



COMMISSION ASSESSMENT¹

of the applications submitted by Belgium, Germany, Lithuania, Luxembourg, Poland, Romania and Spain, under the **procedure for the selection of the seat of the European Cybersecurity Industrial, Technology and Research Competence Centre**

BACKGROUND

On 12 September 2018, the Commission adopted a proposal for a Regulation of the European Parliament and of the Council establishing the European Cybersecurity Industrial, Technology and Research Competence Centre and the Network of National Coordination Centres². While the negotiations on the proposal are still ongoing, the provisions regarding the seat of the European Cybersecurity Industrial, Technology and Research Competence Centre (hereinafter ‘the Centre’) have so far been excluded from the Council’s mandate for negotiations with the European Parliament. In the margins of Coreper I held on 28 October 2020, the representatives of the governments of the Member States approved by common accord the procedure and the criteria for selecting the seat of the Centre. The procedure is similar to the one used in recent years for the selection of the seats of decentralised agencies, most recently the European Labour Authority.

Under point 4, a) of the procedural note ‘*[e]ach Member State can make one application to host the Centre using the application form and following the technical annex accompanying the [procedural note]. The application may contain additional documentation in the context of the Member States’ bid to host the Centre [...]. All applications to host the Centre should be made in writing to the Secretary-General of the Council and copied to the Secretary-General of the Commission. [...] The deadline for submitting applications is **6 November 2020 (cob)**. All applications from Member States received within the deadline will be published online, with the exclusion of business secrets and other confidential information following consultation with the Member States concerned.*’

Furthermore, under point 5 of the procedural note, ‘*[t]he services of the Commission will prepare a general assessment of all the applications received within the deadline on the basis of the criteria mentioned under point 3 and the technical annex accompanying this document. By **2 December 2020**, the services of the Commission will submit this general assessment of the applications to the General Secretariat of the Council who will distribute it to the Member States.*’

Moreover, under point 7 of the procedural note, ‘*[t]he Member State holding the Presidency of the Council [...] will inform the European Parliament about the applications received and once the process is completed about the final decision taken.*’

The seven criteria and five specific issues as defined in the procedural note are set out in attachment A.

¹ Prepared by the Secretary-General of the Commission on the basis of the applications submitted by the Member States.

² COM(2018) 630 final.

THE APPLICATIONS RECEIVED

By the expiry of the 6 November deadline, seven Member States, namely Belgium (Brussels), Germany (Munich), Lithuania (Vilnius), Luxembourg (Luxembourg City), Poland (Warsaw), Romania (Bucharest) and Spain (Léon), have submitted their respective applications in writing to the Council and the Commission. All the applications were published on the Council website on 11 November 2020. Four of the applications contained information which the submitting Member States considered to be confidential.

THE ASSESSMENT DOCUMENTS

The Commission's assessment consists of the present note; and seven complete assessment grids, one for each individual application (four of them provided both in a confidential and a non-confidential version), based on the criteria and specific issues set out in the procedural note. Explanations for the reading of the grids are provided in Attachment B to this note.

Methodology

The Commission has examined all the (seven) applications received within the deadline on the basis of the information provided by the Member States in their applications to host the Centre as submitted by the deadline. All applying Member States have used the application form as suggested in the procedural note, and they have all provided additional documents in support of their applications. While the starting point of the Commission's assessment has been the information provided in the application forms, additional information provided in separate documents has also been taken into account. Such information is specified in the assessment grid.

For its assessment, the Commission has relied solely on the accuracy and completeness of the applications, as presented by the seven Member States, and has therefore not undertaken any steps to verify the information provided in the applications. The Commission services have not made any inspections on the spot or taken other action, for instance to verify the existence of buildings or building projects, the availability of transport connections or education and healthcare facilities.

For the majority of the matters concerned, the extent to which each application meets the criteria and how it addresses the stipulated specific issues cannot be answered with a simple 'yes' or 'no', nor can it be expressed in any other comparable qualitative and/or quantitative format. Therefore, the Commission has found it appropriate to express its assessment in a short descriptive text for each criterion and for each specific issue. This short descriptive text aims to reproduce – as much as possible – the language used in the applications, in order to best reflect the original message and the varying levels of information provided about the different criteria and specific issues.

Terminology

In order to ensure an equal and coherent treatment of the applications, the Commission has applied a specific terminology in the assessment. Furthermore, where the wording of the procedural note has left room for interpretation as regards criteria and specific issues, the Commission has on specific points interpreted the note in order to be able to assess the applications consistently (see the explanations set out in attachment B to this note).

