



Università  
Ca' Foscari  
Venezia

Master's Degree programme – Second Cycle  
(*D.M. 270/2004*)  
in International Relations

Final Thesis

Internal security in the  
European Union:  
research programmes  
and cooperation policies

—

Ca' Foscari  
Dorsoduro 3246  
30123 Venezia

**Supervisor**

Ch. Prof. Sara De Vido

**Graduand**

Matilde Oliveri  
833269

**Academic Year**

**2014 / 2015**



## TABLE OF CONTENTS

Abstract.....	1
List of abbreviations.....	9
Introduction.....	11

## CHAPTER I

### Internal security in the European Union

1. Security in Europe's history.....	18
1.1 The first intergovernmental actions.....	19
1.2 The Treaty of Maastricht.....	22
1.3 Cooperation in practice: Europol.....	26
2. The Area of Freedom, Security and Justice.....	30
2.1 The Treaty of Amsterdam.....	31
2.2 The Treaty of Lisbon.....	33
2.3 The multi-annual programmes.....	36
2.3.1 The Tampere Programme.....	37
2.3.2 The Hague Programme.....	40
2.3.3 The Stockholm Programme.....	43
3. Europe and counterterrorism.....	45
4. The Internal Security Strategy.....	47

## CHAPTER II

### Internal security in EU research programmes

1. Research in the European Union.....	52
1.1 The multi-annual Framework Programmes.....	54
1.2 The European Research Area.....	59
1.3 Internal security in EU research programmes.....	61
2. Horizon 2020.....	70
2.1 The Work Programme “Secure Societies”.....	73
3. Case studies.....	75
3.1 Analysis of a theoretical study in the 7 <sup>th</sup> FP.....	79
3.2 Analysis of a technical project in the 7 <sup>th</sup> FP.....	87
4. Other aspects of security: the security and defence industries.....	94
4.1 The public-private dialogue.....	96
4.1.1 The Security Industrial Policy.....	98

## CHAPTER III

### Latest advancements and future challenges

1. 2015 - 2020: What will be next? .....	104
1.2 Unsolved issues.....	110
2. Conclusions.....	112
Literature.....	117



## ABSTRACT

Oggi l'Europa è un insieme di Stati liberi e sicuri, governati da tradizioni democratiche e pacifiche. Esistono delle ragioni profonde dietro a questa realtà: esse nascono da diversi fattori, innanzitutto dal fatto che in Europa regna una stabilità interna ormai consolidata, e dal fatto che gli Stati membri hanno stabilito relazioni molto pacifiche tra loro. Assicurare che tale sicurezza si mantenga è una delle priorità assolute dell'Unione Europea; infatti la sicurezza interna è diventata una dei pilastri più rappresentativi dell'Unione.

Nonostante tutto, fino a pochi anni fa il problema della sicurezza interna era largamente ignorato dalla maggior parte degli studiosi delle politiche e dell'integrazione europea. Questo fatto non deve destare sorpresa, poichè il tema stesso della sicurezza interna è stato introdotto piuttosto tardi nell'agenda dell'UE. Però, per questo motivo, poca letteratura è stata scritta sulla questione, poche riflessioni sono state fatte. Perciò, questa analisi ripercorre la nascita e lo sviluppo di una politica di sicurezza interna comune nell'UE; essa analizzerà inoltre le cause principali che hanno spinto l'Europa ad interessarsi di sicurezza interna, i principali obiettivi raggiunti finora dall'Unione assieme alle debolezze che il sistema di sicurezza interna ancora possiede.

L'integrazione europea sul tema della sicurezza è avvenuta a due livelli: a livello politico, nei dibattiti del Consiglio, e a livello delle iniziative lanciate dalla Commissione Europea. Da un punto di vista politico, durante tutti gli anni '70 e '80, gli Stati rimasero molto scettici all'idea di condividere le loro politiche di sicurezza interna: essa rappresentava l'essenza stessa della sovranità statale. Perciò, le iniziative di cooperazione di quegli anni rimasero caratterizzate da un approccio intergovernativo. La principale forma di cooperazione internazionale di quegli anni prese il nome di gruppo TREVI (vedi parte I, 1.1), il quale era formato solamente da capi di Stato e Primi Ministri, ed aveva pochissimi contatti con le istituzioni della Comunità Europea dell'epoca.

Dalla fine degli anni '80 la comunità iniziò a dare vita a forme di cooperazione che ebbero origine direttamente dalle istituzioni europee. Ciò fu possibile per due

motivi principali: prima di tutto, la Comunità aveva dato vita ad un unico territorio europeo, libero senza confini, grazie agli accordi di Schengen del 1990. Per questo motivo, gli Stati membri si resero conto che le loro risorse nazionali non sarebbero state sufficienti ad affrontare la serie di potenziali nuove forme di criminalità derivanti dall'abolizione dei confine interni alla comunità. In secondo luogo, nuove forme di pericoli nacquero durante gli anni '90, dal terrorismo legato all'estremismo islamico, alla cybercriminalità; gli attacchi terroristici del 2001 negli USA, seguiti nel Regno Unito e in Spagna, tra gli anni 2001 e 2005, confermarono l'urgenza di adottare una strategia comune.

Queste sono le cause che spinsero l'Unione ad inserire nella propria legislazione le questioni della cooperazione giudiziaria e di polizia: nel Trattato di Maastricht del 1992, la struttura dell'unione venne completamente riformata con la creazione di tre pilastri tematici, il terzo dei quali venne dedicato alla cooperazione tra sistemi giuridici e forze di polizia.

Il Trattato di Amsterdam del 1997 portò un'importante cambiamento di tipo organizzativo, con l'introduzione dello Spazio europeo di Libertà, Sicurezza e Giustizia (Area of Freedom, Security and Justice), il quale aveva lo scopo di racchiudere tutte le iniziative legate agli affari interni, la cooperazione giudiziaria e delle forze di polizia. Nonostante tutto, le innovazioni più significative furono introdotte dal Trattato di Lisbona e dai programmi pluriennali sulla sicurezza interna. Il primo abolì la struttura dei tre pilastri (vedi parte I, 2.2) e stabilì che anche le questioni inerenti alla cooperazione della polizia e della giustizia fossero amministrate dal metodo comunitario (vedi parte I, 1.2), abolendo quindi la necessità del voto unanime. I programmi pluriennali furono introdotti nel 1999 con il Programma di Tampere: questi documenti elencano le priorità di sicurezza interna per un periodo di cinque anni, e le risorse che gli Stati devono impiegare per combattere al meglio le principali minacce alla sicurezza interna. Seppur rappresentativi di una grande innovazione, questi programmi sono stati fortemente criticati in passato per la loro vaghezza, mancanza di chiarezza e di priorità definite. Questo metodo si è rivelato inefficiente ed ha lasciato scoperte troppe minacce. Il 2015 potrebbe essere stato l'anno della svolta: l'ultimo programma



quinquennale è stato pubblicato dal Consiglio nel giugno 2015: in esso alcune delle critiche degli anni passati sembrano essere state considerate, ed infatti le priorità sono state ridotte alla urgente lotta al terrorismo, alla cybercriminalità e al crimine transnazionale; inoltre viene sottolineata più volte la necessità di legare la politica estera alla sicurezza interna, e quindi di cooperare maggiormente con gli Stati vicini dell'Unione per spezzare le reti della criminalità e del terrorismo prima che entrino in Europa.

Il fulcro di questa tesi, però, è soprattutto l'analisi del lavoro portato avanti dalla Commissione Europea in materia di sicurezza interna. La CE negli anni è riuscita a creare importanti strumenti di cooperazione per la sicurezza interna ed ha largamente finanziato questa tematica, supplendo alla mancanza di fondi dei governi nazionali. Dalla metà degli anni '80 la Commissione ha avviato agenzie ed uffici specializzati per supportare a livello europeo le forze di intelligence e di polizia degli Stati membri. A questo proposito progetti come Europol (vedi parte I, 1.3), Eurojust e Frontex sono potuti nascere e, negli anni, sono diventati un fondamentale aiuto per la sicurezza nei territori degli Stati membri.

Probabilmente il maggiore contributo da parte della Commissione è quello dato alla ricerca. Dal 1984 vengono finanziati programmi pluriennali di ricerca, allo scopo di aumentare la competitività della ricerca europea, di connettere la conoscenza tra gli Stati Membri e di portare un contributo maggiore alla comunità europea. Negli anni la CE ha investito e continua ad investire importanti risorse per il progresso e la cooperazione internazionale nell'ambito della ricerca. In questa tesi la storia dello sviluppo di tali programmi è stata riproposta; ovviamente attenzione particolare è stata data alla ricerca sulla sicurezza, al modo e il periodo in cui è nata, i motivi, e il come siano cambiate le priorità sulla sicurezza da parte della Commissione nel corso degli anni. Quando il tema della sicurezza interna fu introdotto nei programmi di ricerca nel 2006, la Commissione sperava di ottenere diversi risultati: maggiori fondi alla ricerca in tema di sicurezza per aumentare la competitività del settore della sicurezza e difesa europei, che non erano ancora al livello degli Stati Uniti e dei mercati asiatici.

Inoltre, davanti alla mancanza di risorse da parte degli Stati per affrontare minacce terroristiche, disastri naturali e criminalità transnazionale, l'UE voleva contribuire al meglio al miglioramento della sicurezza dell'Unione.

All'interno di questa ricerca sono stati proposti due case studies relativi a due progetti europei inerenti il tema della sicurezza interna. Tali progetti fungono da esempio della tipologia di contributo che la ricerca europea ha portato e sta portando alla sicurezza dell'Unione. Il primo case study fa riferimento ad uno studio teorico, focalizzato sulle conseguenze giuridiche e sociali dell'affermarsi di una società caratterizzata dal fenomeno della "mass surveillance": per proteggere i suoi cittadini, la società finisce per privarli delle loro libertà e non tutela la loro privacy. Il progetto è stato chiamato SAPIENT dai partners è stato realizzato all'interno dei fondi provenienti dal settimo Programma Quadro (vedi parte II, 1.3), ed è durato dal 2010 al 2014. I principali partner erano istituzioni accademiche, mentre in minoranza hanno partecipato anche partner del mondo dell'industria. Lo studio ha compiuto una panoramica completa della situazione attuale in materia di sorveglianza dal punto di vista della legislazione europea, della percezione che hanno i cittadini e delle più recenti innovazioni a livello tecnologico. Dopodichè, i partners del progetto hanno sviluppato nuove possibili soluzioni, cioè delle linee guida che gli Stati dovrebbero seguire per far sì che i dati dei propri cittadini siano utilizzati al meglio e nel rispetto della legge; al tempo stesso alcune delle linee guida sono state rivolte anche ai cittadini, i quali non sono sufficientemente informati su cosa accade ai loro dati personali e quali sono le vie legali di cui possono usufruire nel caso in cui i loro diritti vengano violati (vedi parte II, 3.1, 3.2).

Il secondo case study riporta un studio di tipo tecnico. Anch'esso è stato finanziato all'interno del settimo Programma Quadro, ed è durato quattro anni, dal 2012 al 2015. Il progetto TACTICS, è stato portato avanti da un consorzio di partners alquanto misto, composto da organi delle forze dell'ordine, centri di ricerca applicata e aziende di soluzioni informatiche per la sicurezza. Il focus principale del progetto era sviluppare una soluzione strategica e logistica per affrontare in modo adeguato e veloce possibili attacchi terroristici; in particolare,

tale strategia avrebbe dovuto concentrarsi sulle zone urbane, che sono i principali obiettivi di attacchi terroristici e, al tempo stesso, i bersagli più vulnerabili. In città, infatti, si trovano strutture di vitale importanza; le città hanno un valore simbolico nella percezione della gente; infine in un ambiente urbano è molto difficile monitorare gli spostamenti delle persone. A questo scopo i centri di ricerca e le imprese partners del progetto hanno ideato un sistema informatico il quale aiuta le forze di polizia e di intelligence a prevenire e ad affrontare attacchi terroristici. Il sistema funge da database di comportamenti e modelli di attacchi precedenti, al fine di individuare quelli potenziali; esso può inoltre aiutare a reagire in modo efficiente a degli attacchi perchè può indicare quali risorse sono a disposizione in una precisa zona della città, e quali sono le più adatte per quello specifico tipo di attacco.

All'interno delle numerose attività lanciate dalla Commissione, vi è stata anche l'idea di coinvolgere il mondo dell'industria della sicurezza e della difesa: questo mercato svolge un ruolo molto importante nell'economia europea in termini di posti di lavoro e di contributo alla competitività delle tecnologie europee; al tempo stesso, però, negli ultimi anni ha sofferto degli effetti della recente crisi finanziaria e di conseguenza ha perso parte della sua competitività e capacità di fornire lavoro. Inoltre, seppur molto importante, quest'industria molto spesso sviluppa prodotti che hanno un mercato solamente istituzionale, - fatto che le rende molto deboli - e non sempre i prodotti realizzati tengono conto degli standard legislativi europei. Per queste ragioni la Commissione ha lanciato delle iniziative, la più importante delle quali è stata la Security Industrial Policy del 2012. Lo scopo di questo documento era di superare la frammentazione di questo settore di mercato, supportare le PMI (Piccole e Medie Imprese), introdurre nei prodotti di sicurezza un approccio più rispettoso dei diritti umani e delle libertà dei cittadini, quindi di uniformare i prodotti alla legislazione europea. Seppur poco affrontato in ambito accademico, l'argomento ha suscitato critiche da parte di alcuni esperti che hanno sottolineato come, in realtà, l'UE si sia fatta largamente influenzare dai giganti europei di quest'industria, finendo per coinvolgere solo loro negli advisory groups che avrebbero dovuto creare i progetti

da finanziare all'interno dei Programmi Quadro; inoltre l'UE avrebbe promosso normative volte solo a rinforzare i colossi della difesa e non a supportare la crescita di tutto il settore partendo dalle PMI.

Investire nella ricerca sulla sicurezza è sicuramente stato un valido contributo per ogni Stato membro dell'Unione. Ciò nonostante, alcune mancanze di questo programma devono essere sottolineate. Data la scarsità di testi di riferimento sulla questione, le principali fonti utilizzate per analizzare i Programmi Quadro sono state: i documenti ufficiali della Commissione, i report sui Programmi Quadro, e l'opinione di pochi centri di ricerca specializzati nell'analisi delle politiche comunitarie. Think tanks, come il Centre of European Policy Studies, sono stati di fondamentale importanza per esaminare anche le mancanze di questi vasti programmi di ricerca. Infatti, per i primi due cicli di finanziamenti, dal 2006 al 2013, le tipologie di progetti che la CE ha finanziato, erano esclusivamente focalizzati sulla ricerca applicata per sviluppare nuove tecnologie; al contrario, studi di tipo etico e giuridico sono stati quasi completamente esclusi dai finanziamenti. In questo modo la ricerca sulla sicurezza ha avuto lo scopo di fornire sicurezza alla società e alle infrastrutture soltanto attraverso la tecnologia e non ha preso in considerazione i diritti dei cittadini o le questioni legate alla privacy. Inoltre, la sicurezza non è stata studiata in maniera orizzontale, non è stata legata ad altri fattori quali le politiche di integrazione e di multiculturalità, il supporto alle PMI, e soprattutto non è stata vista come una diretta connessione con la ricerca sulla politica estera dell'Unione.

Nel 2014 è stato lanciato "Horizon 2020", l'attuale programma di finanziamenti alla ricerca fino al 2020. I commissari incaricati della sua stesura hanno fatto tesoro dei suggerimenti ricevuti negli anni precedenti: infatti questo programma ha introdotto delle novità, che probabilmente influiranno positivamente sul suo successo a lungo termine. Horizon 2020 è caratterizzato da un approccio orizzontale alle tematiche, che ora sono molto più interconnesse. Di conseguenza, gli studi sulla sicurezza vengono ora proposti con collegamenti a questioni sociali, di integrazione, a studi sull'immigrazione, e a studi sui cambiamenti climatici.

Inoltre, altri aspetti della sicurezza vengono ora finanziati, come il miglioramento della legislazione europea sulla protezione dei diritti e delle libertà dei cittadini.

In generale, l'Unione ha permesso agli Stati membri di migliorare la qualità della sicurezza nei propri territori. Molte iniziative sono state realizzate, innovazioni sono state scoperte, e i servizi di sicurezza ed intelligence dei 28 Stati membri possono contare su un Sistema di cooperazione e scambio di informazioni che probabilmente non sarebbe stato possibile senza l'apporto delle istituzioni di Bruxelles. Nonostante ciò, vi è un importante elemento mancante tra tutte queste iniziative: una struttura di implementazione delle linee guida e delle iniziative europee che sia veramente funzionante. Con implementazione si deve intendere una vera applicazione dei risultati derivanti dalla ricerca europea, ma anche uso delle linee guida e delle politiche europee. Al momento tutto ciò non sta avvenendo in modo coerente ed appropriato a livello nazionale e locale nei diversi Stati. La Commissione ha creato negli anni diversi strumenti estremamente utili per gli Stati, i quali non ne usufruiscono a pieno. Al fine di superare gli ostacoli dell'implementazione e della coordinazione, l'UE dovrà apportare cambiamenti e dovrà rivedere il proprio modo di sviluppare le politiche comunitarie. Come anche sottolineato dal Consiglio nella nuova Internal Security Strategy del giugno 2015, anche la Commissione dovrà impegnarsi per ridurre le priorità prima di lanciare nuove proposte legislative, poichè il sistema attuale richiede un migliore equilibrio tra l'adozione di nuovi strumenti, agenzie, centri, e tasks force e la corretta implementazione degli strumenti esistenti. Al tempo stesso, gli Stati membri dovranno impegnarsi a rivedere, semplificare e rendere più efficienti le proprie forze di polizia e servizi di intelligence; questi servizi dovranno fare pieno uso degli strumenti forniti dall'Europa, poichè essi sono la chiave per un funzionamento corretto e non dispersivo della lotta al terrorismo e alla criminalità.



## **LIST OF ABBREVIATIONS**

AFSJ – Area of Freedom, Security and Justice  
CFSJ – Common Foreign Security Policy  
CMT – Capabilities Management Tool  
CT – Counterterrorism  
DG – Directorate General  
DGSJ – Direction Générale de la Sécurité Intérieure  
EC – European Commission  
ECJ – European Court of Justice  
EDU – Europol Drugs Unit  
EEC – European Economic Community  
EP – European Parliament  
ERA – European Research Area  
ESRAB – European Security Research Advisory Board  
EU – European Union  
FIU – Terrorist Financing Tracking Programme  
FP – Framework Programme  
GoP – Group of Personalities  
JCO - Joint Customs Operation  
JHA – Justice and Home Affairs  
JIT – Joint Investigation Team  
ISS – Internal Security Strategy  
IRU – Internet Referral Unit  
MEP – Member of the European Parliament  
PASR – Preparatory Action for Security Research  
PCCC - Police and Customs Cooperation Centre  
PMI – Piccole e Medie Imprese  
PNR – Passenger Name Record  
RAN – Radicalisation Awareness Network  
SAT – Section Anti-Terroriste

SDAT – Sous-Direction Anti-Terroriste

SIS - Schengen Information System

SLTD - Stolen and Lost Travel Documents

SME – Small and Medium Enterprise

TDT – Threat Decomposition Tool

TREVI - Terrorism, Radicalisation, Extremism and International Violence

UCLAT – Unité de la Coordination de la Lutte Anti-Terroriste



## INTRODUCTION

Europe is a free, safe and protected area, ruled by democratic and peaceful traditions. According to the World Peace Index, among the first 20 most peaceful countries, 12 are Member States of the European Union<sup>1</sup>.

The deep reasons that lie behind such reality are various and can be traced back to several, very different, factors, first to mention European geopolitical internal stability, the consolidated peaceful relations among its Member States as well as the fact that the European Union has created a cooperation area to realize a common safe space, made of all the 28 Member States. Ensuring security and freedom to its citizens has become one of the founding pillars on which the European project bases its own existence. The role that the EU has in such field can be considered as intrinsic to the same existence of the Union.

