Implementing the EU Internal Security Strategy

Within the area of freedom, security and justice, the EU needs to ensure the balance between civil liberties and a high level of security. In March 2010, the European Council approved the EU internal security strategy (ISS). The Commission's agenda for implementing the ISS concludes in 2014, and therefore discussions on the strategy beyond 2014 are now under way.

Internal Security Strategy after Lisbon

According to Article 67(3) TFEU, one of the EU's objectives is to ensure a high level of security within the common area of freedom, security and justice (FSJA) through preventing and combating crime. In order to achieve this objective, the Stockholm Programme (2009-2014) and the European Internal Security Strategy (2010), adopted by the Council, set out plans for legislative, operational and budgetary measures.

However full implementation of this strategy requires other EU institutions – the European Parliament, Commission and the Court of Justice – to fulfil essential roles. In particular, this applies from December 2014, when the five-year "transitional period" for judicial and police cooperation in criminal matters ends. In the meantime within the Council, the Committee on Operational Cooperation on Internal Security (COSI), established by Article 71 TFEU, has become a regular working tool for Member States (MS) and EU agencies.

Strengthening governance
In the FSJA, a new European agency, the EU Large Informatics System Agency (EU-LISA), has been set up to manage the growing number of informatics networks in the field (SIS II, VIS, and EURODAC). The European Union Agency for Network and Information Security (ENISA) and Frontex have both recently had their mandates renewed. Moreover, proposals to update the legal bases of Europol and Eurojust, to comply with the post-Lisbon Treaty environment, are now under discussion.

Also in the field of the fight against fraud, the OLAF mandate has been revised, while a proposal to set up a European Public Prosecutor (EPPO) has been proposed.

Together with Schengen cooperation and the daily exchange of police-related data (within the Prüm Convention instruments), these agencies, tools and networks have become the backbone of intertwined EU-MS management of security-related policies,

An Internal Security Fund (ISF), focused on police, crisis coordination and external border protection should be adopted shortly, under the Multiannual Financial Framework for 2014-20. This fund will finance both MS projects and also EU-wide initiatives.

Carrying out five ISS strategic priorities

In 2010, the Commission set out five priorities for putting the ISS into action. The Commission published a second implementation report in April 2013, evaluating progress on each of the five strategic priorities.

1. Disrupting international organised crime
At strategic level, based on a threat assessment by Europol, the Council adopted an EU policy cycle for the period 2011-13. This was refreshed for 2013-17. Multiannual Strategic Plans (MASPs) and Annual Operational plans (OAPs) focus on illegal migration, human trafficking, counterfeit goods, excise fraud (missing trader intra-Community fraud - MTIC), synthetic drugs, cocaine and heroin trafficking, cybercrime, firearms trafficking and organised property crime committed by mobile organised crime groups. Several of these objectives fall under general EU strategies, e.g. against drugs (2013-20) and trafficking of human beings (2012-16).

However, many of these initiatives are taken by MS on a voluntary basis and very often do not match the EP's priorities for the fight against organised crime (see the interim report adopted in 2013 by the CRIM Committee (rapporteur Salvatore Iacolino, EPP, Italy).

Criticism from the EP has been confirmed in its rejection of a Commission proposal on crime statistics.

At legislative level, however EP and Council have been able to agree on priorities under the ordinary legislative procedure. A number of proposed Directives are subject to negotiations between Parliament and Council, dealing with issues of drugs precursors, confiscation, fight against fraud, criminal sanctions for insider dealing and market manipulation.

This is also the case for the amendments to the third Anti Money Laundering Directive and the proposal on protection of the euro against counterfeiting, together with a Regulation on information accompanying transfers of funds.

At operational level, the Commission is promoting a European Information Exchange Model (EIXM) between MS and EU institutions. It has also set up an anti-corruption initiative to assess its effects on MS as well as internal and external EU policies.

2. Preventing terrorism and radicalisation

At strategic-operational level, the main challenge is to prevent terrorism, in particular through the EU Radicalisation Awareness Network (RAN). Moreover several legislative initiatives have been or will be taken, such as on use and marketing of explosives precursors, followed by new proposals on chemical, biological, radiological, nuclear and explosives (CBRNE) and a revision of the Critical Infrastructure Directive. At operational level, the EU supports the ATLAS network. It brings together national anti-terrorist forces (funded through the ISEC programme). It is a common tool for training and cooperation.

3. Raising citizens' and businesses' online security

Following the EU Cyber Security Strategy, adopted in February 2013, legislative negotiations are well advanced on a Directive on attacks against information systems and on a proposal on network and information security. At operational level, within the framework of Europol, the European Cybercrime Centre (EC3) was created in 2013.

Together with the national computer emergency response teams (CERTs), this is supposed to improve security of critical infrastructure. Also a joint EU-US initiative was launched for a Global Alliance against Child Sexual Abuse Online.

4. Strengthening EU border management

In the framework of EU integrated border management, an essential role should be played by the European Border Surveillance System (EUROSUR), shortly to be voted by the EP. Recent debates have focused on the Commission proposal for a smart borders package, building an Entry-Exit system (to identify "over-stayers") and a registered traveller programme (to simplify border checks for some categories of passengers). The European Data Protection Supervisor has made reservations on these initiatives.

At operational level, Frontex regularly assesses possible threats at EU borders in close cooperation with Member States concerned.

5. Increasing resilience to crises and disaster

EU resilience to natural or man-made disasters will be strengthened through closer MS cooperation in the disaster-risk management policy framework, founded on national risk assessments. In 2013, the Commission should table the first cross-sectoral overview of natural and man-made risks.

In the Council, a legislative proposal to implement Article 222 TFEU triggering the solidarity clause in case of international terrorism attacks and catastrophes is currently under discussion. The EP is, however, only to be informed and is not consulted.

Inter-institutional perspectives

In the EU debate at strategic level on European internal security, the Council has not formally involved the EP, despite its co-legislator role. Parliament itself took the initiative with a May 2012 resolution on the EU's Internal Security Strategy, which stressed the importance of the values of fundamental rights, the proportionality principle and of the parliamentary dimension in all these policies.

The EP will seek details of the Commission's plans for the future ISS for 2015-19 in a debate in September, on the basis of an oral question to the Commission by the Civil Liberties, Justice and Home Affairs Committee.