As regards general terminology, the Commission has summarised what the application '*indicates*' or '*provides information*' on. The word '*availability*' and '*existence*' are generally used where the application indicates that certain facilities or services are or will be available and in relation to schools and public transportation, respectively.

Confidentiality

Considering some Member States' request to treat certain information as confidential, the Member States were asked to object to the Council if they did not wish the identified information to be shared with the other Member States. None of the Member States concerned have objected to the Council to such information being shared with the other Member States, and hence the Commission assessment includes such information, in particular in relation to proposed premises, the financial terms for the use of these and benefits offered. The assessment grids, which contain information that the Member States consider to be confidential, are marked as **LIMITED** (version with confidential information). In **the version for publication**, information identified as confidential by the Member States has been taken out in view of its publication.

Criteria and specific issues as set out in the procedural note (Council document ST 12404/20)

Criteria

'1. The date on which the Centre can become operational on site after the entry into force of the Regulation:

This criterion concerns in particular the availability of appropriate office premises as well as the ability to redeploy and host the relevant staff in time for the Centre to become operational. This should include the necessary logistics and sufficient space for offices, meeting rooms and off-site archiving, high-performing telecommunications and data storage networks as well as appropriate physical and IT security standards.

2. Accessibility of the location:

This criterion concerns the availability, frequency and duration of public transport connections from the closest airport to the location, as well as the quality and quantity of accommodation facilities. In particular, this criterion implies the capacity to allow for the expected meeting activities of the Centre.

3. Existence of adequate education facilities for the children of the Centre's staff:

This criterion concerns the availability of multi-lingual, European-oriented schooling that can meet the needs for education facilities for the children of staff of the Centre.

4. Appropriate access to the labour market, social security and medical care for both children and spouses:

This criterion concerns the capacity to meet the needs of the children and spouses of staff for social security and medical care as well as the availability to offer job opportunities for them.

5. Excellent connectivity, security and interoperability with IT facilities for handling EU funding:

This criterion concerns the possibility of seamless take over of relevant IT processes relating to management of relevant EU funding, including access to the TESTA network. It also concerns solid capacities in terms of cybersecurity resilience of communication networks.

6. Existence of a cybersecurity ecosystem

This criterion concerns the existence of a relevant ecosystem of organisations active in the field of cybersecurity in the host city, such as other cybersecurity (research) institutions, knowledge institutions or relevant companies and/or communities.

7. Geographical balance

This criterion concerns the geographical balance in the distribution of seats of Union bodies and agencies; having due regard to the conclusions of the Representatives of the Member States, meeting at Head of State or Government level in Brussels on 13 December 2003, reiterated in the conclusions of the European Council of 19/20 June 2008, while taking into account the specific status of the Centre.'

Specific issues

'The premises that would be offered to be rented or put at the disposal of the Centre and that would meet security and safety standards, in particular cybersecurity standards, equivalent to those of the EU institutions;

The financial terms for the Centre's use of these premises, specifying in particular if the Member State would pay the rent for a given period of time or indefinitely;

The terms concerning maintenance of the building including upgrading and future extensions if needed;

Any special conditions offered with regard to all costs and dedicated infrastructures; and

Any benefits that would be granted to the Centre and/or its staff in addition to those following from Protocol No 7 on the Privileges and Immunities of the European Union.'

THE ASSESSMENT GRIDS

General comments

The assessment grids used by the Commission to assess the Member States' applications are divided into three columns and a significant number of rows.

The first column '**Information about the fulfilment of criteria**' corresponds to the first column of the application form, and sets out the criteria laid down in the procedural note, complemented with information from Annex 1 to that note, referring to 'Technical and operational specifications of the needs of the Centre'. Likewise, the specific issues are listed and, where relevant, divided into sub-elements falling under specific criteria. For each criterion, there is a row 'Other' with additional information on the topic provided in the application, either indicated by the Member State in this part of the application form or identified by the Commission elsewhere in the application form or in other documents provided by the Member State. After each criterion, a general conclusion for the criterion/specific issue is provided. The first column also takes into account the general rule established in the procedural note as regards the Member States' commitment to confirm the conditions of their applications in a headquarters agreement with the Centre.

The second column '**Information provided in the application**' includes for each element or sub-element an exact copy of the text provided by the Member State in question in the application form.

If, in addition to the information submitted in the application form, a Member State has provided relevant supplementary information concerning a specific element or sub-element in separate documents, that information is added in a separate row under the heading: '*Additional information:*'. This row may also refer to other parts of the assessment grid where information relevant for the assessment of the point in question is provided. Summaries of tables and illustrations are provided in plain text. For both, a page reference is provided. Duplications of quotes are avoided by the provision of references to other points, except where it seems useful for the understanding of the reader that a specific quote is repeated in another context. If a quote covers more sub-elements, it may be provided at the level of the main element rather than at the level of the sub-element (e.g. general information about meeting rooms is quoted at point 1.1 and may not be repeated under point 1.1.2 specifically referring to rooms to accommodate for meetings). In case the information in the supplementary documentation is too long to be quoted, a short description of the information and reference to the pages is provided.