Nowadays, internal security is a main priority at political and at policy level for the EU. “However, until very recently, the issue area of internal security has been a largely unknown territory to most students of European integration and European policies. This does not come as a surprise, since internal security itself is a late comer in European politics”<sup>2</sup>. Therefore, this analysis provides information on the path of the European Union to establish cooperation among Member States in the field of internal security; it analyses the root causes which led the EU to gain interest in the topic, the main achievements and the points in which European cooperation is still weak and needy of improvement.

European integration in the field of security has taken place at two levels: at the level of politics, in the discussions of the Council, and at the level of policies, through the numerous initiatives of the European Commission.

From a political point of view, during the 1970s and the 1980s States “remained reluctant to share competencies in an area that touched the very nerve of the

---

<sup>1</sup>INSTITUTE FOR ECONOMICS AND PEACE, “Global Peace Index 2015”, June 2015.

<sup>2</sup> W. WAGNER, “Analysing the European Politics of Internal Security”, *Journal of European Public Policy*, December 2003, p. 1033.

modern nation-state”<sup>3</sup>. Therefore, they preferred to adopt an intergovernmental approach to internal security issues, occasionally relying on each other’s resources: the main example of such form of cooperation was the creation of the TREVI group (see part I, 1.1), formed exclusively by Heads of States and Prime Ministers. The group barely had any interaction with European institutions.

Cooperation in internal security became possible because of two driving factors. First of all, the EU launched some legal reforms to create a new, open European territory without frontiers nor borders, under the name of the Schengen Agreement. Because of this, Member States realized how their national resources could not be sufficient to face the new wave of potential crimes deriving from the Schengen regulations (see part I, 1.1). Since institutions have worked for the creation of a common, protected European area, which was called the Area of Freedom, Security and Justice. Cooperation on this subject remained very difficult to achieve, mainly because States were still attached to an intergovernmental approach and taking common decisions, for example to establish a Common European Asylum System (see part I, 1.1), was almost impossible. Second of all, new forms of threats emerged, in front of which European governments did not have sufficient knowledge and competencies: terrorism, cyber-crime, protection against natural disasters became some of the new priorities of the Council in the field of internal security. The terrorist attacks in the USA, Spain, and the United Kingdom worked as a pressing example of the fact that a common, univocal strategy had to be adopted in Europe. Specific five-year programmes were launched by the Council, from the Tampere Programme of 1999 until the latest Internal Security Strategy of June 2015, to guide Member States to invest in the right priorities to fight in the best way security threats.

In parallel to the Council, the European Commission has intensively worked to complete the Council’ strategic plans with concrete agendas of actions and initiatives for Member States. For example, the Commission has worked to create ad-hoc agencies and offices, which could work as a European reference point for

---

<sup>3</sup>W. WAGNER, “Analysing the European Politics of Internal Security”, *Journal of European Public Policy*, December 2003, p. 1036.

States, on issues such as collection of sensible data on suspects and criminals, but also to coordinate law enforcement forces and national intelligence services. Clear examples of this type of work are the offices of Europol (see part I, 1.3), Eurojust, and Frontex.

Probably the most important contribution from the EC is in the field of research. In fact, since 1984 the Commission has financed multi-annual research programmes, called Framework Programmes (see part II, 1.1), with the aim to increase the competitiveness of European researchers, to exchange knowledge between Member States and, to increase the quality of products of the security and defence market sector in Europe. Internal security was officially included in the research Framework Programmes in 2006. This dissertation analyses the development of the topic of internal security research throughout the years, the reasons that pushed EC Commissioners to believe security research had become a necessary investment, and the achievements reached by the European research so far in the field of security. In addition, the Commission wanted to support national governments who, since the financial crisis of 2008, have had to introduce cuts to their security and research budgets.

Two cases are part of this analysis: they are two projects funded under the 7<sup>th</sup> FP. The first one analyses the issues linked to privacy and human rights, deriving from the rise of a mass surveillance society (see part II, 3.1). The second one is a technical study on the development of a software, useful for police forces to prevent possible terrorist attacks and, in case one attack happens, to dispose the most suitable resources to fight it.

Investing in security research has surely been a valuable contribution for every Member State of the Union. Nevertheless, some of the lacks of the programmes coming from the Council and from the EC have to be highlighted. Given the fact that literature on this issue is very limited, the main sources used are official reports from EC Commissioners, MEPs on the ongoing progress of European research and strategies, and the opinion of some specialized think tanks. These

elements are used in this work to discover some of the lacks and defects of security research programmes in the past years.

As far as the Commission's work is concerned, funds have been assigned almost exclusively to technology-related research, while judicial and ethical aspects of security have been almost entirely left out. Funds have been assigned almost only to private enterprises or to applied research centers, even if public entities are the actual end-users of security research, because they are mainly responsible for its implementation. Security had no connection with judicial, social or environmental concerns. Some of the critics have been collected and used to improve the latest multi-annual cycle of funds, Horizon 2020. In the programme, security is considered in the totality of its aspects, and especially, it is connected to other issues which highly contribute to Europe's insecurity, such as social and integration matters, climate change, and lack of update of EU legislation.

Regarding the work carried out by the Council, it has promoted political unifying concepts, such as the one of Area of Freedom, Security and Justice (see part I, 2). Nevertheless, its strategy of action has often been criticised in the past for being vague and unable to identify real priorities. In June 2015, the Council released the latest Internal Security Strategy document, which could be the turning point for the future: priorities of threats were reduced to only three (terrorism, cyber criminality and transnational crime), and more concrete, direct action points were listed.

In conclusion, the European Union has created and funded many activities, thanks to which Member States could improve the level of security in their national territories. It has also contributed to security because it has pushed States to take cooperative, common actions and to share their knowledge and part of their sovereignty. In the course of this analysis, the main missing that emerged, is a clear and efficient implementation structure. Implementation is intended as making use of results coming from research studies, as proper use of guidelines and policies at national and at local level. In addition, the EC managed to create a number of valuable cooperation networks, task forces, offices and agencies, of which Member States do not make full use.

In order to overcome the implementation and coordination's obstacles, the EU will have to adopt important changes in the way it develops priorities. There are threats to security which are more and more dangerous, and the response of the EU so far has proved to be insufficient; therefore, in the next future, there will be need to implement existing rules and focus on few, urgent priorities before launching other legislative proposals. From the side of Member States, they will need to simplify and make their police and intelligence service more efficient.

In addition to this challenges, both the EU and Member States will be faced with probably the most difficult challenge: they will have to face these years of high perceived insecurity, dismantle terrorism and other forms of criminality and manage at the same time to remain an open, free common territory, made of States who share a common vision for Europe and want to protect their citizens without abandoning the principles of the Schengen Convention.



## **CHAPTER I**

### **INTERNAL SECURITY IN THE EUROPEAN UNION**

Summary: 1. Security in Europe's history – 1.1. The first intergovernmental actions – 1.2. The Maastricht Treaty – 1.3. Cooperation in practice: Europol - 2. The Area of Freedom, Security and Justice - 2.1. The Amsterdam Treaty – 2.2. The Lisbon Treaty - 2.3. The multi-annual programmes - 2.3.1. The Tampere Programme – 2.3.2. The Hague Programme – 2.3.3. The Stockholm Programme – 3. Europe and counterterrorism - 4. The Internal Security Strategy

## 1. SECURITY IN EUROPE'S HISTORY

Looking back to the last decades, the term “internal security” has progressively gained a broader attention in terms of impacted domains and of involved actors. As far as its content is concerned, it embraces a great variety of domains from border controls to public order, from natural disasters to counter-terrorism, from surveillance and intelligence-gathering to tackling crime, from drug trafficking to critical infrastructures’ protection. Furthermore, several actors are involved: national governments, law enforcement and security agencies at national, regional and local level, and even at supranational level, one example being the European Union<sup>4</sup>.

Tracing the origins of internal security in its modern version is perhaps a too broad investigation field, but the events which marked the last half century in the Western world explain much of its developments in the European continent. In fact,

“from the 1980s some law enforcement agencies and political thinkers developed a concept of security that links together broad categories of activities: terrorism, drug trafficking, organised crime, trans-border crime, illegal immigration, asylum seekers, and minority ethnic groups. This conception represents a variety of very different problems as elements of one general security threat. In addition, there has been a blurring of the distinction between internal and external security, as the threat of a conventional military attack on Western Europe has declined. [...] The linkage between security fields lies at the core of the redefinition of the West European security following the collapse of the Soviet Union. Integration of the tasks and functions of police services, immigration services, customs and intelligence services, is sustained by the gradual re-

---

<sup>4</sup>T. BUNYAN, “First thoughts on the EU’s Internal Security Strategy” Statewatch Analysis, November 2014, p.1.



shaping of the security continuum under the pressure of events, such as, most dramatically, the terrorist attacks of September 2001”<sup>5</sup>.

The concept of security as it is understood nowadays is the result of two connected processes: Europeanization and externalization of internal security. The first concept refers to the work done by European States from the Schengen agreement onwards, which accelerated the transformation of the European Community into a unified space, where freedom of circulation is the rule and restrictions to circulation are the exception. The second concept refers to the fact that law enforcement agencies and political discourse paved the way for a security continuum, making connections between broad categories of activities: drug trafficking, organized crime, trans-frontier crime, illegal immigration, asylum seekers, and more recently cyber-crime and terrorism. These two elements have had a major impact on structures, methods and content of EU policies and strategies in the field of home security<sup>6</sup>.

### 1.1 THE FIRST INTERGOVERNMENTAL ACTIONS

The European Community moved the first steps in the field of internal security and freedom for European citizens back in 1976, with the creation of the Terrorism, Radicalisation, Extremism and International Violence group (TREVI group). The group was composed by European Communities’ internal affairs and justice ministers of the 12 Member States; the decision was based on the “need to strengthen their cooperation to face the threat of terrorism. European countries, in fact, were concerned by recent events such as the actions of the “Red Brigades in Italy and of the Red Fraction Army in Germany”.<sup>7</sup> The official creation was anticipated by a number of intergovernmental meetings on terrorism in 1971 and

---

<sup>5</sup>M. ANDERSON, J. ASAP, “Changing conceptions of security and their implication for EU Justice and Home Affairs”, Centre for European Policy Studies, No. 26, October 2002, p.1.

<sup>6</sup>M. ANDERSON, J. APAP, “Changing conceptions of security and their implications for EU justice and home affairs cooperation”, Centre for European Policy Studies, October 2002, pp. 3-4.

<sup>7</sup>COUNCIL OF THE EUROPEAN UNION, “Living in an Area of Freedom, Security and Justice”, 2005.

1972: during one of those meetings the UK Foreign Secretary proposed, alongside with the agreement of Ministers to set up a special consortium to combat terrorist threats in the European Community. As a consequence, five working groups were created in 1976. Each one was in charge of a specific activity such as combating terrorism, providing technical knowledge and police training; all the groups reported to the TREVI Ministers of Member States<sup>8</sup>. The topics covered by the working groups gradually increased: during all the 1970s and 1980s, there were frequent calls from within and outside the TREVI group to formalize police cooperation within the Community”<sup>9</sup>. In 1985, the group's focus was extended to illegal immigration and the fight against organized crime.

It is interesting to notice that such initial input did not come from the body that would have been more competent for the role. In fact, “the European Commission (EC) was not involved in the TREVI structure, supposedly because it had no direct police competence. The EC was simply represented at the biannual meetings of the ministers on immigration issues. The line of accountability was assigned to the Council of Ministers, which represented national governments. TREVI was essentially an informal body whose objective was to advance cooperation on the ground. Since at the time police and security were outside the Community competence, the group was born as an independent institutional structure”<sup>10</sup>. All together, the group laid the foundations for future fundamental policies, particularly in matters of counter-terrorism, police cooperation, the fight against international crime and the abolition of borders<sup>11</sup>.

On the front of the protection of citizens’ freedoms and rights, instead, the first real step towards a concrete cooperation was the signature of the “Schengen Implementing Convention” in 1990, which opened up the European internal borders and established the so-called Schengen Area. The project initiated in the

---

<sup>8</sup>T. BUNYAN, “Statewatching the New Europe: handbook on the European State”, Statewatch Publications, 1993, p. 1.

<sup>9</sup>EUROPOL OFFICIAL WEBSITE (<https://www.europol.europa.eu/content/page/history-149>).

<sup>10</sup>T. BUNYAN, “Trevi, Europol and the European state”, Statewatch Publications, 1993. (<http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.175.888&rep=rep1&type=pdf>).

<sup>11</sup>COUNCIL OF THE EUROPEAN UNION, “Living in an Area of Freedom, Security and Justice”, 2005.

1980s from an idea carried on by Germany and France. The first agreement was signed in the little town of Schengen, Luxembourg, in 1985 by five Member States: Germany, France, the Netherlands, Belgium and Luxembourg. The Convention implementing the Schengen Agreement, better known as the “Schengen Convention”, was signed on the 19th June 1990 by the same five States, and it paved the way for the abolishment of controls at national borders and the establishment of the pillar of freedom of movement for European citizens inside the Community. Even if the agreement worked independently from the EEC until 1999, it represented a significant step towards more freedom for millions of European citizens and marked a totally new path towards European integration. In fact, “common rules regarding visas, right of asylum and checks at external borders were adopted to allow the free movement of persons within the signatory states without disrupting law and order”<sup>12</sup>. Schengen also brought to acknowledge that Europe was becoming more and more a single organized entity, which needed common policies on issues such as people movements and migration. “Accordingly, in order to reconcile freedom and security, this freedom of movement was accompanied by so-called "compensatory" measures. This involved improving cooperation and coordination between police and judicial authorities in order to safeguard internal security and, in particular, to fight organized crime”. One example was the set-up of the Schengen Information System (SIS): a large-scale information tool which allowed national police, border guards and judicial authorities to obtain information on certain categories of wanted or missing persons or objects<sup>13</sup>.

The Convention would be officially integrated in the EU system with a protocol attached to the Treaty of Amsterdam. The Schengen area is now within the legal and institutional framework of the EU. Therefore, it comes under parliamentary and judicial scrutiny, and reaches the objective of free movement of persons

---

<sup>12</sup> EUR-Lex Access to the European Union Law (<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:l33020>).

<sup>13</sup> The SIS was replaced in 2013 by the SIS II, a new information software, providing the EU with enhanced functionalities. (EUR-Lex Access to the European Union Law, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:l33020>).

enshrined in the Single European Act of 1986, while ensuring democratic parliamentary control and giving citizens accessible legal remedies when their rights are challenged<sup>14</sup>.

After the establishment of the Schengen area, the management of the provisions will not be always an easy topic for States, and several times the freedoms granted by the agreements will imply difficulties mainly due to the growing flow of immigrants reaching Europe. A Common European Asylum System, one of the most important achievements of the Schengen Convention, will realise only be a long and difficult path<sup>15</sup>. Nevertheless, since the first agreement of 1986, much progress has been done: Schengen became a symbol of Europe as a single political entity throughout the world; and, given the participation of a limited number of Member States, it represented one of the first examples of “enhanced cooperation” in the European Community, governed by a specific decision-making process<sup>16</sup>.

## 1.2 THE TREATY OF MAASTRICHT

For the first decades of its existence, the European project did not formally include concerns about internal and external security of the continent. The Schuman Declaration stated that the purpose of the European enterprise was the establishment of world peace, which could not be safeguarded “without the making of creative efforts proportionate to the dangers which threaten it, but despite the rhetorical greatness of these words, the real aims of the Community were mainly linked to the control of means of production and the fusion of

---

<sup>14</sup>T. BUNYAN, “Statewatching the New Europe: handbook on the European State”, Statewatch Publications, 1993, p. 1.

<sup>15</sup> For more information on past single cases of conflicts between EU governments due to the regulation of Schengen provisions for immigrants: “Schengen developments 2011-2014” European Policy Centre, March 2011.

<sup>16</sup>T. BUNYAN “First thoughts on the EU’s Internal Security Strategy” Statewatch Analysis, November 2014, p.1.

European markets”<sup>17</sup>. Therefore, for almost half a century the European institutions did not have a formal role in relation to security, but rather attempts of intergovernmental legal and political cooperation. The entry into force of the Maastricht Treaty in 1993 marked the beginning of the EU’s formal involvement in security matters”.

From a broader point of view on the EU’s historical development, Maastricht marked an important step, as the European Union was created.

“The Union was based on the European Communities and supported by policies and forms of cooperation provided for in the Treaty. It had a single institutional structure, consisting of the European Council, the Council of the European Union, the European Parliament, the European Commission, the Court of Justice and the Court of Auditors. The Treaty established also the bodies of the Economic and Social Committee and the Committee of the Regions, both with advisory powers. A European System of Central Banks and a European Central Bank were set up under the provisions of the Treaty in addition to the existing financial institutions which constituted the EIB group, namely the European Investment Bank and the European Investment Fund”<sup>18</sup>.

With this commitment, the European project “clearly went beyond its original economic objective, meaning the creation of a common market and a common economic area, and its political ambitions came to the fore”<sup>19</sup>. Signed on 9<sup>th</sup> February 1992 and entered into force on 1<sup>st</sup> November 1993, the Treaty implied several major changes inside the European structure, first to mention the introduction of a new decision-making process, which would be later defined as the “community method”<sup>20</sup>. Some of the policies in which the European Union

---

<sup>17</sup>C. MURPHY, D. ACOSTA ARCARAZO, “Rethinking Europe’s Freedom, Security and Justice”, March 2014, p. 2.

<sup>18</sup>EUROPEAN PARLIAMENT, “The Maastricht and the Amsterdam Treaties”, European Parliament Fact Sheets, ([http://www.europarl.europa.eu/facts\\_2004/1\\_1\\_3\\_en.htm](http://www.europarl.europa.eu/facts_2004/1_1_3_en.htm)).

<sup>19</sup> EUR-Lex Access to European Union Law (<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:xy0026>).

<sup>20</sup> The Community method of decision-making is characterized by the central role of the Commission in formulating proposals; qualified majority voting (QMV) in the Council as a rule;

was recognized as competent, were from then on to be governed by the new decision-making system, which had already been tested for areas such as the regulation of the common market. However, “because a number of European governments were at the time hesitant to share their national and executive sovereignty in this sensitive domain with the Central European institutions, a specific decision-making procedure was adopted for the two more sensitive areas, respectively those related to foreign relations and to internal security. This procedure involved unanimous decision-making in the Council of Ministers; a limited role in the procedure for the EC and the European Parliament (EP); and a secondary role for the European Court of Justice (ECJ)”<sup>21</sup>.

Maastricht also reshaped the organizational structure of the European Union itself, through the introduction of the so-called “three pillars system”<sup>22</sup>, as the fundamental organizational structure of the Union. The first pillar established the European Community, with the goal to implement the single market strategy and to promote a harmonious and sustainable development of economic activities, a high level of employment and of social protection and equality between men and women<sup>23</sup>. The second pillar introduced important changes in the field of foreign policy, since the Common Foreign and Security Policy (CFSP)<sup>24</sup> was created. The third pillar was introduced in the Title VI of the Treaty. This pillar referred to the provisions of cooperation in the fields of justice and home affairs. Inside the article K.1 were listed issues that were now part of the third pillar, such as asylum

---

involvement of the European Parliament with varying intensity depending on the decision-making procedure; and the role of the Court in ensuring judicial accountability. (G. DE BAERE, “Constitutional Principles of EU External Relations”, Oxford Scholarship Online, 2008).

<sup>21</sup> B. DONNELLY, “Justice and Home Affairs in the Lisbon Treaty: a Constitutionalizing clarification?”, European Institute of Public Administration, 2008, p.20.

<sup>22</sup> Eur-Lex Access to the European Union Law, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:xy0026>.

<sup>23</sup> EUR-Lex Access to the European Union Law, (<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:l33020>).

