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## Think Tank

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EU framework for FDI screening

Briefing  
17-04-2019  
GRIEGER Gisela

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On 13 September 2017, the European Commission adopted a proposal for a regulation establishing a framework for screening foreign direct investment (FDI) inflows into the EU on grounds of security or public order. The proposal was a response to a rapidly evolving and increasingly complex investment landscape. It aimed to strike a balance between maintaining the EU's general openness to FDI inflows and ensuring that the EU's essential interests are not undermined. Recent FDI trends and policies of emerging FDI providers had cast doubt on the effectiveness of the decentralised and fragmented system of FDI screening – in use in only some EU Member States – to adequately address the potential (cross-border) impact of FDI inflows on security or public order without EU coordinated cooperation among all EU Member States. The proposal's objective was neither to harmonise the formal FDI screening mechanisms then used by almost half of the Member States, nor to replace them with a single EU mechanism. Instead, it aimed to enhance cooperation and information-sharing on FDI screening between the Commission and Member States, and to increase legal certainty and transparency. The European Parliament's Committee on International Trade (INTA) and the Council adopted their positions in May and June 2018 respectively, and interinstitutional negotiations concluded in November 2018 with a provisional text. That was first endorsed by the Member States' Permanent Representatives (Coreper) and by INTA in December 2018. After the text's adoption by the European Parliament and the Council in February and March 2019 respectively, it entered into force on 10 April 2019, and will apply from 11 October 2020, 18 months later. Fourth edition. The 'EU Legislation in Progress' briefings are updated at key stages throughout the legislative procedure. Please note this document has been designed for on-line viewing.

Briefing [EN](#)

Rebuilding the Iraqi State: Stabilisation, Governance, and Reconciliation

15-12-2017  
JONGBERG Kirsten  
Renad MANSOUR, Research Fellow, Chatham House, United Kingdom

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The victory over the so-called Islamic State's territorial rule presents a chance for the Government of Iraq to rebuild its state institutions and re-assert its authority. In this transition, will the Iraqi leadership move past cycles of failure and address the structural problems that perpetuate state weakness and facilitate the emergence of groups like ISIS? To answer this question, this paper analyses the challenges of short-term stabilisation programming with longer-term governance reform at the local and national levels. It argues that, without establishing representative and responsive state institutions, the processes of reconciliation and integration will be unsuccessful. To conclude, this paper offers policy recommendations on how the EU can support the upcoming state-rebuilding process.

[EN](#)

Instrument contributing to stability and peace: Adaptation for military actors

24-11-2017  
IMMENKAMP Beatrix

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The European Commission proposes to amend Regulation (EU) No 230/2014 establishing the Instrument Contributing to Stability and Peace (IcSP) to create the conditions to allow EU budgetary support for systematic and longer-term EU support for the security sector in third countries, including the military, through capacity-building programmes, the provision of non-lethal equipment and improvements in infrastructure. Parliament is due to vote on the proposal during the November II plenary session.

[DE](#), [EN](#), [ES](#), [FR](#), [IT](#), [PL](#)

Countering extremism in Arab countries

11-05-2016  
GOPFFARTH JULIAN | PAWLAK Patryk

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Terrorist attacks in Sousse, Tunis, Beirut and the Sinai clearly show that hardly any country in the Arab world is immune to the threat posed by jihadi terrorism. Despite their different political agendas, countries in the region have been taking unprecedented steps to identify local factors in radicalisation and recruitment to violent extremism, and to prevent and counter these processes.

[EN](#)

[Countering extremism and terrorism in Russia](#)

11-05-2016  
GOPFFARTH JULIAN | PAWLAK Patryk  
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The Russian focus on countering extremism and terrorism has gradually shifted from a primarily home-grown problem in the northern Caucasus towards international engagement against global jihadi movements. At the same time, Moscow is sceptical about extremism being used as a 'geopolitical instrument to rearrange spheres of influence'.

[EN](#)

[United Nations response to violent extremism](#)

11-05-2016  
GOPFFARTH JULIAN | PAWLAK Patryk  
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Despite recurrent difficulties, the international community has developed an extensive repertoire of legal and institutional tools for global cooperation to counter terrorism. In the light of the rise of jihadi movements like ISIL/Da'esh, Al-Qaeda and Boko Haram, counterterrorism efforts have increasingly shifted towards countering violent extremism (CVE) as a threat to peace and security.