The third column '**Commission assessment**' includes the Commission's description of what it considers to be relevant information in the application under a particular point. If there are sub-elements, the Commission's assessment is normally provided at that level, while any other text provided by the Member State is visible at higher levels of the criterion. For each criterion and specific issue with sub-elements, the column contains the Commission's general assessment of the criterion or specific issue concerned. This general assessment only includes additional information (from the rows '*Other*') to the extent that the Commission finds it relevant having regard to the definition of the criterion.

Specific comments to the criteria and specific issues

Criterion 1:

Where several building options are proposed, the different options are indicated under point 1.1 or 1.1.1. In the sub-points, in order to avoid unnecessary repetitions, the different buildings are

referred to as premises 1, 2, 3, etc. ‘Immediate’ availability also covers when the premises are immediately available after the entry into force of the Regulation establishing the Centre. As regards ‘*Financial terms for the Centre’s use of the premises*’ (1.1.5), this point covers the rent of the premises including whether the rent is offered by the Member State for a given period of time or indefinitely. Concerning ‘*Any special conditions offered with regard to all costs and dedicated infrastructures*’ (1.1.7), the financial terms for the Centre’s use of these premises covers costs offered by the Member State other than those referred to in points 1.1.5. (rent) and 1.1.6. (maintenance costs including costs of upgrading and future extensions). See also ‘Criterion 5’ for partial overlaps concerning point 1.1.4.

Criterion 2:

Some applications only provide the information (fully or partially) about public transport connections to the city centre. The Commission has sought to reflect the entire information in its comments, including under 2.3. As regards the duration of public transport connections, the Commission has only indicated the duration of the travel by the public transport concerned.

Criterion 3:

‘*Multi-lingual, European-oriented schooling*’: The procedural note does not define what this notion covers; its Annex refers to: ‘*The Centre’s staff will be nationals from several EU Member States. Therefore, the availability of multi-lingual, European-oriented schooling is crucial to meet the needs for education facilities for the children of the Centre’s staff*’. The Commission comments on this part of the criterion therefore concern the linguistic offer in European languages.

Criterion 4:

‘*Access to social security and medical care*’: Even though there is a certain overlap between these two elements, given that medical care is normally part of the social security system, the Commission has commented on the two separately. It should also be noted that in addition to national conditions for access, EU rules on the rights of citizens of the Union and their family members to move and reside freely within the territory of the Member States apply to spouses and children of the Centre’s staff.

Criterion 5:

Regarding ‘*High-speed connectivity*’ (point 5.1), the Commission has assessed this point as concerning premises’ area connectivity infrastructure, not the premises itself.

Security of premises is mainly addressed under point 1.1.4. However, due to the fact that this element is also a component of point 5.4 (though the focus there is on security of premises for the purpose of handling classified information), some applications provide information under point 5.4 that would be sometimes relevant also for point 1.1.4, and vice-versa. The Commission has sought to take into account the information provided under 1.1.4 for the assessment of point 5.4, and vice-versa.

Criterion 6:

Point 6.1 concerns the ‘*existence of a relevant cybersecurity ecosystem in the host city*’, with specific examples of categories mentioned there (‘*cybersecurity (research) institutions, knowledge institutions or relevant companies and/or communities*’). The Commission has indicated which categories of entities are described in the application (without mentioning the names of the entities); in case a category is missing, the Commission does not list it in its assessment.

Criterion 7:

The quotes from the application form are provided. The Commission's assessment is a factual statement as regards the presence of agencies and EU bodies currently hosted in the Member States. On the basis of the applications, the Commission understands 'agencies and EU bodies' to cover EU decentralised or executive agencies as well as EU joint undertakings. The accession year is indicated for Member States having acceded to the European Union in 2004 or later.

Other issues

In the 'Other' rows in the application form point (points 1.3, 2.3, 3.2, 4.4, 5.7, 6.2), the Member States were able to provide other information in relation to the criteria. The Commission has only provided an assessment where the information provided in the form in the Commission's view was relevant for any of the criteria as defined by the Member States.

Following the main part, the assessment grids contain a row on the **commitment to confirming the conditions included in the application in a headquarters agreement with the Centre**, as well as a row on the specific issue on **any benefits that would be granted to the Centre and/or its staff in addition to those following from Protocol No 7 on the Privileges and Immunities of the EU**.