<sup>24</sup>The reasons behind the growing importance given to foreign affairs can be explained with the political events that were marking the European continent, as well as the whole world, back in 1992: “the changes that took place in Central and Eastern Europe inevitably changed the face of politics in Europe and in the Western world as a whole; [...] what was happening in the former Soviet Union was identified as a challenge that illustrated the limitations of the existing machinery of European Political Cooperation.”(A. DUFF, J. PINDER, R. PRYCE, “Maastricht and beyond, Building the European Union”, Routledge, 1994).

policy, immigration policy, conditions of entry and movement by nationals of third countries on the territory of Member States, combating unauthorized immigration, combating drug addiction, combating fraud, judicial cooperation in civil and criminal matters, police cooperation to prevent and combat terrorism, in connection with the organization of a Union-wide system for exchanging information within a European Police Office (Europol)<sup>25</sup> (see part I, 1.3).

“The central preoccupation of Title VI of the Treaty was the internal security of the Union. The campaign to abolish national border controls soon became entwined around consideration of the common policies on third-country nationals, asylum-seekers, visas and illegal immigrants which would be needed to create a common external frontier for the single market. The potential benefits of the latter for Community citizens and residents were in practice submerged by a preoccupation for the more negative issues raised by the initiatives”<sup>26</sup>. Governments expressed the need to cooperate on different issues, because they feared that the increasing freedom guaranteed by the Schengen agreements could bring also threats. For instance governments viewed the impending loss of their ability to control borders as something that could increase the potential of international crime, including terrorism, drug trafficking, money laundering; for this reason States decided to focus on cooperation activities between law enforcement forces.

As far as the decision-making system was concerned, the home affairs policy was based on intergovernmental cooperation together with specific decision-making procedures. The Council of Ministers was the decision-making body and had exclusive power to define common positions and adopt joint actions<sup>27</sup>. This organization of power was partly modelled on the pre-existing intergovernmental cooperation system, which explains the criticism that it received. The critics mostly referred to the fact that the third pillar was not transparent enough. The way the third pillar was structured, in fact, gave the Community institutions only a

---

<sup>25</sup> Treaty on the European Union, 7 February 1992, art. K.1.

<sup>26</sup>A. DUFF, J. PINDER, R. PRYCE, “Maastricht and beyond, Building the European Union”, Routledge, 1994, p. 112.

<sup>27</sup>Council of the European Union, “Living in an Area of Freedom, Security and Justice”, 2005.

small part to play: the Court of Justice was competent to interpret conventions only where there was a clause in the text of a convention or other expressly providing for this; the Council had the choice to consult or not the EP; the EC's right of initiative was limited to certain areas and was shared with the Member States; the Council, which detained the actual competence, was often paralysed by the requirement to take every decision by unanimous vote<sup>28</sup>. Nevertheless, the progress represented by Maastricht should not be underestimated: on this occasion for the first time matters such as regulation of immigration, police coordination and relations with third countries were recognized as legitimate areas in which cooperation and common policies were needed.

### 1.3 COOPERATION IN PRACTICE: EUROPOL

The European Police Office, better known as Europol, is the European Union official law enforcement agency for the safety and protection of Europe<sup>29</sup>. It is a body of the European Union which provides intelligence-led law enforcement on a supranational level. It fights against cybercrime, terrorism and transnational organized crime, through the coordination of national police forces of the Member States and the share of information between them. Europol does not represent any form of European Union police unit; on the contrary, it works as a provider of services for national police forces and security agencies, through support for enforcement operations, through a data centre for criminal information, and through consultancy about law enforcement strategies; it also works to gather, analyse, and disseminate critical information and it coordinates cross-border police operations<sup>30</sup>.

---

<sup>28</sup> Eur-Lex Access to the European Union Law, (<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV:a11000>).

<sup>29</sup> Europol official website, (<https://www.europol.europa.eu/content/page/about-us>).

<sup>30</sup> "Europol: Intelligence-led law enforcement", Delegation of the European Union to the United States, September 2010, p.1.



The history of the concept of cooperation between European States' police forces initiated much before the actual creation of Europol. It was born at the time when States developed the original idea of being a community devoted to be more and more connected, economically first of all, but not only: the decision to cooperate on a vaster scale, brought up the idea that sharing a common area of privileges also meant protection<sup>31</sup>. And, indeed, negotiations about the establishment of a common police force lasted through all the 1980s and 1990s. The proposal to create an official agency responsible at European level for the coordination in the fight against crime and drug trafficking was already made with the Maastricht Treaty<sup>32</sup>. At first, the agency did not operate yet its current tasks: on the contrary, in 1995 the first prototype of police cooperation was launched with a forerunner unit, named the Europol Drugs Unit (EDU). Its role was initially solely focused on drug trafficking prevention, and it progressively enlarged to more cooperation activities, such as mapping transnational organized criminal networks. The Unit operated from 1995 to 1999: in that year the Europol Convention entered into force and it permitted the Europol to be officially created. The Convention had been agreed years before, in 1995, and its text required each Member State to provide the agency with ad-hoc units from its national police and security forces, to be inserted in the new supranational level of cooperation, to represent the interests of the each State and to enhance better communication from the supranational to the national level.

The potential of Europol grew gradually together with a series of decisions taken during the negotiations and the signature of the Amsterdam Treaty, mainly because of the introduction of the two Schengen Agreements, from 1985 and from 1990, inside the European Community legislation. Such a decision represented an important step for European States, but it also implied increased ways for criminal

---

<sup>31</sup> Europol official website, (<https://www.europol.europa.eu/content/page/history-149>).

<sup>32</sup>The article K.1 (9) mentions that "Member States shall regard the following areas as matters of common interest: [...] police cooperation for the purposes of preventing and combating terrorism, unlawful drug trafficking and other serious forms of international crime, including if necessary certain aspects of customs cooperation, in connection with the organization of a Union-wide system for exchanging information within a European Police Office (Europol)." (Treaty on the European Union, 7 February 1992, article K.1).

organizations to operate internationally and move more easily from one State to the other and, from that moment, the Union was named responsible for fighting the downsides of the Schengen agreements. Europol became, therefore, the central body for internal security matters: the treaty itself mentioned for the first time the suitable methods to implement cooperation<sup>33</sup>: the first tools used was the one of the so-called Joint Investigation Teams (JIT)<sup>34</sup>. “The concept of JITs arose from the belief that existing methods of international police and judicial co-operation were, by themselves, insufficient to deal with serious cross-border organized crime”<sup>35</sup>. JITs still represent one of the main forms through which Europol carries out investigation activities, but it changed shape drastically since its birth, mainly because of States’ sceptical attitude towards the use of this tool, an attitude which was mainly due to lack of awareness about its use, to the lack of funding and the long times necessary for its set up and its planning. Only with the Hague Programme of 2004, States will begin to systematically use this investigational tool because it became explicitly required in the directives of the programme<sup>36</sup>.

Nowadays, Europol has acquired a highly organized structure and a primary role in the international arena. From its modest beginning as a targeted task-force, it has grown to encompass a wide range of areas, especially when it became an official EU agency in 2010, and when the Council adopted the proposal from the EC to replace the Europol Convention with a Council decision. With the new mandate, Europol has begun to work on even wider fields of organized crime, to pioneer new techniques and to provide the Union with more statistical analyses<sup>37</sup>. “Targets of Europol operations include drugs, vehicles trafficking and trafficking

---

<sup>33</sup>“Treaty of Amsterdam amending the treaty on the European Union, the Treaties establishing the European Communities and certain related acts”, 2 October 1997, art. K.2, points 2 a) b) c).

<sup>34</sup>Their official legal framework was given by the Council of the European Union, during the Convention on Mutual Assistance in Criminal Matters in May 2000. (COUNCIL OF THE EUROPEAN UNION, “Council Act of 29 May 2000, establishing the Convention on Mutual Assistance in Criminal Matters between Member States of the European Union”, art. 13).

<sup>35</sup>COUNCIL OF THE EUROPEAN UNION, “Joint investigation teams’ manual”, November 2001, p. 4.

<sup>36</sup>COUNCIL OF THE EUROPEAN UNION, “The Hague Programme: strengthening freedom, security and justice in the European Union”, March 2005, art. 2.3.

<sup>37</sup>SWEDISH PRESIDENCY OF THE EUROPEAN UNION, “Informal Meeting of the Ministers of the Interior on the Future of Europol and EU Law Enforcement Cooperation”, October 2009, p.2.

of human beings; illegal immigration networks; child sexual abuse; counterfeit currency and documents; financial crimes, including money laundering; trafficking in radioactive and nuclear substances; and terrorism. Headquartered in The Hague, in the Netherlands, Europol is staffed by a multidisciplinary team of more than 600 professionals, including police and other law enforcement officers on loan from various national law enforcement agencies”<sup>38</sup>. An additional factor which has contributed to the escalation of its importance lies also in the information system that Europol has developed throughout the years. This information system includes highly protected personal data about the population of every Member State; it is also provided with a strong data protection and security regime, so that it can safeguard individual rights during the use of such data for investigational and preventive purposes.

Constituting Europol has not been an easy process, it has required the establishment of a specific place for it in the European structure and in each Member State. “However, history has shown that the architects of Europol were perhaps ahead of their time in constructing operational capabilities suited to meet the modern demands of the EU law enforcement community”<sup>39</sup>. Reading about Europol gradual expansion and commitment in more and more fields<sup>40</sup>, it is reasonable to come to evaluate positively the role it has covered, taking into account the fact that this institution has never meant to be a supranational police body and that it has been one of the tools that the EU wanted to adopt to find concrete channels of collaboration and coordination between States. The success of Europol set up an initial step to the change mind-set in EU institutions, according to which a common territory with shared advantages needs a shared and coordinated protection system.

---

<sup>38</sup>EU INSIGHT, “Europol: Intelligence-led law enforcement”, Delegation of the European Union to the United States, September 2010, p.1.

<sup>39</sup>SWEDISH PRESIDENCY OF THE EUROPEAN UNION, “Informal Meeting of the Ministers of the Interior on the Future of Europol and EU Law Enforcement Cooperation”, October 2009, p.1.

<sup>40</sup>A. BROWN, “Ten years of Europol 1999-2009” Europol Corporate Communications, 2009.

## 2. THE AREA OF FREEDOM, SECURITY AND JUSTICE

Since several years, all the topics dealing with internal affairs and general societal security have been commonly included in the framework of the Area of Freedom, Security and Justice (AFSJ). This is an integrated concept, which was gradually translated in an organizational structure inside EU mechanisms. Since its creation, the AFSJ has become one of the key political priorities for the European Union and during the years, EU law and policy in the area have been sensitive to events and political dynamics at international, European and national levels.<sup>41</sup> In the particular eye of the funding activities coming from the European Commission, it has seen a growing interest and increase of dedicated budget, year after year (see part II, 1.2). Nowadays, the concept refers to a collection of home affairs and justice policies designed to ensure security at societal level, as well as free movement and respect of rights for European citizens. Over the years, it has also developed a series of projects and ad-hoc agencies, such as the Europol and the Eurojust, respectively created to establish concrete cooperation in the police and the justice forces of Member States. Inside the Area, other mechanisms have been absorbed, such as the Schengen policies and the Schengen Information System (see part I, 1.1). It has not always been easy for the EC to foster Europeanization in areas so closely intertwined with States' national sovereignty – such as borders, migration, asylum, police and judicial cooperation in criminal matters – and through the years it has experienced obstacles, which have greatly influenced the quality and the quantity of results from the Directorate-General (DG) of Home Affairs<sup>42</sup>. The analysis of the progress of AFSJ begins with the important innovations introduced by the Amsterdam Treaty of 1999.

---

<sup>41</sup>E. GUILD, S. CARRERA, A. EGGENSCHWILER "The Areas of Freedom, Security and Justice ten years on", Centre for European Policy Studies, 2010, p. 1.

<sup>42</sup>E. GUILD, S. CARRERA, A. FAURE ATGER "Challenges and prospects for the EU's area of freedom, security and justice: recommendations to the European Commission for the Stockholm Programme", Centre for European Policy Studies, April 2009, p.11.

## 2.1 THE TREATY OF AMSTERDAM

The decisions taken during the negotiations of the “Treaty of Amsterdam amending the Treaty of the European Union, the Treaties establishing the European Communities and certain related acts”, better known as simply the Amsterdam Treaty, substantially reshaped the cooperation system on justice, home affairs and immigration by setting up an Area of Freedom, Security and Justice. The final version of the text was signed on 2<sup>nd</sup> October 1997, and it entered into force on 1<sup>st</sup> May 1999. The Treaty put great emphasis on the implementation of citizens’ rights, on employment policies, and it attempted to increase the level of democracy in the decision-making system of the European Union, as well as to establish the basis for a structured internal and external security vision, with the creation, as just mentioned, of the AFSJ and of the figure of the High Representative for the Common Foreign and Security Policy (CFSP). A major reform occurred with regards to the decision-making procedure. The Treaty changed the way decisions were made in the EU by expanding the number of decisions covered by Qualified Majority Voting<sup>43</sup>, including on internal affairs, such as visas asylum and immigration<sup>44</sup>. For the first time, the Treaty gave the EC a voice on the majority of Justice and Home Affairs, which had previously been in the hands of the European Council. It also created the idea of enhanced co-operation to allow some members to co-operate more closely on areas outside the remit of the EU treaties without unanimous agreement. At the same time, however, it recognized the idea of constructive abstention - whereby a member state could opt out for security or foreign affairs without preventing other countries from going ahead<sup>45</sup>.

Negotiations preceding the Treaty were long and the area of AFSJ was one of the most controversial. Nevertheless results were reached and, for examples,

---

<sup>43</sup>Nowadays qualified majority is the most widely used voting method in the Council. It is used when the Council takes decision during the ordinary legislative procedure, also known as co-decision. About 80% of all EU legislation is adopted with this procedure.

<sup>44</sup>B. DONNELLY, “Justice and Home Affairs in the Lisbon Treaty: a constitutionalizing clarification?” European Institute of Public Administration, 2008, p.20.

<sup>45</sup>W. JAMES “Treaty of Amsterdam”, CIVITAS Institute for the Study of Civil Society, 2005, p. 1.

cooperation in the criminal justice systems of the Member States improved, meaning States were able to coordinate their activities more effectively, creating a common Area of Freedom, Security and Justice. As the Treaty reports,

“The Union's objective shall be to provide citizens with a high level of safety within an area of freedom, security and justice by developing common action among the Member States in the fields of police and judicial cooperation in criminal matters. That objective shall be achieved by preventing and combating crime, organized or otherwise, in particular terrorism, trafficking in persons and offences against children, illicit drug trafficking and illicit arms trafficking, corruption and fraud, through: closer cooperation between police forces, customs authorities and other competent authorities in the Member States, both directly and through the European Police Office (Europol), and through closer cooperation between judicial and other competent authorities of the Member States”<sup>46</sup>.

Finally, a protocol attached to the Treaty incorporated the two Schengen Agreements into the EU legislation, solving the contradictions resulting from the existence of two separate systems. In fact, “in this way the provision of Schengen came under parliamentary and judicial scrutiny, ensuring democratic control and giving citizens accessible legal remedies when their rights were challenged, through the access to the ECJ”<sup>47</sup>.

In conclusion, the decisions taken in Amsterdam surely represented a step forward but they could not be defined as a watershed in the progressive creation of a legal framework, of a sense of unity, and of a precise strategy to operate. What was decided during the negotiations in Amsterdam could, then, be better described as a regulatory step in the legal and structural organization of home affairs, which had the intention to provide the Union with tools like the AFSJ, which would later become the major field of operation for the whole security area.

---

<sup>46</sup>Treaty of Amsterdam, 2 October 1997, Title VI art. K.1.

<sup>47</sup> EurLex “The Schengen area and cooperation”, (<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV:l33020>).

In addition, States made a noticeable step forward in the process of reaching a decision-making method which could really be defined as supranational. The policy areas of visas, asylum and immigration were transferred to the traditional Community method (see part I, 1.2) of decision-making, thereby limiting the area of intergovernmental decision-making only to the most sensitive areas of home affairs, in particular police cooperation in criminal matters; in this way it marked a break with the intergovernmental philosophy of home affairs contained in the Maastricht Treaty. Nevertheless, the most delicate issues linked to internal security remained linked to an old intergovernmental method of decision-making, which prevented the Union from introducing important innovations in the area<sup>48</sup>.

## 2.2 THE TREATY OF LISBON

From 1999 to 2007, a series of international events strongly pushed institutions to improve and work properly inside the internal affairs area. The impact generated by the terrorist attacks of 11<sup>th</sup> September in the USA was significant. The attacks dwarfed anything that preceded them. Member States reacted both externally, engaging in a military cooperation with the United States, and internally through actions from the EU: the Union promulgated a series of measures which culminated in an agreement on a European Arrest Warrant<sup>49</sup> and a common position on the application of a list of strict actions to combat terrorism in December 2001<sup>50</sup>. The reforms introduced by the Treaty of Lisbon reflect that switch of mind-set. Officially defined as the “Treaty of Lisbon amending the

---

<sup>48</sup> B. DONNELLY, “Justice and Home Affairs in the Lisbon Treaty: a Constitutionalizing clarification?” *European Institute of Public Administration*, 2008, p.20.

<sup>49</sup>The European Arrest Warrant is a measure adopted by the Council in 2002, addressed to suspected criminals to facilitate the return to their home countries in order to face justice more quickly and with few administrative obstacles. The decision replaced the classical extradition procedures between Member States. Its adoption raised several concerns about its impact on fundamental rights; it was also criticized because the pressure coming from terroristic fears had prevented proper negotiations to take place. (L. MARIN “The European Arrest Warrant in the Italian Republic” *European Constitutional Law Review*, 2008, p. 251-273).

<sup>50</sup>EUROPEAN COUNCIL “Council Common Position on the application of specific measures to combat terrorism”, December 2001.

Treaty on European Union and the Treaty establishing the European Community”, the Treaty entered into force on 1 December 2009, two years after the signatures of Member States and it paved the way towards today’s Europe. The results obtained in Lisbon can be seen as the final part of a path that started with the attempt to have a European Constitution, which would replace the original Treaties of the Union; when it became clear that such strategy could not be put into practice, European institutions abandoned the project and engaged in a long, deep reform of the EU machine. Some factors can be defined as the leading reasons to restructure Europe. First and most visible, the enlargement of the Union, which had opened its doors to ten new countries in 2004 (Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia) and to other two, Romania and Bulgaria, in 2007. Second, the will to overcome major democratic deficits inside the EU institutional structure. In order to do so, the Treaty introduced institutional innovations for all EU bodies<sup>51</sup>.

One of the most fundamental updates affected the European internal affairs’ area. Until 2007 the area was divided between issues which were dealt at community level, such as asylum procedures, immigration, and judicial cooperation, and those belonging to the “third pillar”: the last one included police cooperation and internal security provisions, which were dealt on an intergovernmental basis (see part I, 2.1). The Treaty’s ratification led to the merging of the previous first and third pillar into the broader AFSJ. As a consequence, most of the residual intergovernmental processes in AFSJ were replaced by the ordinary legislative procedure<sup>52</sup>. The increased centrality of the area was also reflected in the presence

---

<sup>51</sup>The Parliament would now exercise legislative and budgetary functions, as well as a role of political control and consultation and elect the President of the Commission, change which involved the Commission, too. The European Council became a recognized part of the institutional framework: its role did not differ from before but the fact that it was no longer exercised by an intergovernmental meeting of Heads of States was clearly significant for the clarification of its legal basis. Furthermore it was introduced the role of the President of the European Council. (S. KURPAS, B. CRUM, P. SCHOUTHEETE, J. KELLER, F. DEHOUSSE, S. ANDOURA, A. MISSIROLI, S. HAGERMANN, H. BRIBOSIA, “The Treaty of Lisbon: implementing the Institutional Innovations” Centre for European Policy Studies, November 2007).