[EN](#)

[Countering violent extremism in the USA](#)

11-05-2016  
GOPFFARTH JULIAN | PAWLAK Patryk  
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The fight against terrorism is a key element in the United States' national security policy. The strategy for Countering Violent Extremism launched by the Obama administration in 2011 signalled a turn away from a counterterrorism policy dominated by law enforcement and intelligence towards a comprehensive strategy based on engagement with broader policy communities. Please click here for the full publication in PDF format

[EN](#)

[Yemen: in a security vacuum](#)

13-04-2015  
PAWLAK Patryk

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The absence of functioning state institutions and weak security forces in Yemen provide a fertile ground for anti-government insurgency and terrorism. To date, the ongoing military conflict between the central government and Houthi rebels affects half of Yemen's 22 governorates. With 'Operation Decisive Storm' underway, many fear that we are witnessing a proxy war between regional powerhouses, with potential spillover effects across the region.

[EN](#)

[EU response to Iraq's degenerating situation](#)

20-02-2014  
LECARTÉ Jacques

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Iraq is suffering from a new surge in sectarian violence. The EU and the international community have expressed their concerns over the growth in instability in the country, and stressed the importance of an inclusive political process and the holding of free and fair elections, planned for April 2014.

[EN](#)

## Ukraine's Crisis Intensifies: Protests Grow More Radical, the Authorities More Repressive

24-01-2014

GARCÉS DE LOS FAYOS TOURNAN Fernando | RAMET Valérie

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The first deaths have been reported – along with cases of torture and kidnapping – in two months of anti-government demonstrations and government recalcitrance in Ukraine. Since President Viktor Yanukovych applied the brakes to the country's advancing Association Agreement with the EU, the country has faced political and popular turmoil, with opposing positions increasingly entrenched and demonstrations increasingly marred by violence. The ruling Party of Regions has de facto retreated from its European orientation with the adoption of repressive legislation curtailing basic freedoms and with President Yanukovych negotiating new agreements with Moscow. Weak in the parliament, the political opposition has appeared divided on the street. Byelections held in December 2013 yielded results at odds with those predicted by exit polls and were criticised by international observers; they may serve as a worrisome portent for presidential elections scheduled for 2015.

The EU's High Representative for Foreign Affairs and Security Policy Catherine Ashton has said the EU must work towards a 'political solution to the current crisis.' EP President Martin Schulz has taken a particular stance on protestors' calls for elections, saying that any 'reasonable President' who believes his voters stands behind him 'would consider new elections'. While the EU has not articulated a clear policy on its Ukrainian Eastern Partner, it will need to do so to maintain its credibility as a promoter of democracy and regional actor.

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## National Programme for Mass Surveillance of Personal Data in EU Member States and their Compatibility with EU Law

15-10-2013

Didier Bigo (Centre d'Etudes sur les Conflits, Liberté et Sécurité - CCLS, Sciences-Po Paris, France, King's College, London, the UK), Sergio Carrera (Centre for European Policy Studies - CEPS), Nicholas Hernanz (CEPS), Julien Jeandesboz (University of Amsterdam, the Netherlands; CCLS), Joanna Parkin (CEPS), Francesco Ragazzi (Leiden University) and Amandine Scherrer (CCLS)

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In the wake of the disclosures surrounding PRISM and other US surveillance programmes, this study makes an assessment of the large-scale surveillance practices by a selection of EU member states: the UK, Sweden, France, Germany and the Netherlands. Given the large-scale nature of surveillance practices at stake, which represent a reconfiguration of traditional intelligence gathering, the study contends that an analysis of European surveillance programmes cannot be reduced to a question of balance between data protection versus national security, but has to be framed in terms of collective freedoms and democracy. It finds that four of the five EU member states selected for in-depth examination are engaging in some form of large-scale interception and surveillance of communication data, and identifies parallels and discrepancies between these programmes and the NSA-run operations. The study argues that these surveillance programmes do not stand outside the realm of EU intervention but can be engaged from an EU law perspective via (i) an understanding of national security in a democratic rule of law framework where fundamental human rights standards and judicial oversight constitute key standards; (ii) the risks presented to the internal security of the Union as a whole as well as the privacy of EU citizens as data owners, and (iii) the potential spillover into the activities and responsibilities of EU agencies. The study then presents a set of policy recommendations to the European Parliament.

DE, EN, FR

## ASEAN Citizens' Rights: Rule of Law, Judiciary and Law Enforcement

04-07-2013

Jürgen RÜLAND (University of Freiburg, Germany)

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ASEAN | | | | | | | | | | | | | | | | | | | | ASEAN

With the ASEAN Charter of 2008, the Association of Southeast Asian Nation's post Asian Financial Crisis reforms climaxed. The Charter added democracy, respect for human rights, rule of law and good governance to the sovereignty norms dominating the ASEAN Way, the grouping's established repository of cooperation norms. The formation of a human rights body and the enactment of an ASEAN Human Rights Declaration (AHRD) strengthened citizens' rights in the region. However, critics deplore limitations of citizens' rights due to a concept of context-based rights, limited mandates, legal ambiguities, the reforms' non-binding nature and the lack of stakeholder participation in the reform process.

