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*Committee on Civil Liberties, Justice and Home Affairs*

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**CONTENTS**

	<b>Page</b>
MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION .....	3

## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### on the European Union's Internal Security Strategy

**((2010)2308(INI))**

*The European Parliament,*

- having regard, in particular, to Articles 6, 7, 8, 11, 21, 47-50 and 52 of the EU Charter of Fundamental Rights,
- having regard, in particular, to Article 3(2) of the Treaty on European Union, and to Chapters 1, 2, 4 and 5 of Title V (Area of Freedom, Security and Justice) of the Treaty on the Functioning of the European Union,
- having regard to the Council decision of 25 February 2010 on setting up the Standing Committee on operational cooperation on internal security (COSI),
- having regard to ‘The Stockholm Programme – An open and secure Europe serving and protecting citizens’ and the Commission communication entitled ‘Delivering an area of freedom, security and justice for Europe’s citizens – Action Plan Implementing the Stockholm Programme’ (COM(2010)0171),
- having regard to the European Union Internal Security Strategy (‘Towards a European Security Model’) as adopted by Council on 25 and 26 February 2010,
- having regard to the Commission communication to Parliament and the Council entitled ‘The EU Internal Security Strategy in Action: Five steps towards a more secure Europe’ (COM(2010)0673),
- having regard to the Commission communication to Parliament and the Council entitled ‘First Annual Report on the implementation of the EU Internal Security Strategy’ (COM(2011)0790),
- having regard to the Council conclusions of 24 and 25 February 2011 on the Commission communication on the European Union internal security strategy in action,
- having regard to the Council conclusions of 8 and 9 November 2010 on the creation and implementation of a EU policy cycle for organised and serious international crime’,
- having regard to the Council conclusions on setting the EU’s priorities for the fight against organised crime between 2011 and 2013,
- having regard to the opinion of the European Data Protection Supervisor (EDPS) of 17 December 2010 on the Communication from the Commission ‘EU Internal Security Strategy in Action: Five steps towards a more secure Europe’,
- having regard to the 2003 European Security Strategy<sup>1</sup> and the 2008 report on its

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<sup>1</sup> ‘A Secure Europe in a Better World – European Security Strategy’, approved by the European Council held in Brussels on 12 December 2003 and drafted under the responsibilities of the EU High Representative Javier Solana.

implementation report<sup>2</sup>,

- having regard to its resolution of 25 November 2009 on ‘the Communication from the Commission to the European Parliament and the Council – An area of freedom, security and justice serving the citizen – Stockholm programme’<sup>3</sup>,
  - having regard to its resolution of 25 October 2011 on organised crime in the European Union<sup>4</sup>,
  - having regard to its resolution of 14 December 2011 on ‘the EU Counter-Terrorism Policy: main achievements and future challenges’<sup>5</sup>,
  - having regard to the relevant European and national constitutional court jurisprudence dealing with the criteria of proportionality and the need for it to be respected by public authorities in a democratic society,
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A7/0000/2012),
- A. whereas the entry into force of the Lisbon Treaty has further consolidated security as a necessary condition both for ensuring the exercise of fundamental rights and for bringing about an Area of Freedom, Security and Justice (AFSJ), including in the context of external action, where these three concepts are closely interlinked;
- B. whereas the Lisbon Treaty has therefore strongly anchored EU security policy to a specific EU rule of law, laying the foundations for the development of a security agenda closely shared by the EU and the Member States and subject to democratic oversight at European and national level;
- C. whereas the Stockholm Programme emphasised that an EU internal security strategy should be developed in order further to improve security in the Union, thus protecting the lives and safety of EU citizens and effectively combating organised crime, terrorism and other threats;
- D. whereas neither the Member States nor the Commission have, as yet, envisaged any role for Parliament in this process, despite the entry into force of the Lisbon Treaty;
- E. whereas the Commission communication on the Internal Security Strategy (ISS) for the 2010-2014 period identified five priority areas in which the EU can provide added value, namely fighting and preventing serious and organised crime, terrorism and cybercrime, strengthening the management of external borders and building resilience to natural and man-made disasters;
- F. whereas the first Commission annual report on the implementation of the ISS

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<sup>2</sup> ‘Report on the Implementation of the European Security Strategy – Providing Security in a Changing World’, S407/08.

<sup>3</sup> OJ C 285E, 21.10.2010, p. 12.

<sup>4</sup> Texts adopted, (P7\_TA(2011)0459).

<sup>5</sup> Texts adopted, (P7\_TA(2011)0577).

acknowledged that all five objectives identified in 2010 remain valid, and outlined the current state of play, the progress made so far and the way forward;