<sup>52</sup>O. BROIN, F. DEHOUSSE, P. KACZYNSKI, T. HEREMANS, J. KELLER, P. SCHOUTHEETE, “The Treaty of Lisbon: a second look at the Institutional Innovations” Centre for European Policy Studies, September 2010.



of other initiatives to take concrete action in internal security. These actions were clearly stated in the Treaty, and they included the creation of a standing committee to monitor cooperation and the possibility for the EP and the Council to define actions to combat terrorism, as the freezing of funds or the movement of capitals<sup>53</sup>.

Member States used the opportunity of Lisbon also to begin a serious cooperation to face terrorism. Proof of this will is the solidarity clause, included in the Treaty, and specifically designed to unify States in the fight against terrorism. The clause was included to underline the message that States which were victims of terrorist attacks or natural disasters would not be left alone in their national tragedies. Article 222 stated that, in case of such attacks, Members would mobilize all their instruments, including military resources, to defend democratic institutions, the civilian population and to provide general assistance, if requested by the authorities of the damaged State<sup>54</sup>.

The Treaty of Lisbon represented one of the steps into European integration, and one of the benchmarks of internal security development over the past twenty five years. It is worth noticing two aspects that characterize such historical path, and that are somehow linked. Firstly, as with other issues that gradually became of interest for the EU, security's importance grew alongside with more worldwide insecurity. From the terrorist attacks in Italy during the 1970s, to the terrorist attacks in New York, Washington and Pennsylvania in the United States: those events did not mark the path of internal security development as watershed events, but they affected governments' and populations' mind-set. And clearly, it was not only political events which operated in this sense: other scientific factors and deep social changes influenced such evolutions as well, such as the advent of continuously more digitalized society or the unexpected flows of local and global migration. The second characteristic emerges from the reading of this historical

---

<sup>53</sup>The Treaty of Lisbon amending the Treaty on the European Union and the Treaty establishing the European Community, 13 December 2007, Title V, art. 67, 75.

<sup>54</sup> The Treaty of Lisbon, Title VII, art. 222.

excursus. It shows that internal security was raised as a topic first through concerns linked to freedom, from the guaranteeing of free movement, the standardization of immigration procedures, to the will to ensure a high level of safety to citizens through police cooperation. With decades, internal security has evolved and has become more and more associated to the need to protect from threats. Therefore, some topics such as asylum seekers and immigration have gradually been associated to dangers<sup>55</sup>. Another factor which sustained such a mind-set, was the creation of strategy plans such as the multi-annual. The first of them would be the Tampere Programme of 2010 (see part I, 2.3.1).

### 2.3 THE MULTI-ANNUAL PROGRAMMES

If the process of legal integration leading to an area of freedom, security and justice through the steps of treaties has always appeared cautious about transferring power from States to institutions, the multi-annual programmes have showed to be more ambitious and more effective<sup>56</sup>.

As the enforcement of a proper internal security machine proceeded through legal and political steps, the European Council endorsed a roadmap describing the key political priorities for the establishment of an AFSJ on a short-term basis, followed by the implementation by the DG of Justice, Freedom and Security – one of the offices of the Commission -, with the release of a targeted action plan on Europe's protection and internal controls<sup>57</sup>. With such mind-set the first of the

---

<sup>55</sup>C. KAUNERT, "Liberty versus Security? EU Asylum Policy and the European Commission" *Journal of Contemporary European Research*, Volume 5, No.2, p. 148.

<sup>56</sup>C. MURPHY, D. ACOSTA ARCARAZO, "Rethinking Europe's Freedom, Security and Justice", March 2014.

<sup>57</sup>E. GUILD, S. CARRERA, A. FAURE ATGER, "Challenges and prospects for the EU's area of freedom, security and justice: recommendations to the European Commission for the Stockholm Programme" *Centre for European Policy Studies*, April 2009, p.1.

multi-annual programmes on internal security was agreed at the European Council meeting in Tampere, Finland<sup>58</sup>.

### 2.3.1. THE TAMPERE PROGRAMME

Tampere is a town in Finland where the European Council met in October 1999 to establish an ambitious five-year action programme, to be linked to the AFSJ announced in the Amsterdam Treaty. The challenge that needed to be faced was mainly the fact that the EU, after guaranteeing a single market and a monetary Union, was now in charge of creating a space of freedom and safety, and at the same time organizing such space not only as a privileged and closed territory, but also an area which could guarantee rights to citizens coming from outside Europe. In this new space, liberties and security would be balanced. The legal basis that European institutions provided was fundamental, but also very general and it lacked a specific strategy. Therefore, the leaders of the Union highlighted the priorities that would define their action in the following years.

The list provided by the European Ministers contained over sixty points of action<sup>59</sup>, many of which followed by a deadline. Among the list, four main guiding topics can be identified as general priorities. Firstly, the establishment of a common policy on the themes of asylum and immigration, which would permit third-country nationals to enjoy certain freedoms and could help to prevent illegal immigration. Secondly, the creation of an authentic European space of justice, allowing for a mutual recognition and enforcement of judgments and decisions throughout the Union. Thirdly, the commitment to fight at supranational level against organized criminal networks. Lastly, amore incisive role of Europe in

---

<sup>58</sup>EUROPEAN COUNCIL, "Presidency conclusions of the Tampere European Council", October 1999.

<sup>59</sup>DIRECTORATE-GENERAL JUSTICE AND HOME AFFAIRS, "Tampere: kick-start to the EU's policy for justice and home affairs", August 2002.

external relations was encouraged, in order to give more relevance to the Union in the world<sup>60</sup>.

When the programme was evaluated in 2014, the European Council was aware of not having accomplished the goals it had set four years before. Nevertheless, the evaluation welcomed positively the achieved results that set of time: the foundations for a common asylum and immigration policy had been laid, the harmonization of border controls had been prepared, police cooperation had been improved, and the groundwork for judicial cooperation on the basis of the principle of mutual recognition of judicial decisions and judgments had been well advanced.<sup>61</sup> Progress was visible but the plans made by the institutions did not show the expected results. EC officials, who were in charge of monitoring the implementation of actions, had created a tracking tool for the progress of the actions during the whole period: the tool, defined as Scoreboard<sup>62</sup>, was regularly updated and it kept track of the deadlines for the Council to adopt specific regulations or for the States to implement action plans. Many points of the list mentioned proposals from the EC and adoption of regulations from the Council but do not report the last elements concerning the implementation and the analysis of the results. Clearly, the EC aimed at seeing States implement its guidelines; it did not want to settle down for approximate results. Therefore, the causes of the partial failure could become clearer when studied through other angles. Firstly, in the perhaps too high ambition with which goals were set; it should have been recognised that there was a fragile, generic and recently agreed legal basis<sup>63</sup>. Secondly, in the final report on the achievements of the programme, the Council declared that, despite the resolute line adopted, it was not always possible to reach an agreement at European level for the adoption of certain sensitive measures

---

<sup>60</sup>C. MURPHY, D. ACOSTA ARCARAZO, "Rethinking Europe's Freedom, Security and Justice", March 2014, p.5.

<sup>61</sup>COUNCIL OF THE EUROPEAN UNION, "The Hague Programme: strengthening freedom, security and justice in the European Union", 2005, art. 1.

<sup>62</sup>DIRECTORATE-GENERAL JUSTICE AND HOME AFFAIRS, "Tampere: kick-start to the EU's policy for justice and home affairs", August 2002, p.4.

<sup>63</sup>C. MURPHY, D. ACOSTA ARCARAZO, "Rethinking Europe's Freedom, Security and Justice", March 2014, p.5.

relating to policies, because they were at the core of national sovereignty; the legal and institutional constraints of the Treaties, where unanimity of vote in the Council generally remained the rule, partially explained these difficulties. Such statement shows how governments, despite the intentions, were not ready to share decisions on issues which represented the core of their national sovereignty<sup>64</sup>, showing a political trend which has persisted through the years until nowadays<sup>65</sup>. A final consideration should be reserved to the geopolitical situation of the period when the Tampere Programme was created. This aspect is not mentioned as a relevant factor for the development of security in the EU from the sources that describe the Tampere meeting. But, indeed, geopolitical factors do need a space of consideration. When the Amsterdam Treaty was signed and the Tampere meeting was held, European governments had not faced major threats to their territorial space for decades; but the years that followed were marked by events such as the terrorist attacks in New York, Washington DC and Pennsylvania in 2001 and attacks which hit Europe even more closely, precisely in Madrid in 2004 and in London in 2005. Those events did not represent a “constitutional momentum” in the sense of Amsterdam or Lisbon, but they did have a profound effect in the mind-set of national governments: such changes would be clearly visible in the renewed impetus that the Council showed in 2004, when the new multi-annual programme was released<sup>66</sup>.

---

<sup>64</sup>EUROPEAN COMMISSION, “Area of freedom, security and justice: assessment of the Tampere programme and future orientations”, June 2004, p.4.

<sup>65</sup>Examples of such trend can be found in the final report of the Programme, which mentions goals such as “a better balance between the efforts made by the Member States in the reception of refugees and displaced persons”, on which States had not found an agreement yet, but which needed to be achieved in the near future “by means of the principle of solidarity”.

<sup>66</sup>C. MURPHY, D. ACOSTA ARCARAZO, “Rethinking Europe’s Freedom, Security and Justice”, March 2014, p.5.

### 2.3.2 THE HAGUE PROGRAMME

In November 2004, the second multi-annual programme in the AFSJ, known as “The Hague Programme”, was endorsed by the European Council. The Programme addressed the same issues as the Tampere Programme; nevertheless, the later one had a stronger emphasis on security<sup>67</sup>, and its content matched the governmental actions across the world in the so-called “war on terror”<sup>68</sup>. Therefore, and not surprisingly, the guideline for the following five years was clearly stated since the beginning: security had acquired a renewed urgency in the light of the terrorist attacks in the United States in September 2001 and Spain in March 2004, and the key element in the near future would be the prevention and the suppression of terrorism. The EC was invited to present an action plan setting out concrete implementing measures and actions together with a timetable for their adoption. The priorities recalled in the programme included asylum and the regulation of immigration<sup>69</sup>, a process which had already started but was proceeding slowly and not co-ordinately; the need to strengthen biometrics and information systems, by building bridges between migration data and investigation data in order to fight illegal immigration and terrorist infiltration; a renewed system to exchange data inside the whole EU territory<sup>70</sup> and to upgrade the strategy to fight terrorism<sup>71</sup>.

---

<sup>67</sup>C. MURPHY, D. ACOSTA ARCARAZO, “Rethinking Europe’s Freedom, Security and Justice”, March 2014, p.6.

<sup>68</sup>The concept of the “war on terror” marked deeply the international politics of the first years of the new millennium: it was born after the terrorist attacks from 2001 in the USA, and it was pronounced for the first time by G.W. Bush, who defined it as an “inescapable calling of our generation”. The concept has shaped political mindset all around the world, through new rules, new tools to meet the new threat; but most of all has been associated to a series of occupations, attacks, wars from the West in the Middle East. (S.POWER, “Our war on Terror”, New York Times, July 2007).

<sup>69</sup>Under the Hague Programme, States implemented the first part of the CEAS (Common European Asylum System). The system was divided in two steps: the first one was focused on the harmonization of internal legislation on minimum common standards; the second should improve the effectiveness of the protection granted. (F. TOSCANO, “The second phase of the Common European Asylum System: a step forward in the protection on asylum seekers?”, Vrije Universiteit Brussel, 2013).

<sup>70</sup>Since January 2008 the exchange of such information became governed according to the principle of availability, which means that, throughout the Union, a law enforcement officer in

The evaluation of those actions, whose cycle concluded in 2009, does not appear immediately evident, because of the many changes that marked the evolution of Europe<sup>72</sup>. From the institutional point of view, officials highlighted the limits to the progress in the evaluation document of the Programme released in 2009. The EC underlined that the major obstacle to the achievement of the goals had proved to be, once again, the necessity to approve with a unanimity vote vital issues such as the legal migration or the criminal matters and police cooperation, which at the time still constituted the “third pillar” of the Union. In addition, the evaluation made by the EC was one of first occasions in which institutions clearly stated that the EU needed to stop coping with unexpected urgencies and started to anticipate threats; such a strategy could happen only by having proper agreements with third countries, and, therefore, coordinating properly the actions in external and internal security<sup>73</sup>. Many issues linked to internal affairs were inevitably connected with foreign events: the improvement of the first ones, depended also on the solution of the latter ones.

Progress was minimal even in the topic of asylum policies, which remained undefined: “the program highlighted the importance of cooperation with third countries, branding the Global Approach to Migration in 2005, and moved onto the second phase of the Common European Asylum System although the completion deadline in 2010 was not met. The Hague Program also continued to develop the integrated border management system with the creation of the border

---

one Member State who needs information in order to perform his duties can obtain this from another Member State and that the law enforcement agency in the other Member State which holds this information will make it available for the stated purpose. (COUNCIL OF THE EUROPEAN UNION, “The Hague Programme: strengthening freedom, security and justice in the European Union”, 2005, art. 1.7.2).

<sup>71</sup>COUNCIL OF THE EUROPEAN UNION, “The Hague Programme: strengthening freedom, security and justice in the European Union”, 2005, art. 1.

<sup>72</sup>The accession of 12 more Member States in 2004 and in 2007 transformed the Union and how it functioned. Asylum applications fell before starting to rise again in 2007, while migratory pressures on the southern external border of the EU grew markedly. Already confronted by a decline in the working age population over the long term, Europe’s economy was now facing a period of rising unemployment and deep economic crisis. (EUROPEAN COMMISSION, “Justice, Freedom and security in Europe since 2005: an evaluation of the Hague Programme and Action Plan”, June 2009, p.13).

<sup>73</sup>EUROPEAN COMMISSION, “Justice, Freedom and security in Europe since 2005: an evaluation of the Hague Programme and Action Plan”, June 2009, p.16.

agency, Frontex, in 2006. Despite these achievements, only about half of scheduled measures for the whole program were achieved in most years”<sup>74</sup>.

In addition, the years of the Programme were characterized by some strong academic debates, since not all the actions undertaken by the institutions in Brussels during those years had been welcomed positively. In fact, since the events of 11th September 2001 in the United States, some scholars had been arguing that the policies about asylum and immigration had undergone a process of “securitization”, being presented as important security threats, and some non-governmental organizations had repeatedly expressed their fear that this attitude could affect the EU’s effort to implement a common asylum system as a way to protect the rights of asylum-seekers and not as a tool to defend Member States from them<sup>75</sup>. Therefore scholars like Didier Bigo referred to the concept of “securitization” from the Copenhagen School to prove that the EU had been influenced in such sense<sup>76</sup>; other academic works, such as the ones of Christian Kaunert and Sarah Leonard from the University of Salford, aimed at proving the contrary, meaning that such tendencies were absolutely not likely to be present in a technocratic body such as the EU: “the European Union is well known for its legalistic approach to policy problems, which aims to appear to always follow the letter of the law; in fact, the Commission is often derided for being technocratic. It seems thus counter-intuitive that the EU would ‘securitize’ the EU Asylum Policy. According to the Copenhagen School<sup>77</sup>, this would mean that EU institutions deliberately construct refugees as a security threat in order to be able to use emergency measures”. The way in which the EU institutions aimed to achieve this, would be through a discursive construction of threats, thereby lifting

---

<sup>74</sup>E. COLLETT, “The European Union's Stockholm Program: Less Ambition on Immigration and Asylum, But More Detailed Plans”, Migration Policy Institute, (<http://www.migrationpolicy.org/article/european-unions-stockholm-program-less-ambition-immigration-and-asylum-more-detailed-plans>).

<sup>75</sup>C. KAUNERT, “Liberty versus Security? A EU Asylum Policy and the European Commission”, *Journal of Contemporary European Research*, Volume 5, No. 2, 2009, p.148;

<sup>76</sup>D. BIGO, “Security and Immigration: toward a Critique of the Governmentality of Unease”, *Alternatives: Global, Local Political*, Volume 27, February 2002.

<sup>77</sup>The Copenhagen School theory argues that an issue is transformed into a security issue, in other words – securitized, after a securitizing actor presents it as an existential threat and this ‘securitizing move’ is accepted by the audience.



the issues ‘outside the normal realms of politics’. On the face of it, “this seems plausible for right-wing politicians at the national level, but rather unlikely for EU bureaucrats who loathe nothing more than the “political limelight”<sup>78</sup>.

The Hague Programme, therefore, was concluded after tumultuous years in the international arena. Even if its actions were sometimes seen with scepticism by the public opinion, and even if the EU was taken unaware from a deep economic crisis, institutions had fully recognized the primary importance of security maintenance, and engaged in a detailed preparatory process for the programme that would have followed the present one<sup>79</sup>.

### 2.3.3. THE STOCKHOLM PROGRAMME

The European Council published the text of the Stockholm Programme in May 2010; the plan included the priorities for improving internal security and human rights for the period 2010-2014 and aimed at continuing to build the ASFJ in the light of the achievements of the previous multi-annual programme and after the changes introduced with the adoption of the Lisbon Treaty (see part I, 2.2).

The economic crisis and the consequent political tensions made 2009 a less than auspicious year for designing new, innovative plans. The Stockholm Programme, though, was released with the intention to finally resolve some issues such as

---

<sup>78</sup>C. KAUNERT, S. LEONARD, “European security, terrorism and intelligence: tackling new security challenges in Europe”, Palgrave Macmillan, 2013.

<sup>79</sup>The Portuguese Presidency of the Council in the second semester of 2007 set up high level advisory groups, including one on justice and one on home affairs, called the “Future Groups”. [...] Acting in an advisory capacity, the Future Groups submitted observations to EU policy makers on issues such as: combating terrorism and organized crime, control of external borders, biometric data, the use of new technologies and the external dimension of JHA.”(L. BUONO, “From Tampere to The Hague and beyond: towards the Stockholm Programme in the area of freedom, security and justice”, Academy of European Law, September 2009).

regulation of migration flows and asylum requests<sup>80</sup>, perhaps with a renewed enthusiasm based on the improvements introduced by the Lisbon Treaty<sup>81</sup>.

The priorities of the programme did not diverge substantially from the ones of the previous strategic plans: they included the improvement of a common area of justice, the protection of citizens' rights, a more organized monitoring of terrorism and criminal proliferation in the Union, and a resolution on a common policy for asylum matters<sup>82</sup>. But several other aspects made the Stockholm Programme a turning point from the past. Firstly, the programme took into account the critics received in the previous years about EU's tendency to "securitize" society and societal issues. Therefore, the programme did not offer a balance between liberty and security, but rather "placed a 'Europe of rights'<sup>83</sup> as the premise upon which any security measures need to be founded<sup>84</sup>. Secondly, the entry into force of the Lisbon Treaty abolished the pillar structure. In this way it one of the main deficits in AFSJ cooperation ended: the matters included in the police and judicial cooperation would no more be decided on an intergovernmental basis but through the "Community method" (see part I, 1.2). Thirdly, the EP participated in the process with a new co-legislative role: such a change upgraded the discussions on strategic agenda-setting, which until that moment had been exclusively in the hands of the European Council and had been developed through non-transparent methods<sup>85</sup>.

---

<sup>80</sup>E. GUILD, S. CARRERA, A. FAURE ATGER "Challenges and prospects for the EU's area of freedom, security and justice: recommendations to the European Commission for the Stockholm Programme" Centre for European Policy Studies, April 2009.

<sup>81</sup> One of the main deficits that had characterized EU cooperation on AFSJ during the last ten years had been the first/third pillar divide, which presented a loose institutional structure favoring intergovernmental approaches that often resulted in less than clear legal outputs, especially concerning police and judicial cooperation in criminal matters.

<sup>82</sup> EUROPEAN COUNCIL, "The Stockholm Programme – an open and secure Europe serving and protecting citizens", May 2010.

<sup>83</sup>EUROPEAN COUNCIL, "The Stockholm Programme - an open and secure Europe serving and protecting citizens", May 2010, art.2.

<sup>84</sup>E. GUILD, S. CARRERA, A. FAURE ATGER, "Challenges and prospects for the EU's area of freedom, security and justice: recommendations to the European Commission for the Stockholm Programme", Centre for European Policy Studies, April 2009, p.1.

