out the necessary coordination.

(5) The owner or operator of infrastructure shall be informed of the decision of the Government of the Republic of Slovenia on their infrastructure being designated as ECI. Information on the designation of critical infrastructure shall, where necessary, be appropriately classified in accordance with the regulations governing the protection of classified information.

(6) Within one year of the designation of critical infrastructure in the Republic of Slovenia, the ministries responsible for energy and transport shall carry out a risk analysis in line with this Decree, unless a risk analysis has already been carried out by the sectoral provisions governing each type of ECI. The provision of this paragraph shall also apply to the ECI the designation of which was initiated by another ministry.

III. OPERATOR SECURITY PLAN

Article 5 (Operator Security Plan)

(1) In the process of preparing an Operator Security Plan, ECI critical infrastructure devices are identified and the security measures that already exist or are being implemented for the protection of these devices, and which ensure the smooth functioning of ECI are determined.

(2) The process of preparing an ECI Operator Security Plan must take into account the minimum content set out in Annex III which is an integral part of this Decree.

(3) If the owners or operators of ECI possess already made plans, such as security plans pursuant to regulations on ports and harbours, security programmes pursuant to airport regulations, security programmes pursuant to private security service regulations, protection and rescue plans pursuant to regulations on the prevention of major accidents and mitigation of their consequences, and these plans include equivalent measures, as set out in Annex III to this Decree, which are regularly updated, there is no need for the elaboration of separate security plans.

(4) Security plans or equivalent measures set out in other plans and programmes from the preceding paragraph must be checked regularly by the operators.

(5) Control over the production, adoption and modification of Operator Security Plans and the implementation of measures set out in security plans or equivalent measures for the protection of ECI shall, in accordance with their respective powers, be implemented by the Energy Inspectorate of the Republic of Slovenia, the Internal Affairs Inspectorate, the Inspectorate of the Republic of Slovenia for Protection against Natural and Other Disasters, the Defence Inspectorate of the Republic of Slovenia, and the Ministry of Transport.

IV. SECURITY LIAISON OFFICERS

Article 6 (Security Liaison Officers)

(1) Owners or operators of ECI shall designate a Security Liaison Officer.

(2) If the owners or operators of ECI have already employed and designated a competent person with similar functions to those of a Security Liaison Officer set out in Item 8 Article 2

of this Decree, such as a security officer, an airport security officer, a ship and port facility security officer, or a person authorized by the operator of a high environmental risk installation, they are not obliged to appoint another person.

V. POINT OF CONTACT FOR THE PROTECTION OF ECI

Article 7

(Point of contact for the protection of ECI)

(1) Tasks and functions of the point of contact for the protection of ECI in the Republic of Slovenia shall be performed by the Ministry of Defence or another body designated by the Government of the Republic of Slovenia.

(2) The point of contact for the protection of ECI shall coordinate tasks for the protection of ECI in the Republic of Slovenia with other Member States and the Commission. Appointment of the point of contact for the protection of ECI does not exclude the possibility of cooperation of other state bodies in the regulation of issues related to the protection of ECI.

(3) Through the point of contact for the protection of ECI, owners or operators of ECI in the Republic of Slovenia shall be provided training and the exchange of best practices, methodologies, and information on the latest technical developments related to the protection of critical infrastructures.

(4) The point of contact for the protection of ECI in the Republic of Slovenia shall once a year inform the Commission of the number of sector infrastructures for which discussions are held on the cross-cutting criteria thresholds.

Article 8

(Inter-ministerial coordination group)

The harmonization and coordination of identifying and designating ECI, preparations and tasks for the protection of ECI, and other issues related to the protection of ECI laid down in this Decree shall be performed by the inter-ministerial coordination group appointed by the Government of the Republic of Slovenia and consisting particularly of representatives of the Ministry of the Economy, the Ministry of Transport, the Ministry of Agriculture, Forestry and Food, the Ministry of the Environment and Spatial Planning, the Ministry of Health, the Ministry of the Interior and the Ministry of Defence, as well as government offices and economic interest groups. The inter-ministerial coordination group shall be led by a representative of the Ministry of Defence. Administrative and technical tasks for the inter-ministerial coordination group shall be performed by the Ministry of Defence.

VI. REPORTING

Article 9

(Reporting)

(1) Every two years, the point of contact for the protection of ECI shall send the Commission a summary of general information on the types of risks, threats and vulnerabilities to

operation, encountered in individual ECI sectors which, in line with Article 4 of this Decree, have been designated as ECI in the Republic of Slovenia. The summary shall be sent on a standard form specified by the Commission. If the summary or report contains classified information in accordance with the regulations governing the protection of classified information, it shall be marked with the appropriate level of classification.

(2) The point of contact for the protection of ECI shall annually inform the Commission of the number of designated ECI in each sector and the number of Member States affected by the designated ECI.

VII. SENSITIVE INFORMATION RELATED TO THE PROTECTION OF ECI

Article 10

(Sensitive information related to the protection of ECI)

(1) Any person handling classified information related to the protection of ECI must possess requisite security clearance and handle classified information in accordance with the regulations governing the protection of classified information.

(2) Entities responsible for preparations shall ensure that sensitive information related to the protection of ECI, which is transmitted to the Republic of Slovenia from Member States or EU institutions, is only used for the protection of critical infrastructures.

(3) This Article also applies to verbal information exchanged in meetings addressing the sensitive issues of ECI.

(4) This Article applies, as appropriate, to the protection of ECI data which, in accordance with the regulations, constitute a trade secret.

