

JC 2024 98

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Terms of Reference (ToR) – EU-SCICF Forum

1 Scope, objective and legal basis

1. The European Systemic Cyber Incident Coordination Framework (EU-SCICF)¹ is set up in accordance with Article 49(1) of the Regulation on digital operational resilience for the financial sector Regulation (EU) 2022/2554 (hereinafter, DORA) and ESAs Joint Committee (JC) response to the [Recommendation of the European Systemic Risk Board of 2 December 2021 on a pan-European systemic cyber incident coordination framework for relevant authorities \(ESRB/2021/17\)](#).
2. The EU-SCICF framework foresees two modalities of operation, (1) non-crisis mode (development, maintaining and testing of the framework) and (2) crisis mode (facilitate the coordination of response of members in case of a systemic cyber incident).
3. The EU-SCICF forum scope of action covers the non-crisis mode. It is set up with the objective to facilitate the operationalisation of an effective EU-level coordination (crisis mode) in the event of a cross-border major ICT-related incident or related threat that could have a systemic impact on the Union's financial sector.
4. The organisation of the EU-SCICF Forum rests with the ESA Joint Committee.

2 Tasks

5. In light of the objective above, the EU-SCICF Forum is tasked to:
 - a) develop and maintain documents, protocols, procedures, arrangements, taxonomy and plans to support coordination in case of crisis mode, taking into account the existing coordination frameworks and the cyber threat landscape;
 - b) prepare the set-up of a dedicated ad-hoc group responsible for managing the crisis mode (when activated); and
 - c) exercise and test the protocols and procedures to ensure continued preparedness in the event of activation of the crisis mode of the EU-SCICF.
6. These tasks will be reflected by the EU-SCICF Forum into an internal annual or multi-annual work plan with activities providing an overview of areas of thematic focus and actions, including on exercise/testing programme. This plan will contribute to the JC work programme.
7. The EU-SCICF Forum includes a summary of its activities to the JC annual report.
8. A webpage with more information on the EU-SCICF shall be maintained as part of the ESAs websites and other materials as appropriate.

¹ [ESAs establish framework to strengthen coordination in case of systemic cyber incidents](#)

3 Internal organisation

3.1 Membership

8. The EU-SCICF Forum will be composed of representatives of authorities and other bodies at a national and Union level referred to in Article 49 of Regulation (EU) 2022/2554 and in Recommendation B of Recommendation ESRB/2021/17. The EU-SCICF Forum members can be:
 - a) representatives of the European Supervisory Authorities (ESAs);
 - b) representatives of the European Central Bank– Central Banking in oversight function (ECB);
 - c) representatives of the European Central Bank– Single Supervisory Mechanism (SSM);
 - d) representatives of the European Systemic Risk Board (ESRB);
 - e) representatives of the European Union Agency for Cybersecurity (ENISA);
 - f) representatives of the Single Resolution Board (SRB);
 - g) representatives of the European Commission (EC);
 - h) representatives of the authorities designated in the context of sub–Recommendation B of Recommendation ESRB/2021/17.
9. The Forum members referred to in paragraph 8 may, after informing the EU-SCICF Secretariat, invite observers to the Forum, provided that they represent authorities or bodies that have responsibilities relevant for the EU-SCICF or where responsibilities do not fall within the (sole) competence of the authority or body that the inviting member represents in the Forum.
10. By nominating members or observers(s) to the EU-SCICF Forum, the authorities and other bodies, agree with the participation in the EU-SCICF. These authorities, including their members or observers commit to:
 - The Terms of Reference of the EU-SCICF Forum;
 - The protection of personal data in accordance with the applicable data protection regulations whenever personal data processing and sharing is needed in the context of the functioning of the EU-SCICF Forum;
 - The receipt, handling and sharing of information under the forum performed in accordance with the applicable laws and regulations;
 - The members and observers of the EU-SCICF are subject to obligation of professional secrecy stemming from applicable law. They shall not make public nor share documents which have been made available to them because of their status as member or observer of the EU-SCICF, unless this is explicitly consented upon by the member or observer providing the information.

3.2 Profiles and responsibilities

11. Members and observers should have expertise and experience in the areas relevant to the EU-SCICF (e.g. incident reporting, crisis management, communication, financial stability, cyber risk exercise, etc.). They should be empowered by their respective authorities to represent them and share relevant information.

12. Members of the Forum jointly agree to participate to the meetings and activities of the EU-SCICF and contribute to the development of the framework. In cases where more than one authority or body is represented, those should coordinate any positions within their Member State.
13. Observers are allowed to participate in discussions and share views and information. They should coordinate their positions with the members from their Member State.
14. More generally, members and observers are expected to provide their comments and views within the suggested deadlines.
15. ESA staff shall support the work of the EU-SCICF Forum also via the EU-SCICF Secretariat.

3.3 Chairperson

16. The Chairperson of the EU-SCICF Forum shall be a high-level representative of one of the participating authorities with sufficient seniority, expertise and experience in the areas relevant to the tasks.
17. The Chairperson steers the EU-SCICF Forum in the development and implementation of the tasks covered in the work plan. The appointment of the Chairpersons shall be done by the Joint Committee for a period of 2 years. This mandate may be extended for another 2 years.
18. In performing their tasks, the Chairperson shall:
 - a. act objectively in the interest of the European Union and in line with the EU-SCICF objectives;
 - b. strive to reach consensus amongst the members. In the event that consensus cannot be reached, any issue of controversial nature being discussed in the EU-SCICF shall be remitted and presented to the Joint Committee, who will provide steer;
 - c. ensure the tasks are delivered.
19. The Chairperson may request to hold a partial or fully restricted meeting without observers, when deemed necessary. The Chairperson may invite other relevant third parties (EU agencies, national authorities, experts) to attend meetings.
20. The Chairperson may be invited as an observer of the Joint Committee.

4 Ongoing work and meetings

21. The EU-SCICF Forum meetings shall be directed by the Chairperson and supported by the EU-SCICF Secretariat.
22. Meetings should be arranged in accordance with the schedule of the Joint Committee and deadlines for external and internal deliverables.
23. The exact frequency and agenda of the meetings are determined by the Chairperson.

5 External Relations and interaction with ESAs' working groups

24. To the extent necessary, the EU-SCICF Forum may seek input from or exchange of views with relevant committees/groups, standard-setting bodies or other interested parties.
25. Relevant interaction between the EU-SCICF Forum and third parties will be guided by the Chairperson and the EU-SCICF Secretariat.

26. Interaction with the relevant JC and ESAs' working groups is ensured by the EU-SCICF Secretariat.

6 Review of the ToR

27. These ToR will, every two years, be subject to review and endorsement by the Joint Committee and subsequent approval by the ESAs' Boards of Supervisors, and adapted to reflect any new developments, as relevant and appropriate.

7 Effective date

28. The ToR, approved by the ESAs' Board of Supervisors, will come into effect on 17 Jan 2025.