<sup>85</sup> E. GUILD, S. CARRERA, A.EGGENSCHWILER, "The area of Freedom, Security and Justice ten years on - Successes and future challenges under the Stockholm Programme", Centre for European Policy Studies, 2010, p.6.

The expiration date of the programme was in 2014. In 2013 the EC started a debate on the future challenges and priorities to be addressed in the next years: stakeholders and civil society shared views and ideas on JHA issues, and they were followed by a Communication from the EC, which requested the institutions to take further action: even if major achievements had been reached, such as the establishment of a Common European Asylum System, much work had to be addressed and new challenges had to be faced, because unexpected events, such as the Arab Spring and the current crisis in Syria, required appropriate and coordinated responses of internal and external strategies<sup>86</sup>. Therefore, Europe needed time to implement properly the legal basis that had been drafted, but it could not settle down, since the political landscape had again drastically changed.

### 3. EUROPE AND COUNTERTERRORISM

Inside the AFSJ, a great focus during the last fifteen years has been counterterrorism (CT). The AFSJ was never meant to be a tool to eventually substitute national policies in internal matters, but international cooperation and coordination were essential to fight some specific threats to internal security. Terrorism has always been one of them, and since the early 2000s the EU has taken the lead of a major work to make States cooperate and adopt common policies. Institutions began building a common CT plan, made of strategies, policies and investments in research. The “European Union Counter-Terrorism Strategy” was an official document from the Council published in 2005. The strategy contained all the elements through which the Union would take action against terrorism. Even though Member States had the primary responsibility to combat terrorism, the Union could add value in four main ways: through the sharing of knowledge and experiences to improve national capabilities, an action which would mainly realize with the research funds (see part II, 1.3); through the proper coordination of EU and international agencies, such as Europol and

---

<sup>86</sup>EUROPEAN COMMISSION, “An open and secure Europe: making it happen”, March 2014.

Eurojust; through the sharing of information in a safe and legal way around the Union. The strategy was based on three action focuses, on which the Union would invest resources and would advise States:

- Prevention and protection, through an action plan for combating radicalisation and recruitment into terrorism. Some of the priorities were: developing common approaches to spot and tackle problem behaviour, in particular the misuse of the internet; avoid recruitment in key environments such as prisons and places of religious practice; promote inter-cultural dialogue, starting from the EU level. In order to protect citizens, the Union would push States to adopt some specific measures: the use of biometrics in the check of EU passports and the use of the updated versions of the SIS (SIS II).

- Disrupting terrorists' networks and impeding the actualization of their plans. The measures to be adopted in this case would mainly be the use of EU agencies such as Europol to facilitate police cooperation, ensuring the mutual recognition of judicial decisions across States, and trace the ways through which terrorist trade weapons.

- Because the risk of terrorist attacks cannot be reduced to zero, it was important to address resources to manage natural terrorist crises. Member States have the leading role, but the EU could bring solidarity and additional help through different tools: the EU Civil Protection Mechanism<sup>87</sup> and through the development of risk and capability assessments for emergency cases<sup>88</sup>.

Through the creation of this strategy, the Council was assigning each institution and agency a role that ought to be accomplished in case of terrorist attack: CT as a political strategy would become part of the European Council agenda, while the EP, the Council and the EC would ensure political dialogue between institutions to guarantee coherency in actions. Finally, the implementation of activities was

---

<sup>87</sup> The EU Civil Protection Mechanism was established in 2001, in order to foster cooperation among national civil protection authorities across Europe, for victims of natural and man-made disasters in Europe and elsewhere.

<sup>88</sup> EUROPEAN COUNCIL, "The European Union Counterterrorism Strategy", November 2005.

assigned to a Counter-Terrorism Coordinator. The strategy would also be useful from another point of view: it became a very important starting point for the development of research topics when internal security was introduced in the research funds provided by the Commission (see part II, 1.3).

#### 4. THE INTERNAL SECURITY STRATEGY

In several areas of action the EU often provides efficient and precise legal tools and strategic guidelines for action for Member States. However, institutions in Brussels often struggle to progress in the implementation phase of those guidelines. The JHA did not represent an exception, since “increased activity had not necessarily led to increased cooperation and effectiveness”<sup>89</sup>; much work had been done for years to create a legal basis, agencies, representatives and bodies to act in a coordinated and better way, but the issues of this field required also urgent implementation in the national territories, which was still largely missing. The document containing the Internal Security Strategy (ISS) for Europe was adopted in the early months of 2010.

“The Strategy did not aim at creating any new competences, but rather at integrating existing strategies, and at acknowledging the framework of the Stockholm Programme. The strategy demonstrates a firm commitment to keep progressing in the AFSJ through a European security model. [...] The ISS was adopted in order to drive Europe forward, bringing together existing activities and setting out the principles and guidelines for future action. It was designed to prevent crimes and increase the capacity to provide a timely and appropriate response to natural and man-made

---

<sup>89</sup>A. HORGBY, M. RHINARD, “The EU’s internal security strategy: a historical perspective”, *Security Journal*, May 2014, p. 2.

disasters through the effective development and management of adequate instruments”<sup>90</sup>.

The idea of developing such tool dated back to at least a decade before its actual release, and it had been discussed several times during the years; but only in 2009, when the Stockholm Programme was released, advocates got an opportunity to link the ISS with the launch of a new multiyear internal security programme<sup>91</sup>. Created with a specific purpose, “the ISS was inextricably linked to the idea of creating a high-level body for the coordination of ‘operational’ internal security cooperation in the EU, a long-perceived deficit in the field when viewed in comparison to external security. The notion of such a body was introduced in the discussion on a Constitutional Treaty in 2002<sup>92</sup>, and several years later the body was created and named ‘COSI’<sup>93</sup>; the original purpose of ISS was to be the ‘integral concept’ to guide ISS mission”<sup>94</sup>.

As far as the content is concerned, the document listed the major challenges which were threatening Europe, pushed Member States to adopt a European Security Model and defined strategic guidelines for action<sup>95</sup>. The comments on the strategy did not demonstrate enthusiasm from academics. The ISS could have represented a unique strategic initiative in the AFSJ: and while the field of security is traditionally void of strategy for constitutional reasons, in the EU context, strategy could have played a role. The analysis of the strategy’s content and its implementation, though, show that the EU had not reached its goal. While

---

<sup>90</sup> COUNCIL OF THE EUROPEAN UNION, “Draft Internal Security Strategy for the European Union – Towards a European security model”, February 2010, pp.2-3.

<sup>91</sup>A. HORGBY, M. RHINARD, “The EU's internal security strategy: a historical perspective”, Security Journal, p. 5.

<sup>92</sup>Precisely during the European Convention on the Future of Europe, held in 2002 in accordance with the Treaty of Nice in order to debate on the future of the Union: in that occasion, for the first time the idea of a European Constitution was mentioned.

<sup>93</sup> The Standing Committee on Operational Cooperation on Internal Security (COSI) is a body of the Council of the European Union, and it was established based on Article 71 of the Treaty on the Functioning of the European Union in order to promote and strengthen the coordination of EU Member States within the Union on internal security. It is the ad-hoc body in charge of implementing actions on internal security matters.

<sup>94</sup> R. BOSSONG, M. RHINARD, “The EU Internal Security Strategy – Towards a More Coherent Approach to EU Security?”, *StudiaDiplomatica*, Volume 66, No.2, 2013, pp.48-49.

<sup>95</sup>COUNCIL OF THE EUROPEAN UNION, “Draft Internal Security Strategy for the European Union – Towards a European security model”, February 2010, p.5.

containing some degree of symbolic importance regarding the intriguing idea of a European Security Model, that model had little substance and could hardly denote a new strategic identity for the EU. The ISS mainly collected and listed issues and goals that had developed over the previous two decades, with little efforts to prioritize tasks<sup>96</sup>. The strategy focused mainly on issues of an intergovernmental cooperation rather than on Union competences. It seemed narrow and inconsistent with the current legal framework for EU decision making in security cooperation, a framework which is characterized by the Community Method<sup>97</sup>. It is difficult, thus, to suggest that the ISS made a strategic contribution by setting out a common purpose or matching means with ends. It contained very little information helpful for guiding daily activities. Strategies rarely contain detailed information, but they do help lower-level to connect needs with methods and to justify certain means, and such treats cannot be found in the ISS<sup>98</sup>.

Probably a greater effort was done by the Commission, whose approach was to prioritize a more defined set of threat, to promise actual annual implementation reports, and to make clear linkages to existing instruments<sup>99</sup>. Even if the ISS had been developed by the Council without a proper confrontation with the EC and the EP, initiatives from the Commission truly achieved results through the multi-annual programmes<sup>100</sup>. The final ISS report, published at the conclusion of the programme in 2014, shows progress, even if relative, in all the five areas which had been set as the strategic focus in 2010. The evaluation of the results underlined the budgetary limits posed by the economic crisis that stroke Europe in recent years and the necessity to adopt more advanced technologies, but also to research about them in order to fight them: cybercrime threats have risen

---

<sup>96</sup>R. BOSSONG, M. RHINARD, "The EU Internal Security Strategy - Towards a more coherent approach to EU security?", *StudiaDiplomatica*, Volume 66, No.2 2013 LXVI-2, p. 51.

<sup>97</sup>A. HORGBY, M. RHINARD, "The EU's internal security strategy: A historical perspective", *Security Journal*, MacMillan Publishers, 2014, p.8.

<sup>98</sup>R. BOSSONG, M. RHINARD, "The EU Internal Security Strategy – Towards a More Coherent Approach to EU Security?", *StudiaDiplomatica*, Volume 66, No.2, 2013, p.54.

<sup>99</sup>EUROPEAN COMMISSION, "The Internal Security Strategy in Action: five steps towards a more secure Europe", November 2010.

<sup>100</sup>EUROPEAN COMMISSION "First annual report on the implementation of the EU Internal Security Strategy", November 2011; EUROPEAN COMMISSION "Second annual report on the implementation of the EU Internal Security Strategy", April 2013.

drastically and rapidly,. To do this, institutions must better research about innovations and use them<sup>101</sup>. The EC produced “the only document that has managed to bring a set of priorities to EU action in this area, in contrast to both the ISS and the Stockholm Programme”<sup>102</sup>; it did it through the creation of precise policies, through implementation tools, and especially through the research funds.

---

<sup>101</sup> EUROPEAN COMMISSION, “The final implementation report of the EU Internal Security Strategy 2010-2014”, June 2014, p. 3.

<sup>102</sup>H. BRADY, “Inquiry into the EU Internal Security Strategy (oral and associated written evidence)”, written evidence submitted to the House of Lords Select Committee on the European Union, London, House of Lords, 2011.



## **CHAPTER II**

### **INTERNAL SECURITY IN EU RESEARCH PROGRAMMES**

Summary: 1. Research in the European Union – 1.1. The multi-annual Framework Programmes – 1.2. The European Research Area - 1.3. Internal security in EU research programmes – 2. Horizon 2020 – 2.1. The Work Programme “Secure Societies” – 3. Case studies – 3.1. Analysis of a theoretical study in the 7<sup>th</sup> FP – 3.2. Analysis of a technical project in the 7<sup>th</sup> FP – 4. Other aspects of security: the security and defence industry – 4.1. The public-private dialogue – 4.1.1 The Security Industrial Policy

## 1. RESEARCH IN THE EUROPEAN UNION

Initiatives to finance research from European institutions have evolved and upgraded substantially across the years. It started from single, disparate projects, concentrated on few industrial sectors, to eventually lead to a coherent framework which represents nowadays a major pillar of research and development in Europe. Academic research has always had a long tradition in the European continent, but the progressive emergence of what is nowadays the EU has created a new concept of “European research”, thanks to which the EU research activities built bridges between different fields of research and policies<sup>103</sup>. This new trend has been especially beneficial to internal security research. In order to take research to the next step in EU agenda as fundamental pillar of the EU machine, institutions have worked for decades through a series of initiatives, funds and policies.

It would be reductive to assert that the European project was born exclusively as an economic and industrial alliance, because scientific research and technological development were part of its foundation. Research initiatives initially concentrated on few specific sectors, which were considered the main source of economic development in the different decades, such as coal, steel and nuclear energy; it then evolved and integrated massive investments in agriculture, in telecommunications and in technologies. If, from one side, institutions have always pushed States to work at supranational level for joint research activities, national governments have proved to be reluctant and slightly uninterested in the development of common research programmes. For years national governments have preferred to pursue intergovernmental actions, in the unfounded fear that Europe would deprive the research merits of single countries, or that Europe

---

<sup>103</sup>EUROPEAN COMMISSION DIRECTORATE-GENERAL FOR RESEARCH, SCIENCE, DEVELOPMENT, “30 years: EU Research Framework Programmes 1984-2014”, Horizon 2020 Magazine, Special Issue, March 2015, p. 3.

would subtract funds to national programmes to redistribute them to less deserving States<sup>104</sup>.

Nevertheless, with more or less enthusiasm, European States have started to build some forms of international cooperation in specific sectors, since the early stages of European formation. The choice was driven mainly by interests of both national governments of the six founding States and of their scientific communities. The first cooperation projects focused mainly on energy, because, from one side, governments were convinced that controlling energy resources would be a key element to political stability and economic growth. On the other side, the European scientific community asked governments to provide researchers with new, modern structures which would enable Western Europe to cover the always growing gap with the gigantic progresses made by the United States and Japan<sup>105</sup>. The creation of EURATOM in 1957, indeed, can be considered as the first attempt of cooperation for research at European level. The greatest hopes was placed among this project, which was created as an instrument of energy policy, as well as a scientific and technical research organization in the nuclear sector<sup>106</sup>. The initiative was granted a five-year budget of ECU 215 million, and it would be followed by several other ones. Throughout the years, the success of EURATOM progressively decreased both for political discrepancies between the States on the scope of the project, and for scarce scientific achievements, since State began to make intergovernmental agreements outside the project, and began to purchase technologies from the USA.

When analysing projects like EURATOM, it emerges that the main driver towards cooperation between States was often the need to be as modern as the rest of the world in terms of technology and knowledge, but also in terms of industrial competitiveness of European companies. The latest trend emerged also in the 1970s and 1980s, when Europe was “invaded” by American technological giants

---

<sup>104</sup> L. GUZZETTI, “A brief history of European Union research policy”, European Commission Directorate-General Science, Research, Development, October 1995, p.27.

<sup>105</sup> J. PETERSON, M. SHARP, “Technology Policy in the European Union”, MacMillan Press, 1998.

<sup>106</sup> L. GUZZETTI, “A brief history of European Union research policy”, European Commission Directorate-General Science, Research, Development, October 1995, p. 7.

such as IBM, and governments of the old continent reacted creating new projects such as the “EUREKA”<sup>107</sup>, while the Community responded with institutional reform actions. In particular with the Single European Act, which was signed in 1986 and ratified in 1987. This document made a first clear reference to the importance of research and strengthened the powers of the Community in this field through four main points of actions:

- Implementation of research, technological development and demonstration programmes, by promoting cooperation with research centres and universities;
- Promotion of cooperation in the field of Community research, technological development, and demonstration with third countries;
- Dissemination and optimization of the results of activities in Community research, technological development and demonstration;
- Stimulation of the training and mobility of researchers in the Community<sup>108</sup>.

The four points mentioned above would be the main distinguishing features of the new multi-annual Framework Programmes (FPs). These points were tested exactly in the early 1980s; they would lead to a major success and become an important pillar of the EU.

## 1.1 THE MULTI-ANNUAL FRAMEWORK PROGRAMMES

European institutions promoted research projects for decades with the aim of sharing expertise on scientific progress, but the process remained much

---

<sup>107</sup> EUREKA was an intergovernmental organization, born from a proposal of the French President Mitterand in 1985, to establish technological cooperation among European nations in order to compete with similar American and Japanese initiatives. Nowadays, it still exists and it now includes 41 members, among which the entire EU.

<sup>108</sup>The reference to research was inserted in the Title VI, which assigned specific powers to the Community in the field of research and development, defining objectives and methods of application. Furthermore, the Act institutionalized the use of the Framework Programmes as coordinating tools. (“Single European Act amending Treaties establishing the European Communities”, 17 February 1987, art. 130f, 130i, 130q).

disorganized. Even after several years, research in the Community was still taking place in a rather unstructured way. A proper Community policy was lacking, every single research initiative had to be unanimously approved by the Council, who was not interested in an expansion of the research sector<sup>109</sup>. This is the reason why in the 1980s a new process of reorganization or research programmes began, in an attempt to make research become a more relevant topic among the priorities of the EU. With this spirit, in 1981 the Commissioner for Industrial Affairs and Energy Etienne Davignon presented the concept of the Framework Programmes for research and development, as a way to rationalize EU former activities and to put them together in a single plan<sup>110</sup>. Their role was specified and institutionalised in the Single European Act of 1986: each programme would have their own specific area of investigation and its particular rules for implementation<sup>111</sup>.

The FPs should not be merely seen as an upgraded version of the research funds provided in the previous years, as they introduced also some innovations: for example, the same organizational structure of the FPs rejected a linear interpretation of the process of technological development, and resembled more a multi-dimensional matrix in which all the single programmes found different points of intersection with each other and with the Community policies. From a financial point of view, the launch was a “dress rehearsal”, since the existing law did not allow to provide finances to research through European funds; therefore, for the first years, FP budgets could be mainly constituted by the sum of all the separate budgets for programmes already approved and of the allocations for projects requested by the Council<sup>112</sup>.

---

<sup>109</sup>L. GUZZETTI, “A brief history of European Union research policy”, European Commission Directorate-General Science, Research, Development, October 1995, p. 83.

<sup>110</sup>EUROPEAN COMMISSION DIRECTORATE-GENERAL FOR RESEARCH, SCIENCE, DEVELOPMENT, “30 years: EU Research Framework Programmes 1984-2014”, Horizon 2020 Magazine, Special Issue, March 2015, p. 5.

<sup>111</sup>“Single European Act amending Treaties establishing the European Communities”, 17 February 1987, art 130i (1).

<sup>112</sup>L. GUZZETTI, “A brief history of European Union research policy”, European Commission Directorate-General Science, Research, Development, October 1995, pp. 83-84.

The first FP was approved by the Council on 25<sup>th</sup> July 1983 and was assigned a budget of ECU<sup>113</sup> 3.3 billion for a period of five years. The priority sectors of the programme were included in seven areas of action, among those the improvement of competition in agriculture and industry, the management of energy resources, the upgrade of living and working conditions for citizens. It must be underlined, though, that despite the Commission's efforts to rationalize EU research, the constraints which the selection criteria placed on the "Europeanization" of science were various and some Member States were still reluctant to the idea that the EC would manage R&D activities. For years, therefore, the FPs remained in action, but an actual spirit of cooperation lacked substantially. Resistances from some countries were present including during the planning of the second FP: the first budget proposed by the Commission amounted to ECU 10 billion, but it encountered extreme oppositions from governments such as Great Britain and Germany. Divergences in opinions caused the delay of almost one year of the approval of the final plan for the years 1987-1991. For this reason, the budget would eventually be lowered to ECU 5.4 billion, equivalent to around 3% of the total Community budget<sup>114</sup> and the same divergences characterized the planning of the following two programmes: no increase in the budget prefixed and no enlargement of topics. Gradually States would switch their mind-set, especially thanks to the actual efficacy of the Framework Programmes, and to the related benefits that they received, such as more possibilities of international mobility for researchers.

The advancement of the FPs can be analysed according to two aspects: the thematic one and the budgetary one. As far as the first is concerned, the first FPs were very much focused on energy and IT. After the 1990s, instead, themes expanded and became more "horizontal", i.e. they showed an always increasing interdependence of areas of investigation and proposed new research fields, such

---

<sup>113</sup> ECU was the acronym of European Currency Unit: it was a basket of the currencies of the EC Member States, used as the unit of account of the Community before being replaced by the Euro.

