



EUROPEAN PARLIAMENT

2014 - 2019

Plenary sitting

01.12.2014

B8-xxxx/2014

DRAFT MOTION FOR A RESOLUTION

further to Question for Oral Answer B8-xxxx/2014

pursuant to Rule 128(5) of the Rules of Procedure

on renewing the EU Internal Security Strategy
(2014/2918(RSP))

Claude Moraes

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

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United in diversity

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European Parliament resolution on renewing the EU Internal Security Strategy (2014/2918(RSP))

The European Parliament,

- having regard to Articles 2, 3, 6, 7 and 21 TEU and to Articles 4, 16, 20, 67, 68, 70, 71, 72, 75, 82, 83, 84, 85, 86, 87 and 88 TFEU,
- having regard to the Charter of Fundamental Rights of the European Union, in particular Articles 6, 7, 8, 10(1), 11, 12, 21, 47-50, 52 and 53 thereof,
- having regard to the Commission's communication on the final implementation report of the EU Internal Security Strategy 2010-2014 (COM(2014) 365) of 20 June 2014,
- having regard to Europol's EU Terrorism Situation and Trend Report (TE-SAT) 2014,
- having regard to Europol's Threat Assessment on Internet Facilitated Organised Crime (iOCTA) 2014,
- having regard to Europol's EU Serious and Organised Crime Threat Assessment (SOCTA) 2013,
- having regard to the opinion of the Article 29 data protection working party on the application of necessity and proportionality concepts and data protection within the law enforcement sector (opinion 01/2014),
- having regard to resolution adopted by the UN Security Council on 24 September 2014 on threats to international peace and security caused by terrorist acts (resolution 2178 (2014)),
- having regard to its resolution of 2 April 2014 on the Mid-term review of the Stockholm Programme,¹
- having regard to its resolution of 12 March 2014 on the US NSA surveillance programme, surveillance bodies in various Member States and impact on EU citizens' fundamental rights,²
- having regard to its resolution of 27 February 2014 on the situation of fundamental rights in the European Union (2012),³
- having regard to its resolution of 12 September 2013 on the second report on the implementation of the EU Internal Security Strategy,⁴
- having regard to the European Union Internal Security Strategy as adopted by the

¹ Text adopted P7_TA-PROV(2014)0276

² Text adopted P7_TA-PROV(2014)0230

³ Texts adopted P7_TA-PROV(2014)0173

⁴ Texts adopted, P7_TA(2013)0384.

Council on 25 and 26 February 2010,

- having regard to the question to the Commission on renewing the EU Internal Security Strategy (O-xxxxxx/xxx – B8 xxxx/2014),
 - having regard to Rules 128(5) and 123(2) of its Rules of Procedure,
- A. whereas the Treaty of Lisbon laid the foundations for the development of an EU security policy, closely shared by the EU and the Member States, based on the rule of law, respect for fundamental rights and solidarity, and subject to democratic oversight at European and national level, while respecting the principle of subsidiarity; whereas the entry into force of the Lisbon Treaty made the European Parliament a fully-fledged actor in the field of security policies in order to ensure democratic control, thus entitling Parliament to participate actively in determining priorities in this field and to engage with all relevant actors on EU and national level in order to achieve a comprehensive, targeted and effective EU security policy;
- B. whereas the security situation in Europe has changed significantly in recent years owing to new conflicts and upheavals in the EU's immediate neighbourhood, the rapid development and use of new technologies, and growing radicalisation leading to violence and terrorism; whereas many of today's security challenges are cross-border and cross-sectoral in nature, going beyond the capacity of any individual Member State to effectively respond to them, and whereas this calls for a common European approach;
- C. whereas the EU and the Member States have a common responsibility to ensure the safety and freedom of European citizens; whereas freedom, security and justice are objectives that must be pursued in parallel, and whereas, in order to achieve freedom and justice, security measures should therefore always be evidence-based, in accordance with the principles of necessity, proportionality and respect for fundamental rights and on the basis of proper democratic oversight and accountability;
- D. Whereas special attention should be paid to support and protect all victims of crime across the EU;
- E. whereas the Internal Security Strategy (ISS) for the period 2010-2014 is coming to an end and a new ISS for the period 2015-2019 is being prepared;
1. Welcomes the preparation of a new ISS for the coming four years; points out that, since the establishment of the current ISS, new security threats have emerged and others call for a different policy response; reiterates, furthermore, that the entry into force of the Lisbon Treaty incorporated the Charter of Fundamental Rights into Union law; believes, therefore, that the current ISS should be thoroughly assessed, updated and revamped;
 2. Believes that an essential prerequisite for an effective ISS would be a thorough analysis of the security threats to be addressed, performed by Europol, in close cooperation with other relevant EU bodies and Member States;
 3. Regrets the fact that the Commission's communication does not contain an evaluation of the current instruments and the corresponding assessment of remaining gaps; urgently calls on the Commission to perform such a stock-taking exercise and to focus its efforts

on the proper implementation and better use of existing legislations and instruments before proposing the creation of new ones; specifically, calls on the Council, in cooperation with the Commission, to comprehensively evaluate the implementation of the measures adopted in the area of internal security before the entry into force of the Lisbon Treaty, making use of the procedure foreseen in Article 70 TFEU;