- G. whereas the Stockholm Programme stated that ‘developing, monitoring and implementing the Internal Security Strategy should become one of the priority tasks of the [COSI]’;
- 1 Welcomes the work undertaken in order to set up an ISS and the main principles underpinning the European Security Model as developed in the ISS, especially as regards the reinforced relationship between security, freedom and privacy and cooperation and solidarity between Member States;
  2. Emphasises that freedom, security and justice are indivisible objectives and areas of action, given that ‘freedom loses much of its meaning if it cannot be enjoyed in a secure environment and with the full backing of a system of justice in which all Union citizens and residents can have confidence’;
  3. Believes that the implementation of the EU Charter of Fundamental Rights must be the core of any fully fledged ISS; recalls that, in order to achieve freedom and justice, security must always be pursued in accordance with the rule of law and fundamental rights;
  4. Takes note of the progress made by the Member States and the Commission in the context of the EU policy cycle with a view to implementing the general strategic objectives through actions based on intergovernmental cooperation at operational level; believes, however, that a clear division of tasks between the EU and national levels is necessary, that Parliament needs to be part of the process and that an in-depth assessment of the policy cycle should be undertaken in 2013;
  5. Recalls that competence for security policies is shared between the EU and the Member States, and that this is an area in which subsidiarity needs to be respected, and takes the view that the ISS framework could add value to the efforts of all EU institutions and of the Member States in this field by means of a comprehensive and coherent approach;
  6. Takes the view that a comprehensive EU evidence- and knowledge-based analysis of the threats to be addressed is an essential prerequisite for an effective ISS, and is concerned that such EU-wide analysis is still lacking at present; highlights the need for additional efforts to improve the coherence of the information and data on which the threat assessments undertaken by EU bodies are based, including additional efforts to ensure transparency as regards the methodology used<sup>6</sup>;
  7. Recalls that Parliament is now a fully fledged institutional actor in the field of security policies, and is therefore entitled to participate actively in determining the features and priorities of the ISS and of the EU Security Model and in evaluating these instruments, including through regular monitoring exercises on the implementation of the ISS, conducted jointly by the EP, national parliaments and the Council under Articles 70 and 71 TFEU and Article 6(2) of the Decision setting up the COSI;
  8. Endorses, in this connection and on the basis of the existing cooperation between the

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<sup>6</sup> See, in this connection, the study by A Scherrer, J Jeandesboz and E-P Guittet entitled ‘Developing an EU Internal Security Strategy, fighting terrorism and organised crime’, European Parliament Directorate-General for Internal Policies, Policy Department C (Citizens Rights and Constitutional Affairs), 2011.

European Parliament and national parliaments, the idea of a ‘parliamentary policy cycle’ – which must be finely tuned to, inter alia, the Commission’s annual reporting in this field – ending with an annual parliamentary report on the current state of play as regards the ISS;

9. Believes that the ISS should focus more closely on the indivisible link between the internal and external dimensions of security, and that, in both of these dimensions, EU institutions and agencies active in the JHA field should perform their tasks in full compliance with EU law; calls on the Commission and the Member States also to assess the impact of the ISS on the EU External Security Strategy, including with regard to fundamental rights obligations;
10. Takes note of the definition of five key areas for which different concrete actions have been proposed at EU and Member State level; takes the view that these objectives are not exhaustive, and that the order of priorities could have been better structured; observes that, while the fight against terrorism and organised crime is, and must remain, a key priority, it does not seem to be fully justified or appropriate to take action in fields such as man-made disasters and the enforcement of intellectual property rights within the framework of the ISS;
11. Believes that organised crime in all its forms constitutes a major threat to freedom, security and justice for EU citizens, and calls on the Commission and the Council to prioritise it further in the light of the recommendations set out in its resolution of 25 October 2011 on organised crime in the European Union, on the basis of specific data and information on existing cooperation between the EU and the Member States in the fight against the mafias, money laundering and other forms of organised crime;
12. Believes that further priority should be given to the fight against environmental, economic and corporate crime, impact of which is particularly detrimental to the living conditions of EU citizens, especially in times of crisis;
13. Reiterates that enhancing EU police and judicial cooperation is critical to a proper ISS, and must involve the competent authorities in the Member States as well as EU institutions and agencies, and calls upon the Commission and the Member States to make this a priority for the ISS;
14. Is disappointed, in this connection, that the ISS still lacks a proper ‘justice dimension’, and believes that the establishment of a set of priorities in the field of judicial cooperation must be seen in the context of the close link between all the dimensions of the Area enshrined in Title V TFEU, namely the Area of Freedom, Security and Justice;
15. Underlines that the fight against terrorism is a priority for the ISS, the objectives and tools of which must be evaluated properly as indicated in Parliament’s resolution of 14 December on ‘the EU Counter-Terrorism Policy: main achievements and future challenges’; outlines that prevention and protection policies must be further prioritised, along with prosecution and response; notes that, in this context, a greater focus on targeted law enforcement and intelligence-driven activities is needed;
16. Regards prevention of violent radicalisation as an important area of action for the ISS, but calls on the Commission and the Member States to re-assess the nature and level of this threat, including on the basis of recent events demonstrating the rise of violent political

radicalism specifically targeting the values of equality and non-discrimination on which the EU is based;

17. Welcomes the focus on border security in the context of the ISS, but believes that border management and human mobility are not merely security issues, but key features of a wider political strategy involving not only the security dimension, but also – more importantly – immigration, asylum, development and employment policies at EU level;
18. Takes the view, therefore, that the ISS should further reflect the vision of the Stockholm Programme, and considers it expedient to undertake a parliamentary ‘mid-term’ review of the Stockholm Programme before the end of 2013 in order to assess its strategic, legislative and financial priorities; also takes the view that a complementary assessment is needed with regard to the relevant European agencies currently being ‘Lisbonised’ (Europol, Eurojust and the European Judicial Network), along with other agencies and bodies;
19. Recalls that data processing and collection in the context of the ISS must always comply with EU data protection principles, particularly those of necessity, proportionality and legality, and with the relevant EU legislation in this field;
20. Reaffirms, in this connection, the need for proper democratic oversight of AFSJ agencies in order to avoid the risk of blurring the divide ‘between policy advice and actual policy-making’<sup>7</sup> in relation to AFSJ agencies;
21. Instructs its President to forward this resolution to the Council and the Commission and to the national parliaments.

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<sup>7</sup> See the study by M. Busuioc and D. Curtin entitled ‘ The EU Internal Security Strategy, the EU Policy Cycle and the Role of (AFSJ) Agencies: Promise, perils and pre-requisites’, European Parliament Directorate-General for Internal Policies, Policy Department C (Citizens Rights and Constitutional Affairs), p. 7.