<sup>114</sup>L. GUZZETTI, "A brief history of European Union research policy", European Commission Directorate-General Science, Research, Development, October 1995, p. 122.

as the economic and social cohesion policies, introduced by European Single Act<sup>115</sup>. The real broadening of scope specifically took place from the FP4 and FP5, which were characterized by an enhanced focus on innovation, illustrated in the inclusion of research in transport technologies and an increase in funding for knowledge dissemination. Other visible developments were introduced in the last two FPs, which ran respectively in the periods of 2002-2006 and of 2007-2013 and were strongly influenced by the Lisbon Agenda<sup>116</sup>. The Agenda, in fact, marked a turning point because policy makers and economists focused on reforming the manufacturing sector: they realized that, in the face of globalization, European industry needed to radically transform its base and turn from a resource-intensive into a knowledge-intensive sector<sup>117</sup>. In order to achieve such goals, several initiatives were launched, but the FPs were the one which played the most fundamental role, since in Lisbon States committed to a “new strategic goal to become the most competitive and dynamic knowledge-based economy in the world”<sup>118</sup>.

In terms of content, the 7<sup>th</sup> FP is the most relevant plan for this analysis because it introduced the theme of security (see part II, 1.3): security had been more and more important in the political debates of the Council and eventually became a topic of action also for the Commission.

The evolution of FPs can be analysed from a financial point of view, too. The budget of the Programmes has increased steadily since the beginning and reached

---

<sup>115</sup>Such policies were meant to reach a harmonious and fair development of the Community. The idea itself could have represented an intrinsic contradiction, since Member States were supposed to receive R&D contracts according to their financial contributions; in order to solve the potential contradiction, the Structural Funds were introduced, to reinforce the most backward regions by modernizing research, training and manufacturing structures at local level and gradually bring all areas of the Community at the same level. (L. GUZZETTI, “A brief history of European Union research policy”, European Commission Directorate-General Science, Research, Development, October 1995, p. 124).

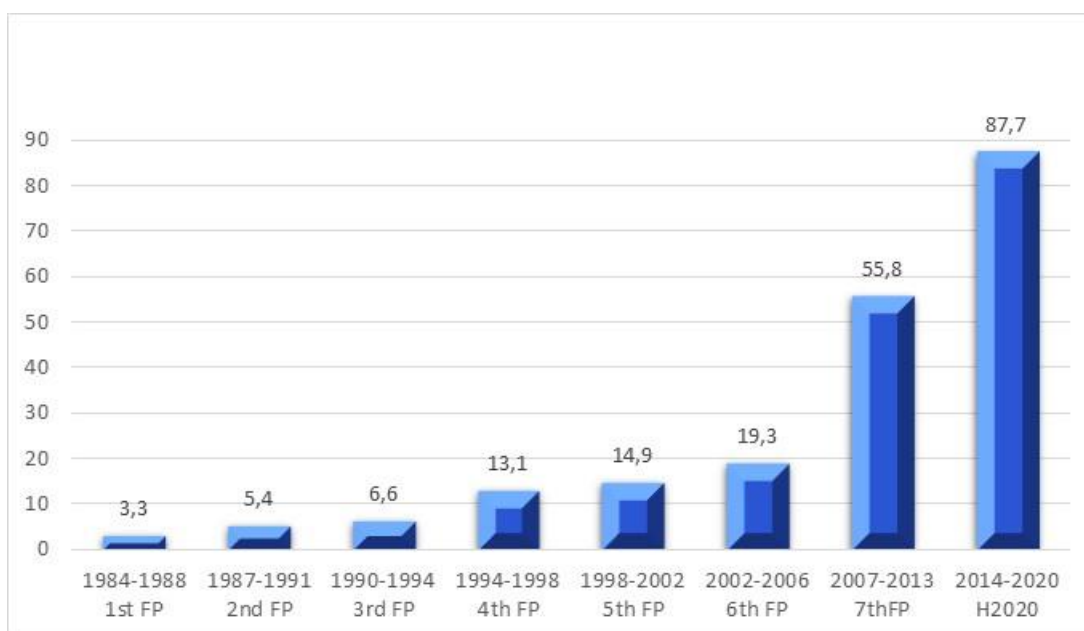
<sup>116</sup>European States worked on a common policy for economic development during the whole 2000s, in order to boost the now unified labor markets. These efforts were put into practice in the so-called Lisbon Agenda, which promoted support to employment, economic reforms, and investments for a knowledge-based economy, which could be very competitive in the world.

<sup>117</sup>EUROPEAN POLICY EVALUATION CONSORTIUM, “Understanding the Long Term Impact of the Framework Programme”, December 2011, p.74.

<sup>118</sup> EUROPEAN COMMISSION, “Towards a European research area”, January 2000.

the amount of EUR 54 billion in 2007, making the FP7 the world's largest research programme in the world as well as the largest budget administered by the EC<sup>119</sup>. The first plans remained characterized by low budgets, limited to around ECU 5 billion, because of a strong reluctance from many sceptical States regarding real benefits from research cooperation. The scenario changed only with the approval of the 4<sup>th</sup> FP, which received a total fund of ECU 13 billion. But it could be argued that research proved to be a major pillar of the Union only when in 2006 the EC proposed a budget of over EUR 50 billion for the 7<sup>th</sup> FP, which would run for seven years, instead of five.

Figure 1: Budget distribution for the Framework Programmes through years (in billion EUR)<sup>120</sup>



<sup>119</sup>D. ANDREE, "Priority-setting in the European Research Framework Programmes", VINNOVA – Swedish Governmental Agency for Innovation Systems, July 2009, p.10.

<sup>120</sup>Swiss Confederation Government website, ([http://www.sbfi.admin.ch/themen/01370/01683/02092/index.html?lang=en#sprungmarke3\\_3](http://www.sbfi.admin.ch/themen/01370/01683/02092/index.html?lang=en#sprungmarke3_3)).



## 1.2 THE EUROPEAN RESEARCH AREA

The origins and the scope of the European Research Area date back to the early months of 2000, when the EC released a communication inviting the whole sector of research and development to take a joint action “to make the EU, by 2010, the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth, with more and better jobs and greater social cohesion”<sup>121</sup>. The reasons why institutions took the initiative lie in the fact that the situation concerning research in Europe was definitely worrying. Without a concrete plan, that trend would surely bring to a loss of growth, jobs, competitiveness, and a general downgrade of Europe in the global economy; countries were not investing enough in research, the average effort in the Union was currently 1.8% of Europe’s GDP against 2.8% in the United States, while in terms of employment researchers accounted for only 2.5‰ of the industrial workforce in Europe, against the 6‰ in Japan. But the other side of the coin showed also that Europe produced a third of the world’s scientific knowledge, and that research accounted for 25% to 50% of Europe’s economic growth, with a strong influence on the general competitiveness of industries and on the quality of life of citizens<sup>122</sup>. It is true that the EU was already making efforts in this sense, mainly through the Framework Programmes, but they accounted only for about the 5.4% of the total public effort of that time. Therefore, a real common policy was necessary, one that could bring benefits both for private industries, making them become knowledge-based, and for the public, which would benefit from it in fields such as the one of health, sustainable development and food safety. For these reasons, an actual European Research Area (ERA) was created: in the eyes of institutions, the initiative would help establishing a common system of scientific and technical reference for the implementation of policies; it would also allow to finance wide, common research facilities, and it would finally create

---

<sup>121</sup> EUROPEAN COMMISSION, “Realising the European Union’s potential: consolidating and extending the Lisbon strategy”, March 2001, p.2.

<sup>122</sup> EUROPEAN COMMISSION, “Towards a European research area”, January 2000, p. 4.

better synergies of national research activities, with closer relations between the national organizations<sup>123</sup>.

After years of very limited results, the first achievements became visible in 2009 when, with a resolution approved by the Parliament<sup>124</sup>, mobility of researchers began with ERA funds: thanks to the resolution, the least developed Member States were encouraged to take action and excellence could be transmitted in the whole Union. Such resolution promoted also more transparency in the employment of researchers, as well as more balance between male and female researchers.

The latest ERA report summarized the achievements of the project so far. Firstly, at policy-making level, all Member States have adopted a national strategy on research and innovation, even though considerable differences persist in the way research funding is being allocated. Secondly, international cooperation between research centres has increased and is now supported by national policies. Thirdly, the number of doctoral candidates in the EU continues to grow, and several initiatives have been taken to provide them with more training in order to be more and more skilled and increase their employability, including outside the academic world. The gap between countries, especially between Western and Central Europe, remains considerable, but the actions taken by EU institutions seem to produce considerable improvements for local research actors, as explained in Figure 2. The 2014 report concluded admitting that further implementation of ERA policies is still much needed, as well as further synchronisation of national and European roadmaps on research infrastructures and the related pooling of funding<sup>125</sup>.

A detailed assessment of the achievements of ERA is not easy to perform, since the completion of ERA is still undergoing and many aspects of European research

---

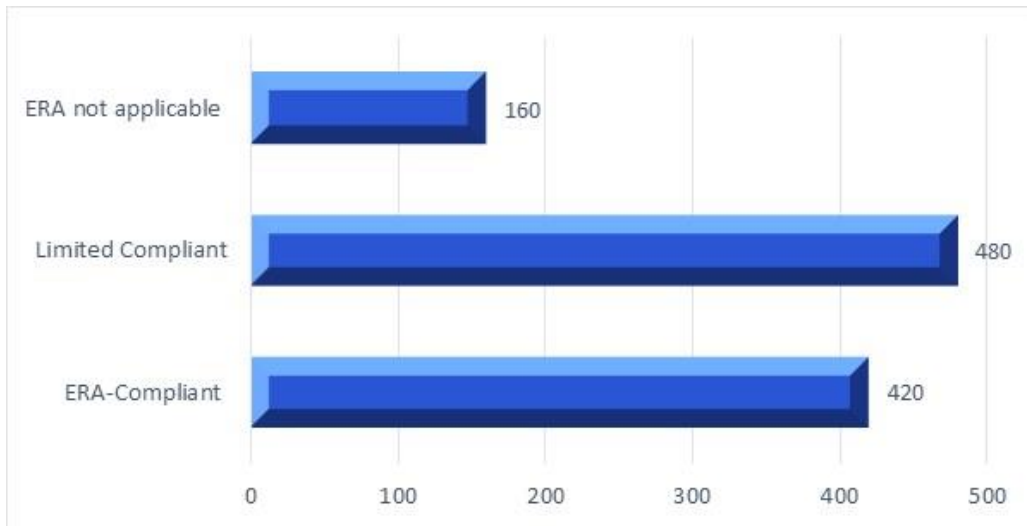
<sup>123</sup> EUROPEAN COMMISSION, "Towards a European research area", January 2000, p. 8.

<sup>124</sup> EUROPEAN COMMISSION, "Better careers and more mobility: a European partnership for researchers", May 2008.

<sup>125</sup> DIRECTORATE-GENERAL FOR RESEARCH AND INNOVATION, "European Research Area Progress Report 2014", 2014.

still need to be addressed by national governments with proper policies; in addition, the very poor literature on the topic did not allow to gather favourable or critical opinions on the ERA initiative.

Figure 2: Number of institutions in ERA compliance clusters



### 1.3 INTERNAL SECURITY IN EUROPEAN RESEARCH PROGRAMMES

Since the early 2000s, internal security research has become a strong priority for European institutions. The insertion of internal security as a research topic in the EU FPs was seen as a logical step, after the Council had promoted political actions such as the multi-annual programme and the Internal Security Strategy (see part I, 2.3, 4). Adding internal security between EU research themes would increase the competitiveness of European industries at global level; and, secondly, to unify knowledge from all over Europe to guarantee a safe and secure Europe, for EU citizens and for those seeking help from other parts of the world<sup>126</sup>.

However, before all this took place, internal security had never been mentioned in EU discourses for more than forty years. This fact does not surprise because it

---

<sup>126</sup> DIRECTORATE-GENERAL INTERNAL POLICIES, "Review of security measures in the 6th research framework programme and the preparatory action for security research", May 2008, p.1.

confirmed the lack of interest from national governments to collaborate in this field, the late introduction of the topic in the Treaties and the difficult relationship that the EU has had for a long time with States in establishing internal security measures at European level. The introduction of articles related to security cooperation in the Maastricht Treaty (see part I, 1.2), and especially the Lisbon Treaty (see part I, 2.2) created the legal basis for an actual cooperation also in the field of research. The latest was signed after States had agreed on precedent, remarkable acts such as EU Solidarity Fund<sup>127</sup> and the Declaration on Solidarity Against Terrorism (see part I, 2.2).

Internal security became a subject of cooperation also because, since the early 2000s, countries have started to invest more in security reinforcement inside their national borders. The reason of such a sudden increase in importance of security can be probably best found in the sense of unease and unsafety that States and civilians have started to feel because of the terrorist attacks which hit the United States, London and Madrid in the early 2000s, as well as from the growing number of immigrants trying to enter Europe: the latest fact started to be associated to a threat for society in the programmatic statements from far-right political parties of several European States. The world scenario was sharply changing, violent and complicated wars broke out around the world, and especially in the Middle East, with various European States involved, therefore also the EU took action. Security research and development, in fact, has become an important aspect of the EU's policies, in connection to the numerous actions taken under the AFSJ (see part I, 2), such as the Internal Security Strategy (see part I, 4).

Regardless the growing importance of security in the Union, literature on the topic has remained very poor, therefore this analysis will be based on official documents released by the EC and on the comments published by few European think tanks which have followed security development through the year. The first

---

<sup>127</sup>The EU Solidary Fund was set up in 2002 to respond in an efficient and flexible manner to major natural disasters in a Member State.

Communication on internal security research was released in 2004, after the 6<sup>th</sup> FP had been launched, and had the scope add more calls for proposals to the Programme - and consequently an additional budget -, on the theme of security, as a test to verify the interest related to these calls and the quality of projects which could be developed, with the idea of establishing an ad-hoc programme after 2007. In February 2004, in fact, the EC published a Communication about additional funds to be given to security research and industries, because Europe needed to invest in a “security culture” to address urgent and future challenges<sup>128</sup>. The “Preparatory Action on the enhancement of the European industrial potential in the field of Security Research” (PASR) was targeted fund for security, included in the more general FP6, and endowed with an estimated budget of EUR 65 million for the period 2004-2006.

Under the 6<sup>th</sup> FP, over 170 projects were funded in relation to security. The approved projects were concentrated on finding solutions to security challenges through technologies, especially on biometrics, surveillance systems, improvement in systems for exchange of information and protection of critical infrastructure. But, as investments in security were growing, so were the concerns about citizens’ freedoms and privacy, which did not seem to be a priority in the Commission’s eye. The lack of inclusion of these topics initiated a debate that would strongly mark the future discourses on security. Under PARS, too many projects exclusively paid attention to the reinforcement of internal control, to the promotion of surveillance technologies, new weapons: all instruments which would guarantee the safety of some and the insecurity of others. The question was repeatedly underlined in the first evaluation document on the 6<sup>th</sup> FP, where the authors marked the fact that the only and ultimate goal of EU research could not be only more security; some limits to security had to be defined, because the effects that such forms of control produced on society had an important negative

---

<sup>128</sup> EUROPEAN COMMISSION, “On the implementation of the Preparatory Action on the enhancement of the European industrial potential in the field of Security research, Towards a programme to advance European security through Research and Technology”, February 2004, p.2.

impact, which could not be ignored<sup>129</sup>. Both in that occasion, as well as in future calls for proposals, citizens' freedoms would be discussed as part of the notion that security measures should be balanced with people's rights, but such "balance" would be often understood in a context where security is the fundamental concern, and the respect of fundamental freedoms only of the criteria to be met while creating new security actions<sup>130</sup>.

Nevertheless, security research proved to be very necessary, actual and it met a pool of prepared researchers and think tanks. Therefore, in September 2004, the Commission proposed the establishment of a "European Security Research Programme" (ESPR), which explained the priorities of the EC for security research. The content of ESPR was translated into calls for projects in the FP7. The "security" themes was part of the ten priorities of the Programme, and a budget of EUR 1.4 billion was assigned to this priority<sup>131</sup>, which exceeded by far the resources available to national security research funds. The calls of proposals belonging to this theme were mainly methodology and technology oriented, which meant that they focused on delivering technology solutions for civil protection, providing security for critical infrastructure, creating intelligent border control systems, and managing emergencies and crises<sup>132</sup>.

In order to better understand the importance of internal security for institutions, it is useful to mention that additional funds were directed to internal security. One example, which can be only briefly explained in this analysis, was the budget created to support AFSJ activities, to promote the implementation of the Internal Security Strategy, law enforcement cooperation and the management of the Union's external borders. The Programme was entitled "Security and

---

<sup>129</sup> DIRECTORATE-GENERAL INTERNAL POLICIES, "Review of security measures in the 6th research framework programme and the preparatory action for security research", May 2008, p.1.

<sup>130</sup> DIRECTORATE-GENERAL INTERNAL POLICIES, "Review of security measures in the 6th research framework programme and the preparatory action for security research", May 2008, p.11.

<sup>131</sup> EUROPEAN COMMISSION, "Final evaluation of Security Research under the Seventh Framework Programme for Research, Technological Development and Demonstration", September 2015, p. 10.

<sup>132</sup> EUROPEAN COMMISSION, "Final evaluation of Security Research under the Seventh Framework Programme for Research, Technological Development and Demonstration" September 2015, p.12.

Safeguarding Liberties”, ran for the period 2007-2013 and was assigned a budget of EUR 745 million<sup>133</sup>. The main points of action were concentrated on three areas: on ensuring an effective operational cooperation among law enforcement agencies and national authorities in the fight against terrorism and organized crime, through more availability and exchange of crucial formation; secondly, on increasing public-private partnerships to support intelligence activities on a European scale, statistics and criminology; finally, on creating a coordinated approach across Member States towards prevention, crisis management with regard to potential terrorist attacks. The budget was split between two programmes: the first was named “Prevention, Preparedness and Consequence Management of Terrorism and other Security Related Risks (CIPS), received a budget of EUR 140 million, and was mainly designed to protect citizens and critical infrastructures from terrorist attacks. It was designed to be used in projects of cooperation between police forces and agencies for data storing. The second was called Prevention and Fight against Crime (ISEC)”, it received a budget of EUR 600 million and it mainly focused on projects between law enforcement forces to prevent crimes of terrorism, child abuse and human trafficking<sup>134</sup>.

This work will particularly focus on analysing the outcomes of FP7, since it was the first to officially include research on security, it provided the highest budget, and it has recently concluded, a fact that allows to carry out a proper evaluation of its results. In order to do so, three elements will be used to analyse the Programme: the figures coming EC expenses and from the final results, the research topics that were most funded, and the type of actors who took part in the projects.

Every call for proposal provides information about the amount of budget which will be covered by EC funds. Such contributions rarely covers total costs of a given project. Apart from few exceptional cases, EU contributions always cover at

---

<sup>133</sup> EUROPEAN COMMISSION, “Establishing a framework programme on ‘Security and Safeguarding Liberties’ for the period 2007-2013”, April 2005, pp. 3-9.

<sup>134</sup> In 2014 they were substituted by the Internal Security Fund (ISF) which received EUR 3.8 billion for the period 2014-2020.

least 50% of the total costs of a project, including investments. Taking all this into account, the FP7-Security theme can be evaluated as a successful initiative: in total 1.790 eligible proposals were submitted, with a request of EC contribution of EUR 6.7 billion. Only 300 proposals were subsequently retained for negotiation, which corresponds to a ratio of eligible proposals to funded projects of 6:1. In total, 307 projects were funded through the FP7 Security Programme over its lifetime, involving over 5000 participants. The total cost of all Security projects was EUR 1.7 billion, with the EC contributing EUR 1.2 billion, the 71% of the total. The average contribution per project was EUR 4.1 million, and per participation was EUR 338.000.<sup>135</sup>

From the point of view of the content, instead, more concerns rise. The focus of the projects financed show imbalances, an exclusively technology-oriented focus, and a not always correct distribution of resources. The topics included in the programme are useful to be listed, in order to understand the priorities in the eyes of the EC. As in the previous FP, technological advancement was the leading component of the calls for proposals, at the expenses of topics on the concerns on privacy protection, on respect of citizens' rights, and on reflections on the dehumanisation of safety<sup>136</sup>. The variety of areas included is presented in Figure 3, which also provides an overview of the more financed topics: with 33 projects funded and EUR 230.7 million of expenses, the theme of "Intelligent Surveillance and Border Security" emerged as the top priority; the theme primarily focused on automation of border policing, emphasizing drones as a technique for bolstering surveillance capacity, especially in wide maritime areas.