At the national level, the implementation record of citizens' rights is ambiguous. While on the one hand improvements of the rule of law and in the domains of good governance and law enforcement can be identified, there are, on the other hand, still major rhetoric-action gaps, often relegating citizens' rights to a declaratory level. EU policies should address persisting problems of rights implementation by sensibly responding to ASEAN's search for international legitimacy and reputation. This entails policies of shaming and social sanctioning in international forums, but also granting due recognition for major improvements.

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Coup in the Central African Republic: Chronicle of a Fall Foretold

Briefing  
27-03-2013  
BARNIA Judith

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After a coalition of rebels entered the capital of the Central African Republic on 24 March, President François Bozizé fled to Cameroon. Bangui, the capital, was plunged into chaos, and the situation there remains volatile. Capping years of violent conflict, an offensive by rebel forces destabilised the country in 2012. Under international pressure, a ceasefire was brokered in January 2013, bringing a short-lived unity government to power. Following the coup, the African Union suspended the Central African Republic's membership and imposed sanctions on rebel leaders. The EU, UN, and US have all condemned the violent coup, while remaining silent on the status of the unpopular ousted president. Even before the latest rebellion, the country faced a deepening humanitarian crisis. It is essential that public order and stability are restored and that the risk of regional spillover contained. The country's new self-proclaimed President, Michel Djotodia, has pledged to maintain a power-sharing government. He will need to create a wider, inclusive political and economic model to achieve lasting stability.

Briefing [EN](#)

Assessing the EU's Approach to Security Sector Reform (SSR)

23-01-2013  
Eva GROSS (Free University of Brussels, Belgium) and Marine JACOB (TEPSA, BELGIUM - for the workshop report at annex)

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SSR activities are key for stabilizing fragile and post-conflict states through their emphasis on training, institutional reform and governance. The EU has engaged in aspects of SSR for the past decade through its CFSP/CSDP as well as development and enlargement policies. The recently launched CSDP missions in the Horn of Africa take place in a new institutional context, and address European security concerns in a fragile but geopolitically important region. The EU's engagement with SSR in general and the Horn of Africa in particular shows the difficulties in simultaneously pursuing dual objectives of stability and institution-building and in adopting and coordinating long- and short-term approaches to the problems facing the region. To do justice to the holistic conception of SSR and its emphasis on accountability and democratic oversight, the training of security forces and capacity building needs to be framed in a long-term approach that aims for sustainable structural change. The creation of the EEAS has given the EU the right tools – but a continued emphasis on policy coordination is necessary to address old and new, institutional and operational, challenges so as to attain a comprehensive approach to SSR. The input and continued commitment of member states to CSDP also remains vital.

[EN](#)

Tunisian Transition : Hope in Spite of the Challenges

19-06-2012  
GHANMI Elyes | HAKALA Pekka

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Tunisia, the birthplace of the popular Arab uprisings, is a small country which remains strongly oriented towards Europe. The European Union has every interest in Tunisia's successful transition to democracy. The overview of the first 18 months of the transition period is both positive and worrying. Numerous challenges and obstacles are slowing down the process of democratic transition, including socio-economic problems such as unemployment, liquidity in the banking sector and external financing. Political and security issues have emerged, the most alarming of which are still the extremism and violence of Salafist groups. The political landscape is still characterised by strong polarisation between the parliamentary majority and the opposition parties, which sometimes disrupts the work of the National Constituent Assembly. The major projects involved in Tunisia's democratic transition remain unfinished and the population has high expectations. The EU should strengthen its support for the essential political reforms and encourage the Tunisian authorities to make the most of its institutions and Member States' expertise in various sectors. It should also speed up the process for negotiating new agreements.

[EN](#), [FR](#)

[The Proposal for a Regulation of the European Parliament and of the Council on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters \(Recast\) - Contributions by Andrew Dickinson](#)

15-09-2011

Andrew DICKINSON (University of Sydney, British Institute of International and Comparative Law, Clifford Chance LLP)

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This note considers several aspects of the reforms proposed by the Commission (COM (2010) 748 final, 14 December 2010) to the current EU legal framework regulating the jurisdiction of Member State courts, and the recognition and enforcement of judgments, in civil and commercial matters, as contained in Regulation (EC) No. 44/2001 (the “Brussels I” Regulation). It suggests possible amendments to the Commission’s Proposal, as set out in the Annex.

EN, FR