VIII. FINAL PROVISIONS

Article 11

(Elaboration of security plans)

Owners or operators of ECI who have not established security plans or equivalent measures shall prepare security plans or coordinate equivalent measures with the content of Annex III to this Decree no later than one year from the designation of ECI in the Republic of Slovenia.

Article 12

(Appointment of a Security Officer)

Owners or operators of ECI who have not appointed a Security Liaison Officer in line with this Decree or another authorized person with similar tasks shall appoint a Security Liaison Officer or an authorized person with similar tasks within six months of the designation of ECI in the Republic of Slovenia.

Article 13
(Entry into force)

This Decree shall enter into force on the fifteenth day following that of its publication in the Official Gazette of the Republic of Slovenia.

No. 00718-5/2011
Ljubljana, 12 May 2011
EVA 2011-1911-0002

Government of the Republic of Slovenia

Borut Pahor m.p.
President

1. Annex I: List of ECI sectors
2. Annex II: Process for the identification of critical infrastructures which, in line with Article 3 of this Decree, may be designated as ECI
3. Annex III: Method of producing an ECI Operator Security Plan

LIST OF ECI SECTORS

Sector	Subsector	
I Energy	1. Electricity 2. Oil 3. Gas	Infrastructure and facilities for the generation (except nuclear power plants) and transmission of electricity in relation to the electricity supply. Production, refining, processing, storage and transmission of oil by pipelines. Production, refining, processing, storage and transmission of gas by pipelines. Terminals for liquefied natural gas.
II Transport	1. Road transport 2. Rail transport 3. Air transport 4. Transport by inland waterways 5. Ocean and short-sea maritime transport and ports	

The Republic of Slovenia shall, in line with Article 3 of this Decree, identify the critical infrastructure which may be designated as ECI. Therefore, the list of ECI sectors does not constitute a general obligation for the designation of ECI in individual sectors.

PROCESS FOR THE IDENTIFICATION OF CRITICAL INFRASTRUCTURES WHICH, IN LINE WITH ARTICLE 3 OF THIS DECREE, MAY BE DESIGNATED AS ECI

Article 3 of this Decree provides that the Republic of Slovenia shall identify critical infrastructures which may be designated as ECI. This procedure will be carried out as follows:

Potential ECI which does not meet the requirements specified in one of the following sequential steps will not be considered ECI and will be eliminated from the process. For potential ECI which satisfies the requirements, the following steps of this process will apply:

Step 1

This step determines potential ECI in the Republic of Slovenia in accordance with Item 1 Article 2 of this Decree. For the first selection of critical infrastructures in the Republic of Slovenia within a sector, sectoral criteria will be used.

Step 2

With regard to the potential ECI identified in Step 1, the definition of critical infrastructures in line with Items 1 and 2 Article 2 of this Decree will be taken into account. The basis for the identification of potential ECI are sectoral criteria for the transport and energy sectors, which are part of the Commission's non-binding guidelines for the implementation of Directive 2008/114/EC and will be used directly. The criteria are classified and formulated in a separate document of the Commission.

The severity of consequences will be determined using national methods for the identification of critical infrastructures or with reference to the cross-cutting criteria. For infrastructures providing essential services, the availability of alternatives and the duration of disruption or restoration in the event of damage to infrastructure will also be taken into account.

Step 3

For potential ECI which has passed the first two steps of this process, the element of cross-border implications will be assessed, as defined in Item 1 Article 2 of this Decree. A bilateral or multilateral dialogue will be established with those Member States which might suffer from the disruption or destruction of critical infrastructure. Along with such a Member State or Member States, the severity of impact and consequences caused by the failure of critical infrastructure will be verified. For infrastructures providing essential services, the availability of alternatives and the duration of disruption or restoration will be taken into account. Potential ECI which corresponds to the given estimates will be considered according to the next step in the process.

Step 4

For the remaining potential ECI, the cross-cutting criteria set out in Article 3 of this Decree will apply. The cross-cutting criteria include the consequences based on the number of casualties, economic and other losses, and public consequences or impacts, and take into account the severity of the impact, the availability of alternative possibilities for infrastructures providing basic services, and the duration of disruption or restoration. The cross-cutting criteria and approximate thresholds are part of the Commission's non-binding guidelines for the implementation of Directive 2008/114/EC and will be used directly. The criteria are classified and formulated in a separate document of the Commission. Potential ECI which does not meet the cross-cutting criteria will not be treated as ECI and will be excluded from the evaluation process.

Potential ECI which was subject to the process of identification of critical infrastructure will only be reported to those Member States for which the ECI could have serious consequences.

METHOD OF PRODUCING AN ECI OPERATOR SECURITY PLAN

The Operator Security Plan indicates critical infrastructure capabilities and security measures that already exist or are being implemented for the purpose of protection. An ECI Operator Security Plan includes, at a minimum:

1. Identification of important infrastructure capabilities.
2. A risk analysis based on major threat scenarios, vulnerabilities of each infrastructure capability, and possible implications.
3. Identification, selection and prioritization of countermeasures and procedures with a distinction between:
 - Permanent security measures which include the necessary security investments and assets suitable for use on all occasions. This item includes the information on general measures, such as technical measures (including the installation of detection means, access control, protection and prevention), organizational measures (including the warning and crisis management procedures), and measures for the control and verification of communications, awareness-rising and training, as well as the security of information systems.
 - Graduated security measures introduced according to different levels.
 - Risks and dangers.