The second most funded topic was "Restoring Security and Safety in Cases of Crisis", with 47 projects were approved and EUR 218.5 million were allocated to this thematic area. It was dedicated to bolstering capacities in terms of crisis

---

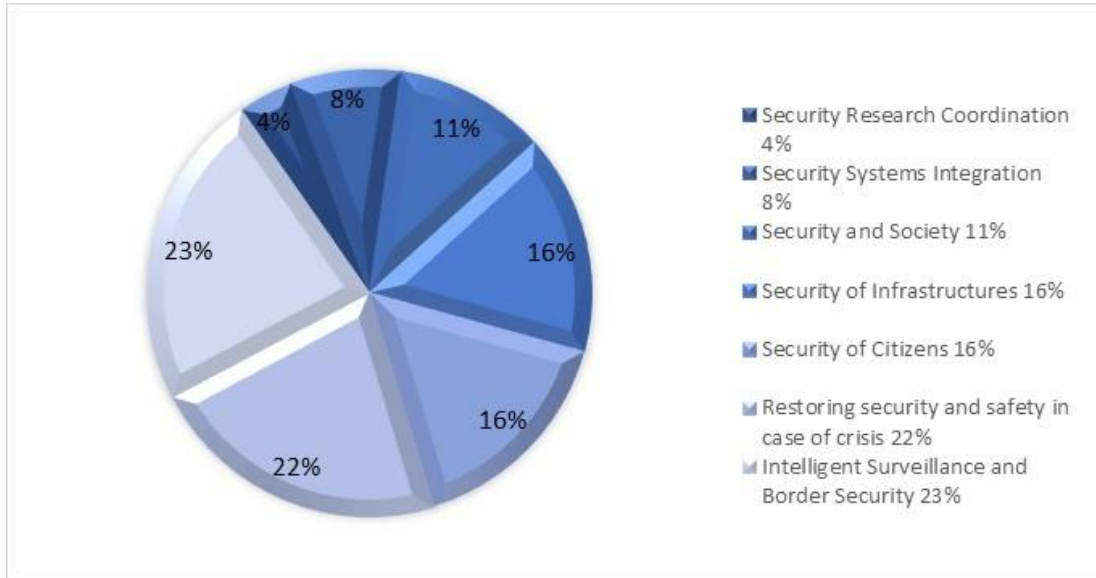
<sup>135</sup> EUROPEAN COMMISSION, "Final evaluation of Security Research under the Seventh Framework Programme for Research, Technological Development and Demonstration", September 2015, p. 14.

<sup>136</sup> Only two projects within FP7-ST have adopted a reflection on the ethical and political implications of security technologies, representing together only 1,09% of the total Security budget. (J. JEANDESBOZ, F. RAGAZZI, "Review of security measures in the Research Framework Programme", October 2010, p. 27).



management as well as post-crisis recovery; it entailed many crosscutting activities with other thematic areas, such as “Security Systems Integration”.

Figure 3: Thematic distribution of FP7-ST funding – per EC contribution



These orientations drew criticism from academics and civil rights organisations on two main lines: from a general point of view, as already said above, for the little attention paid to ethical, political and juridical aspects of such massive investments in devices and tools to monitor and control people's lives; but criticism was also directed to the fact that border surveillance received so much interest, not considering at all the dehumanisation of European borders and the de facto dismantling of search-and-rescue capacities that it implied.

The “Security and Society” topic corresponded to 42 projects and amounted to EUR 112.3 million of the EC contribution<sup>137</sup>. Two significant issues received consideration: the relations between privacy and security (see part II, 3.1) and societal security.

Finally, the type of actors who participated in the Programme are fundamental for a correct analysis because the type of consortium of a project plays a central role

<sup>137</sup>D.BIGO, J.JEANDESBOZ, M.MARTIN, F.RAGAZZI, “Review of Security Measures in the 7<sup>th</sup> Research Framework Programme 2007-2013, Directorate-General for Internal Policies, 2014, p.25.

in the success of the project itself. Each FP7 project is organized around a main coordinating institution and a certain number of partners, which varies in the case of the security theme from 0 (single partner projects) to up to 28 in addition to the main partner. Institutions that are entitled to apply for FP7 funding include: research groups at universities or research institutes; companies intending to innovate, small or medium-sized enterprises (SMEs); public or governmental administration; institutions running research infrastructures of trans-national interest; organisations from third countries; international organisations and civil society organisations. Every call for proposal explains who would be the suitable partners for that specific project through a list of eligible actors: an ideal consortium would be to include all the suggested types of actors in a balanced way and explaining the unique contribution they could bring to the activity.

In the 7<sup>th</sup> FP the main participating stakeholders were organizations for applied research, major defence and security industrial groups, while academic institutions played a marginal role, and public security bodies were almost not present<sup>138</sup>; the lack of participation from the second two stakeholders represents the first of the incongruences of the programme, since public entities hold a fundamental role in the implementation of security research, they are the main end-users of almost all the projects in the Security theme. The imbalance in terms of actors involved was evident even in the policy-making process in the Public-Private dialogue, where actors such as MEPs and non-governmental organizations were barely represented, thus not giving a voice to citizens and to the civil society<sup>139</sup> (see part II, 4.1).

---

<sup>138</sup> Examples of large defense industries which participated are Selex, Thales, EADS, while the major centers for applied research were CEA, Fraunhofer, TNO). Few universities received funds: among them the TU Delft and the University of Bologna. Public security bodies and organizations participated in the smallest percentage, with only the Spanish Ministry of Interior receiving remarkable funds. (D.BIGO, J.JEANDESBOZ, M.MARTIN, F.RAGAZZI, "Review of Security Measures in the 7<sup>th</sup> Research Framework Programme 2007-2013, Directorate-General for Internal Policies, 2014, p.20).

<sup>139</sup>D.BIGO, J.JEANDESBOZ, M.MARTIN, F.RAGAZZI, "Review of Security Measures in the 7<sup>th</sup> Research Framework Programme 2007-2013, Directorate-General for Internal Policies, 2014, p.33.

A rapid reading of the top fifty participants revealed a list of notable organisations with a longstanding interest in security-related research across the public and the private sectors. The list included a high proportion of large public research institutes with a wider research remit than simply security, including the Fraunhofer institution (a German research organisation with 67 institutes in the country and Europe's largest applied research organisation), TNO (the Netherlands Institute for Applied Scientific Research) and VTT (the Technical Research Centre of Finland). The list also showed that Europe's leading security research organisations were often part of FP7 Security Research projects. The top three organisations (as per total EC funding) are Fraunhofer, FOI (Swedish Defence Research Agency), and TNO, directly followed by THALES, a major multinational company<sup>140</sup>. In terms of geographical distribution, the majority of projects were dominated by actors coming from the largest countries, both in the role of project coordinators and in the role of simple partners, at the expenses of smaller States<sup>141</sup>.

In conclusions, the results achieved in security research during the FP7 can be assessed partially positively: the EU wanted to promote high quality research for a vital industrial sector, and, therefore, tried to attract high-quality partners to build strong, innovative projects. But since security research was – and still is - a relatively new policy, which brings together very many different areas, from electronics to healthcare, from IT to sociology, it is still rather heterogeneous, and, as such, it is hard to say whether the programme attracted the best and the brightest academic research groups. It is less difficult to claim that it successfully engaged the leading and most active national laboratories for applied research and the best defence companies, which are small in number and well known. On a

---

<sup>140</sup> EUROPEAN COMMISSION, "Final evaluation of Security Research under the Seventh Framework Programme for Research, Technological Development and Demonstration", September 2015, p. 41.

<sup>141</sup>The United Kingdom (12%), France (12%), Italy (12%), Germany (11%), Spain (11%) accounted for 56% of individual participations. (D.BIGO, J.JEANDESBOZ, M.MARTIN, F.RAGAZZI, "Review of Security Measures in the 7<sup>th</sup> Research Framework Programme 2007-2013, Directorate-General for Internal Policies, 2014, p.18).

larger scale, the programme surely had impacts also in terms of European Added Value (EAV)<sup>142</sup> which was brought to the topic, especially considering the absence of national governments funding research on these issues<sup>143</sup>.

The final evaluation released on the Security theme in the FP7 concluded its recommendations for the future mentioning the need for continuous and higher funding, and for the broadening of the technology areas to explore. The evaluation also suggested to build future research initiatives taking answering to questions on the vision of the Programme, such as: what and who does Europe want to protect? Does security mean only physical safety, or also guarantee of accountability and transparency? Is security concerned only about EU citizens, or does it consider also those who may face its effects? Some of these interrogatives would be taken more into consideration in the planning of the following EU research programme, Horizon 2020.

## 2. HORIZON 2020

In 2014 a new research programme, called Horizon 2020, was launched, and it will run until 2020. With an impressive difference from all the previous funds, Horizon 2020 can be considered a pride for the EU, because it is the largest research and innovation programme ever, thanks to a budget of EUR 87.7 billion. The idea to push research to an upper level came after the harsh crisis that hit Europe. Fiscal consolidation and reforms were necessary instruments, but not sufficient to re-launch Europe's economy: the strategy to re-launch Europe's economy, called Europe 2020, stated that also smart investments in research were

---

<sup>142</sup> The European Added Value can be explained a benefit that cannot be reasonably be achieved by the actions of individual Member States or private actors or which is likely to be much greater if pursued at an EU level.

<sup>143</sup> EUROPEAN COMMISSION, "Final evaluation of Security Research under the Seventh Framework Programme for Research, Technological Development and Demonstration", September 2015, p. 64.

an essential element to exit the crisis, because research could increase jobs, improve quality of life and provide more public goods<sup>144</sup>.

The programme has been considered a breaking point from the past for its much wider goals, but also because it presented numerous innovations and a simpler programme architecture. In fact, all resources focus on three key priorities: raising the level of excellence in Europe's science; enhancing industrial leadership, in order to support business and to make Europe a more attractive location for investments; and finally tackling societal challenges, in order to respond directly to the major concerns shared by citizens of Europe. The programme "Excellent Science" was assigned € 24.4 billion. This first priority aims at increasing science-based excellence at European level, considered as essential for long term sustainability and competitiveness of Europe's economy. It focuses on four objectives: supporting talent and creativity, funding research through collaboration, strengthening training and staff exchange, and guaranteeing world-class research infrastructures.

The second pillar was named "Industrial Leadership" and was assigned a budget of € 17.0 billion; this priority aims at speeding up development of the technologies and innovations that will underpin tomorrow's businesses and help innovative SMEs to grown into world-leading companies. The plan focused on technical research to develop new technologies, overcome deficits in the availability of debt and equity finance for R&D, and it provides tailored support to stimulate all forms of innovation in SMEs.

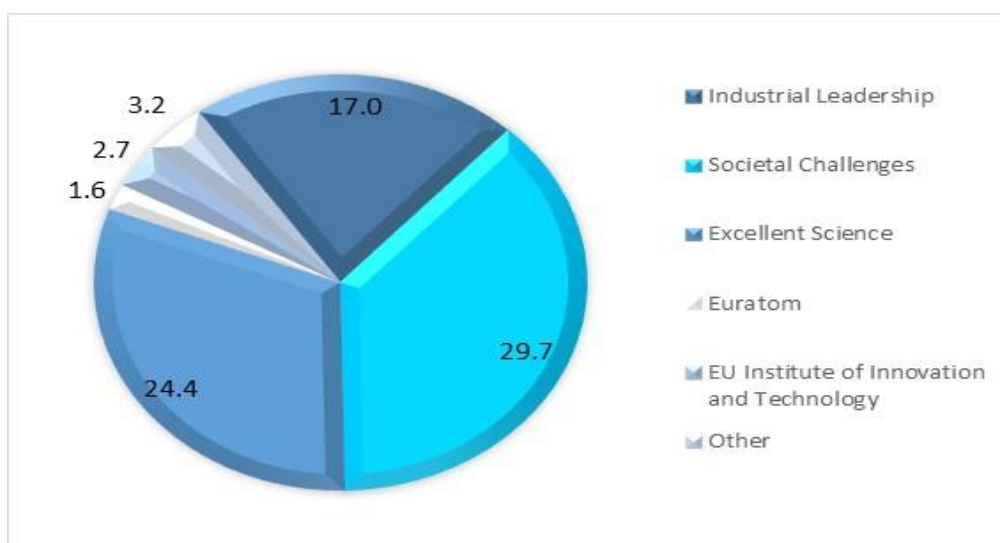
The third pillar, called "Societal Challenges", has the goal to stimulate the critical mass for research necessary to achieve political objectives and solve societal issues identified in the Europe 2020 strategy. This pillar comprises the all initiatives on internal security, and received the highest budget: € 29.7 billion.

---

<sup>144</sup> The strategy created by the Commission, and named Europe 2020, was born to coordinate and monitor the economic and monetary policies of EU Members, through a reinforcement of EU institutions and especially of the Commission. The general aim of the strategy was that of guaranteeing the restart of development in Europe, through smart, inclusive and sustainable growth of the economy, which meant, above other aspects, also promoting knowledge and research.

A very important part of the budget was dedicated to support SMEs, and not only in the Industrial Leadership pillar, but across all topics. In Europe, SMEs play a crucial role: at least 97% of all businesses are SMEs and they form a crucial link in the chain of economic activity producing and supplying goods and services, or demanding and buying products. Horizon 2020 aims at granting at least 20% of the total budget of Societal Challenges and Industrial Leadership to support SMEs. In addition to these two, the “Instrument for SMEs” was created, to assisting them in their innovation and internationalisation in all stages, from the development to the commercialisation. The kind of help provided takes the form of reimburses of at least 70% of projects’ costs, or of provision of expert advice in the design and commercialisation of SMEs products.

Figure 4: Breakdown of Horizon 2020 budget by main area<sup>145</sup>.



After less than two years from its launch, and after only one first round of applications assessed, it is still early to draw specific conclusions about the type of programme that Horizon 2020 will be. Literature which provides a critical evaluation of the Programme is still missing, therefore it is more appropriate to use figures to make an assessment of the first two years of Horizon 2020. The

<sup>145</sup>M. GRANADOS, V. HERNANDEZ, E. MUNTION, “Horizon 2020 – The new European R&D and Innovation Framework Programme”, Research Development Technology and Innovation RTDI, 2013, p. 36.

programme, in fact, is implemented through two-year work programmes, and the 2014-2015 work programme resulted in the following figures: in total 31.115 full proposals were submitted; from them, 4.315 proposals were retained for funding. The success rate was around 14%, which is definitely lower than the 20% of FP7, reflecting a much higher competition. As far as the budget is concerned, total EU contributions amounted to € 5.5 billion; furthermore, for every work programme the goal was to use the 20% of the budget for SMEs and this goal was achieved. The programme managed to attract different types of actors: universities were in first place in terms of the overall number of eligible application, followed by the private sector and research organizations: these actors managed to have approved respectively 5.977, 5.566 and 4.164 applications<sup>146</sup>.

In parallel to the release of numeric results, The EC has also elaborated a monitoring and evaluation system through Key Performance Indicators for all the priorities of Horizon 2020; the fact that for the first time these Key Performance Indicators are identified prior to the start of the Framework Programme is a significant development as it provides a solid and coherent basis for the monitoring and evaluation system of Horizon 2020.

Only very recently, in October 2015, the EC released the list of calls for proposals for the years 2016-2017. The priorities of the calls are the need to boost jobs and to make economies grow, the need to properly face climate change, and to make Europe become a stronger geo-political actor through new policies on migration and the reinforcement of the ASFJ, as well as through significant investments for fighting crime, illegal trafficking of weapons and for terrorism prevention.

## 2.1 THE WORK PROGRAMME “SECURE SOCIETIES”

The results of EU policies on internal and external affairs have been questioned during recent times, since institutions have often taken action to solve

---

<sup>146</sup>DIRECTORATE-GENERAL FOR RESEARCH AND INNOVATION, “Horizon 2020 First results”, September 2015, p. 5, p.16.

problems which could have been avoided if planned in advance; other times the EU has intervened because Member States are still reluctant to act as a single geopolitical actor. But through its investments in research, the EC has recently proved to understand the need to investigate different areas of security, as well as the fact that research funds can be a great support to different policies and can connect them. Indeed, in Horizon 2020 internal security was approached in a rather innovative way. The Work Programme “Secure Societies”, with a budget of EUR 1.7 billion, was planned as an implementation tool for both the Europe 2020 strategy, the Security Industrial Policy (see part II, 4.1.1) and the Internal Security Strategy (see part I, 4). The reason why security is defined as a societal challenge, is because it concerns the protection of citizens, society and economy as well as Europe's assets, infrastructures, services, prosperity and political stability; any malfunction or disruption of security mechanisms can have a detrimental impact with high associated economic or societal costs.

The main categories of the work programme are not particularly innovative, the calls were divided in the areas already seen in previous FPs: disaster management, fight against crime and terrorism, border security and digital security. What differentiates this Programme from the previous ones is the importance that new topics and new stakeholders received compared to others. Critical comments on previous security research were taken into account, and this is visible, firstly, in the higher number of calls on studies on privacy and human rights' protection, with every topic of the Programme having at least three projects on the ethical and judicial impacts of security in that specific field. Secondly, in many more projects the role of public stakeholders has been given more importance, recognizing the fact that, whilst many infrastructures and services are privately owned, protection of public safety is in the hands of public authorities<sup>147</sup>.

The approach to security from the EC represented another point of innovation: security was approached as a cross-cutting area, since Europe faces many

---

<sup>147</sup> For the detailed list of topics and respective calls for proposals, see EUROPEAN COMMISSION, “Horizon 2020 Work Programme 2014 – 2015” Point 14. Secure Societies – Protecting freedom and security of Europe and its citizens”, December 2013.



challenges linked to security in the broadest sense, which means physical, economic, social, technological or international. Therefore, projects related to security are present also in the section “Europe in a changing world”, part of the Secure Societies pillar, in the section dedicated to inclusive, innovative and reflective societies: this part focuses more on EU military and civilians response to external environmental, humanitarian, economic and political crises<sup>148</sup>.

The EU has been investing more and more resources in the field of security, thus also helping national governments which had to cut down expenses for security after the debt crisis that hit many EU States (see part II, 4). At the same time ensuring security has become more and more complex, since different and new threats, logics, and enemies have risen in the international arena very rapidly. EU investments in security represent an important added value for national research funds, which, in many cases, could not afford such investments. These investments are also a way to develop security policies at supranational level, and they function as an important tool to support the Europe’s internal affairs in the AFSJ and to boost Europe’s security industry.

### 3. CASE STUDIES

In order to gain a concrete insight about what has been done so far in the field of security research, this work will include two cases studies, precisely two European projects carried out by different stakeholders around the EU, and financed inside the Framework Programmes. It is essential to discuss not only the policies and the organization around security, but also the content of research in this field, in order to understand what concretely institutions are doing for the protection of the Union. The choice to introduce two case studies is also driven by the need to give concrete examples of how EU is investing such considerable –

---

<sup>148</sup>W. TROSCZYNSKA VAN GENDEREN, “Enhancing support for European security and defence research: challenges and prospects”, European Parliament, April 2015, p.9.

and always growing – amount of money, in a political moment where investments in security and defence seem to be fundamental, undeniable, and still, never consistent enough, since sources of insecurity keep developing.