4. Calls for the new ISS to be forward-looking and strategic, as well as easily adaptable to evolving situations, by focusing not only on existing, but also on emerging, security threats and by taking an integrated, comprehensive and holistic approach to priority areas such as cyber-security, trafficking in human beings and counterterrorism and to interlinked topics such as organised crime, money laundering and corruption;
5. Notes with concern the rapidly rising number of EU nationals who travel to conflict areas to join terrorist organisations and return later to EU territory, presenting new types of risk to EU internal security; intends to address this worrying trend with a multi-dimensional approach, including by i) comprehensively addressing underlying factors such as radicalisation, intolerance and discrimination by promoting political and religious tolerance, developing social cohesion and inclusiveness and facilitating reintegration, ii) analysing and counterbalancing incitement to perform terrorist acts motivated by extremism and departures to join terrorist organisations, iii) preventing and stemming recruitment and engagement in conflict, including the actual travel of foreign fighters to conflict areas, within the appropriate legal frameworks, iv) disrupting financial support to terrorist organisations and individuals aiming to join them, and v) ensuring legal prosecution where appropriate;
6. Points out that security threats have become more varied, international, multiple and asymmetric, requiring closer cross-border and inter-agency cooperation; calls for more effective operational cooperation among Member States through greater use of existing valuable instruments, such as Joint Investigation Teams, and more expeditious and efficient sharing of relevant data and information, subject to the appropriate data protection and privacy safeguards; in this connection, underlines the utmost importance of the swift adoption of the proposed Data Protection Directive to provide a comprehensive legal framework for the sharing of data in the law enforcement field; points out that, in order to further promote operational cooperation among Member States, further trust-building measures are necessary; supports, therefore, the strengthening of European training and exchange programmes for national practitioners in order to further foster a European law enforcement culture;
7. Reminds the European Council of its Treaty obligation under Article 222 TFEU to conduct a regular EU threat assessment, and invites the Commission to come forward with concrete proposals on how best to implement this obligation, drawing together the current fragmented and narrowly focused threat and risk assessments at EU and national level;
8. Calls for the right balance to be sought between prevention policies and repressive measures in order to preserve freedom, security and justice; stresses that security measures should always be pursued in accordance with the principles of the rule of law and the protection of all fundamental rights; therefore, calls on the Commission, when devising and implementing the new ISS, to take due account of the recent ruling of the

European Court of Justice on the Data Retention Directive, requiring all instruments to comply with the principles of proportionality, necessity and legality and to include the appropriate safeguards of accountability and judicial redress;

9. Regrets that the ISS still lacks a proper ‘justice dimension’; recalls, in line with the Stockholm Programme, that mutual trust must be strengthened by progressively developing a European judicial culture, based on the diversity of legal systems and traditions, through European cooperation and legislation in this area and specifically the development of judicial cooperation in criminal matters;
10. Points out that proper implementation of the new ISS is of critical importance and that both the European Parliament and the national parliaments need to be part of the monitoring process in order to ensure democratic scrutiny of security policies; intends, therefore, in close cooperation with national parliaments, to perform regular monitoring exercises on the proper implementation of the ISS;
11. Underlines the importance of coherence between the internal and external aspects of security; believes that synergies between CFSP and JHA tools, including information exchange and police and judicial cooperation with third countries, especially through the use of mutual legal assistance agreements, should be maximised, in full compliance with the principles laid down in articles 2, 3, 6 and 21 TEU; stresses in this context that all relevant actors, including the EU Counter-terrorism Coordinator and the EU Anti-Trafficking Coordinator, should work closely together, integrating the internal and external aspects;
12. Stresses the need to provide for appropriate financial resources for the proper implementation of the measures set out in the ISS, and in particular to ensure that EU agencies such as Europol and Eurojust are sufficiently equipped to fulfil the tasks assigned to them; acknowledges, in this regard, the important role that research and innovation can play in developing tools to help tackle terrorism, serious and organised crime;
13. Points out that, in practice, the ISS also has consequences in terms of prioritising the operations of European agencies and European funding in the JHA field, in which Parliament is a co-legislator; urges the Council, consequently, to take due account of Parliament’s input for the new ISS before adopting the new Strategy;
14. Intends to further elaborate its position on the priorities and actions in the field of internal security, also on the basis of the expected Commission's communication on the new ISS, and to enter in a fruitful dialogue with the Council and the Commission on this issue in the spirit of the Treaty of Lisbon;
15. Instructs its President to forward this resolution to the Commission, the Council and the parliaments of the Member States.