The first case will be a theoretical study on the ethical aspects of the concept of security and will, therefore, be concentrated around sociological academic institutions. The second case will represent a technical project, focused on the development of new technological tools. Therefore, the partners taking part in the second project will mainly be members of the security industry and institutions for applied research. The reasons behind the choice of these two specific cases lie in the fact that they represent an exhaustive example of EU projects in the field of security, but also because they tackle some of the most actual and controversial themes in the international arena of the last years and months. In fact, mass surveillance is becoming part of people's daily lives, with consequences that go far beyond the simple fact of being more protected against crime. The second case covers the topic of the necessity to fight terrorism: it has become a priority, not only through national plans and the army, but also through the acknowledgment of the risks at local level, by police forces and local authorities<sup>149</sup>.

The analysis of an EU project requires a basic knowledge of its main components and processes. The creation of this type of project is a complex and structured process, in which excellent knowledge of the project's topic is not sufficient to make it successful. There is also need of know-how of the various phases and of excellent coordination skills. Before analysing in detail the content of the case studies, it is worth giving an overall overview of the steps and the stakeholders that compose a European project.

In this brief explanation, three aspects of project management will be taken into account, in order to provide an exhaustive presentation:

---

<sup>149</sup> The two case studies chosen belong to the 7th Framework Programme, which is expired in 2013 and has been substituted by Horizon 2020; nevertheless, the choice of selecting projects from the past FP reflects the will to propose cases which have gone through all the phases, from the application for funds to the actual implementation, and which have already received periodic and final feedback from the EC and from the public of end-users.

- First of all, let us start from the content of the call: it includes the type of call for proposals, the general goal which the EC wanted to achieve, and the specific “answer” that project members have given, through the idea developed by the consortium. In fact, projects are released by the EC under the form of calls for proposals, each of them containing a description of the broad political of normative context of that topic, objectives to be achieved to improve a given condition: starting from it, certain guidelines are given about the kind of project proposal which is expected to be submitted, especially the activities, the budget, the requirements for participation and the eligibility criteria. As far as this last element is concerned, for sure the ideas presented need to be innovative, which means that they have to represent new solutions to current challenges; it is not the goal of this type of projects to create other, or updated versions, of already existing solutions. In other words, projects need to show that they will generate progress, of course through different forms: in terms of knowledge, products, practices, policies. In addition, the transnational aspect plays a fundamental role, because applications must be based on the work of organizations from different countries, and show the added value that the project will have exactly because it will be internationally based. More important than all the rest, the progress generated should be useful for the whole Union, or even for the world, and not only for a single country or region<sup>150</sup>. Finally, evaluators attribute extreme importance to the impact. By impact it is meant the European Added Value (see note 142), which may take the form of improvement of life quality, increase in the number of jobs, discovery of new technologies which could have not taken places without a contribution at the EU level.

- Secondly, the composition of the consortium needs to be taken into consideration: it refers to the kind of partners, their geographical provenience and their role in the project’s creation. Every project proposal must, in fact, be

---

<sup>150</sup> Other typologies of EU projects exist to address the development of regions or agglomerations of cities. Such project are included in the indirect funds or in the category called “INTERREG”.

submitted by a group of applicants, which form a consortium<sup>151</sup>. The eligible partners are listed in each call, and the consortium composition represents the first, important element of success for the project, since the consortium has to be built following the guidelines given in the call about the kind of partners who should participate. Typically, appropriate consortia are transnational, multidisciplinary and constituted by multiplayer actors.

- Thirdly, the steps composing the whole process of the project's realization also need to be described in the application. The phase before the submission of the project for approval certainly constitutes a fundamental part of the whole process, but also carrying out the activities after receiving the funds needs considerable attention and coordination. First of all, when an organization is interested in one proposal, it usually develops a first draft of the project's core idea, which should be an innovative, fresh answer to the call of the EC. Then, the partner who took the initiative starts building a consortium, choosing entities according both to the proposals' guidelines and to the kind of project it has planned. During the creation of the consortium, the respective roles are assigned, among which usually one project coordinator is selected as leader of all the activities. It is not unusual that consortia rely on the expertise of consultants, specialized in writing European projects for the general coordination of the process. Once the consortium has been established, the proposal is created, it is divided in a timeline and in tasks; of course it is accompanied by a detailed budget. European projects usually require a period of six months to be evaluated by EC experts, and, if financed, they last for an average period of three years. Typically, projects are subdivided in several parts, called Work Packages which recall the activities to be carried out: some of them focus on the content creation while others concentrate on the communication aspects, on the dissemination of the initiative to the public and especially to end-users. Finally, the partners are in charge of writing deliverables, which are a summary of the activities carried out during the various Work Packages. It is praxis that, during and especially at the

---

<sup>151</sup> This rule encounters rare exceptions when, in some project, the applicant can be a single organization, with no need for partners.

end of a project, partners organize events and conferences, to showcase their activities to the public, to involve stakeholders who would benefit of their innovations so that they bring a concrete impact to the society.

### 3.1 ANALYSIS OF A THEORETICAL STUDY IN THE 7<sup>th</sup> FP

The first case study presented is the European project “SAPIENT”. Its focus represents one of the activities of the field of security research, precisely the study of ethical, judicial and sociological aspects of the advancements of security technologies. Indeed, as mentioned before (see part II, 1.3), a minor part of the Programme was dedicated to studies on the effects of security in citizens’ lives; but even if considered as secondary themes, these probably are among the most controversial ones, when talking about internal security.

The name SAPIENT is the acronym of the longer name “Supporting fundamental rights, privacy and ethics in surveillance technologies”. The call for proposals under which the project was funded was the “Use of smart surveillance systems, data protection, integrity and sharing information within privacy rules”, and it was released in 2010<sup>152</sup>. The project ran from February 2011 to July 2014 and it was coordinated by a German organization. It cost a total of € 1.532.649, whilst the EC contribution amounted to € 1.248.577<sup>153</sup>.

The call was part of the broader area of “Ethics and justice”. This area concentrated on the legal concerns deriving from security technologies, which influence public support and acceptance. It invited, therefore, researchers to address issues such as privacy, data protection and human rights; it also concentrated on analysing security including non-conventional elements like social exclusion, lack of social cohesion, social media influence, that may lead to the formation of forms of insecurity. The result of such research would benefit the

---

<sup>152</sup> EUROPEAN COMMISSION, “Work Programme 2010 Cooperation Theme 10, Security”, July 2009.

<sup>153</sup> CORDIS Database, project reference 261698.

general discussion in the field and help both security solution suppliers as well as end users to make better decisions when selecting and applying security technologies. Going into detail, the call of this project referred to the dangers coming from the generalisation of surveillance systems and asked, thus, to specify how and when smart surveillance should be used and the characteristics it should have to be effective and adaptable to changing situations. The expected impact was to limit the collection and storage of unnecessary data and to find a balance between data collections needs and data protection and privacy. Such activities would pave the way towards an approach to surveillance where the respect of the citizens' privacy will be central<sup>154</sup>.

The consortium which applied for the call was composed by seven organisations: Fraunhofer-Gesellschaft from Germany, as the coordinating entity; the Centre for Science, Society and Citizenship in Italy; the Vrije Universiteit Brussel and Centre for European Studies from Belgium; the King's College and Trilateral Research & Consulting from London; and finally the Università della Svizzera Italiana in Switzerland. The academic predominance of the group immediately emerges: it was composed mainly by universities and enriched with two research centres: the European Policy Centre, which is a key analyser of EU's policies, very well-known in Brussels, and the Italian CSSC, which is Europe's leading research centre for advice on political, ethical and social issues raised by emerging technologies. In order to include expertise on the private market, Trilateral Research & Consultancy was included, a consultancy office on business solutions in the field of privacy and security<sup>155</sup>. The participation of Switzerland, a non-UE country, represented an important added value, because it increased the potential of the project to have an impact also outside the Union; it also guaranteed that the project would be enriched with knowledge from different contexts than the one of the EU.

---

<sup>154</sup> EUROPEAN COMMISSION, "Work Programme 2010 Cooperation theme 10: Security", July 2009, p. 35.

<sup>155</sup> Trilater Research & Consulting is a research and consultancy firm which provides strategic, policy and regulatory advice on new technologies, privacy, trust, risk and security issues. They work both with policy-makers of the public sector and with the private industry on how to respond to new emerging regulatory and technological challenges in data protection.

As for the content, the project SAPIENT aimed at studying mass surveillance and its impact on the society, highlighting the latest trends in the field and taking new studying approaches, to open up new windows for research and discussion. The goal of SAPIENT was oriented towards three directions. The project aimed at providing policy-makers, developers of surveillance technology and other stakeholders with a strategic knowledge on the state of the art of surveillance studies and emerging smart surveillance technologies, by developing a picture of today's surveillance society. It also wished to investigate the adequacy of the existing legal framework in regard to the topic of surveillance, engaging different stakeholders through participative workshops. Finally, it aimed at developing a privacy impact assessment, which would be experimented for the first time in Europe on some companies, to address the particularities of smart surveillance systems, technologies and policies. All the three different activities were approached to pave the way towards a new, more respectful approach to security, by providing insights to policy makers and security performers<sup>156</sup>.

Some key elements emerged from the analysis of the state of the art, the workshops and the impact assessment on security surveillance. A first broad trend showed that current technologies are increasingly being organized into “smart surveillance” systems, which are automated, multi-modal and increasingly accepted by the public. The term “smart” refers to the fact that these technologies are always more automated, and are able to extract application-specific information from captured information in order to generate detailed descriptions that can ultimately be used to make automated decisions. Such multi-modal systems are increasingly becoming a typical feature of emerging surveillance technologies.

The second key finding concerned the relation between surveillance and freedom: nowadays, surveillance is no longer correlated solely to a disciplinary logic that entails a vertical exercise of authority. Surveillance practices currently stand in relation to a logic of normalisation: they operate through freedoms, rather than in negotiation to them. Consequently, the image of a balance between

---

<sup>156</sup> M. FRIEDEWALD, D. WRIGHT, “SAPIENT Report Summary”, July 2014, pp. 1-3.

security/surveillance and freedom cannot be considered as an adequate representation of the policy challenges that lie ahead privacy issues.

A third finding of the state of the art showed that the main current mass surveillance method is the one of dataveillance, which means the systematic use of personal data in the investigation or monitoring of the actions of communications of one or more persons. Dataveillance is the most used technique for profiling and in security policies for prevention and apprehension of crime and terrorism. This increasing trend to prediction, to data-mining and to the processing of bulk data<sup>157</sup> should be placed at the forefront of discussions on privacy. In fact, dataveillance practices are not limited to security purposes, nor are they the sole remit of public authorities: dataveillance is a routine commercial practice for companies that process the information knowingly or unknowingly submitted by their customers, for instance with targeted advertisements. Therefore, current surveillance systems do not focus on an isolated individual at one point in time and on static demographic data, but they rather involve complex transactional analysis that interrelates persons and events<sup>158</sup>.

In conclusion, nowadays surveillance is becoming increasingly ubiquitous, integrated but also somehow more powerful thanks to technological discoveries, a fact confirmed by the Snowden revelations<sup>159</sup>. Surveillance is not a homogenous process. Its politics involve various forms of resistance, combining collective and individual attitudes. In some cases, surveillance may be considered as desirable, or will call upon the active participation of individuals. Surveillance is thus

---

<sup>157</sup> The term “bulk” is often used both in the reports of the project and in general, in IT discourse, to indicate an electronic collection of data composed of information from multiple records, whose primary relation to each other is their shared origin from a single or from multiple databases.

<sup>158</sup>R. BELLANOVA, D. BIGO, V. COROAMA, R. FINN, M. FRIEDEWALD, M. FROST, S. GUTWIRTH, D. HALLINAN, J. JEANDESBOZ, M. LANGHEINRICH, P. MCCARTHY, M. VERMEULEN, S. VERNIER, K. WADHWA, D. WRIGHT, “Deliverable 1.1: Smart Surveillance – State of the Art”, January 2012, p. 15.

<sup>159</sup> In 2013, Edward Snowden, a CIA employee, copied information from the National Security Agency of the USA on secret governmental activities of the US and the British governments and later publishes it: it concerned surveillance of citizens through millions of emails, phone conversations and much more; it also contained information on other countries’ governmental private activities, such as France, China and Germany’s Prime Ministers phone conversations.



dynamic and evolves through struggles and controversies. While important, privacy and data protection should not be considered as the only ramparts against surveillance. Privacy and data protection operate in relation to other rights that might be challenged by surveillance, and in broader social configurations that are dynamic and changing.

As far as the legal aspects are concerned, various aspects have been noticed thanks to the state of the art elaborated and to the workshops organized. The use of smart technologies such as body scanners and smart CCTV (Closed-Circuit Television Cameras) cameras, should be seen in a relatively positive way, since they target specific individuals, thus minimizing the amount of data collected and reducing adverse effects on others; nevertheless, the issue of data retention remains, and the European Court of Human Rights has stated that it also represents an intrusion in people's private life, as stated in Article 8 of its Convention<sup>160</sup>. Increase in the use of smart surveillance may bring also another positive consequence, precisely a major reform of Europe's data protection rules. Such a common framework would be helpful to solve the problem of the adoption of the Passenger Name Record (PNR)<sup>161</sup>, but also to clarify the blurring work of the private industry and the law enforcement sector.

Other discoveries mark the fact that, according to law provisions, such measures should be used only in case of a concrete danger. In daily situations, though, this does not happen: actual dangers are not easy to individuate, and mass surveillance is used exactly because of this reason. The fact shows that surveillance systems

---

<sup>160</sup> Article 8 of the European Convention on Human Rights is considered to be one of the most innovative pillars of the Convention. It states that "Everyone has the right to respect for his privacy and family life, his home and correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others".

<sup>161</sup> PNR data is information provided by passengers during the reservation and booking of tickets and when checking in on flights. In 2007 the Commission proposed to collect, store and analyse PNR data for law enforcement purposes elapsed. After the recent terrorist attacks in France, the EC resubmitted the proposal to oblige air carriers to transfer data on their passengers to a dedicated unit of the EU. The EC is currently negotiating it with the Council of Ministers and the EP.

are not always really effective, even though they are always more massive and technologically advanced<sup>162</sup>.

The workshops organized by the partners were also very useful to gain an insight of the public opinion on the issue of recent security measures. Different types of stakeholders were invited, including academics, policy-makers, representatives from the industry and from law enforcement forces, civil society organisations and data protection authorities. Much was discussed on the perception that public opinion has on the issue. The picture which emerged from the debate showed a highly complex situation. In fact, the topic is complex and “invisible”, the technology behind it is often not understood: these are the main reasons for which public opinion is not always aware of the wide structure of mass surveillance and it is not able to locate its importance in wider social debates. Various stakeholders affirmed that, during surveys and discussions with the public, a general uneasiness emerged around the topic and around what could actually be the effects of mass controls for individuals and society; nevertheless, in all surveys such doubts were accompanied by a stronger certainty that a more democratic involvement and a higher transparency would be necessary.

Workshops also covered the topic of the rule of law and in particular the ways in which current laws provide protections from the over-zealous use of surveillance. Even though the current legal framework in Europe can be considered well advanced, it fails in a key issue, precisely in transparency and consent. In many instances, people do not know what kind of data is collected by authorities and what happens with it; they do not know the quantity of actors who have access to their information and whether that information will be exchanged or transferred abroad. The result is that citizens do not have the actual possibility to refuse the collection of their data, since the only alternative would be to lose a whole set of essential services.

---

<sup>162</sup> One example is given by the German Constitutional Court which, in 2006, ruled that the use of a “preventive” screening method towards a person would only be compatible with the proportionality requirement if it were shown that there was a concrete danger to national security or human life and not only a generic threat.

From the project a number of possible solutions emerged to improve the current situation. First of all, even though significant data protection laws exist, they are not sufficiently implemented. For instance, the EU Charter of Fundamental Rights is a very good tool to protect fundamental rights, but this legislation is not well enforced and citizens lack of direct access to courts to challenge unfair data collection. Another way to protect citizens' rights may derive from more education on the issue. Unfortunately, nowadays most people are not aware of the effects of privacy violation and data collection, neither do they have enough knowledge about the technology of surveillance systems, which is why good communication practices with the public are crucial. More education on the issue would mean that data subjects would have less difficulty to exercise their rights and they would require always higher and stricter standards of protection.

The consortium elaborated also a surveillance impact assessment as a tool to better use surveillance technologies. A privacy impact assessments (PIA) can be defined as “a methodology for assessing the impacts on privacy of a project, policy, programme, service, product or other initiative and, in consultation with stakeholders, for taking remedial actions as necessary in order to avoid or minimise negative impacts”. The consortium extracted the best elements and identified the main limits of current PIAs around the world, to draw a surveillance impact assessment (SIA) methodology, something which had not been done in Europe yet. The purpose of the assessment was to address the risks that a surveillance system, technology or service poses for privacy, as well as for other human rights and ethical values. In other words, it addresses the likelihood of an event and its consequences and it ultimately leads to remedial actions in order avoid, minimise or share the risks. The target public of the SIA methodology developed were mainly policy-makers and industry decision-makers. The structure provided by the consortium was extremely complex and required technical knowledge as well as the presence of a concrete industrial surveillance product, in order to explain properly its explanation. What is essential to report is that companies interested in performing an evaluation of risks from surveillance tools, should always involve external stakeholders to discuss the possible

consequences of their activities and to make sure that their products respect current legislation. They should also elaborate a process which remains as simple as possible. On the other side, policy-makers should always require to have detailed information on the products they are using, in terms of flows of data<sup>163</sup>.

To conclude the analysis, the practical outcomes deriving from this project will be described. The results were various and were delivered through different forms. The first benefit was the possibility for those universities and research centres to invest resources in this study, a fact which should not be underestimated, as many academic institutions rely for a large part of their budget on European funds. Secondly, the partners organized and took part to several national and international conferences, which represented a powerful dissemination tool to communicate the progress of the project<sup>164</sup>. Thirdly, a practical handbook was published, with the goal to help policy-makers, technology-developers and other stakeholders to better understand how and when smart surveillance should be used and the relative criteria to apply to ensure the application of privacy standards. The project also gained relevance through media, an example being the article which The Telegraph dedicated to it, underlying the necessity to examine forms of surveillance that are not currently used only by law-enforcement agencies, such as traffic monitors, passengers' controls and targeted advertisements because they have become an intrinsic part of the society and knowledge about them is clearly not sufficient to properly protect citizens from the possible damaging consequences of their over-zealous use<sup>165</sup>.

The project SAPIENT provides a detailed example of two important aspects which this work aims to underline: first of all, the structure behind the creation of

---

<sup>163</sup> M. FRIEDEWALD, D. WRIGHT, "Final Report: Findings and Recommendations", July 2014, pp. 16-22.

<sup>164</sup> Among the several conferences, the main ones have been the International Conference of Information Law and Ethics and the Annual Convention of the International Study Association. (M. FRIEDEWALD, D. WRIGHT, "SAPIENT Report Summary", July 2014, p.15).

<sup>165</sup> M. WARMAN, "EU SAPIENT project will be early warning system for invasive technology", The Telegraph, May 2011.

a European project: it is necessary to support the description of the EU funding organization with an example of its concrete application: in addition, these mechanisms behind European funds are often not clear to the public opinion, who is not always aware of how European funds are invested and the type of benefits they generate. Secondly, it deals with one of the most controversial topics of current studies in the security field: the choice of mass surveillance systems is very relevant in present society, since for EU citizens it is one of the most tangible effects of Europe's renewed and stronger war against terrorism.

### 3.2 ANALYSIS OF A TECHNICAL PROJECT IN THE 7<sup>th</sup> FP

The second case study has several, interrelated focuses. It can be considered a slightly more technical project because of its direct application to a specific context in real life situations, but it was not simply a project based on the development of a new IT tool. The areas of action interconnected with each other, creating in this way a very particular and specific project.

The name of the project was TACTICS, an acronym for Tactical Approach to Counter-Terrorism in Cities. Partners of the consortium were several organisations: NTO, the national research organisation of the Netherlands, together with the Dutch National Police and the Royal Marechaussee; RAND Europe, a research institute from the United Kingdom; the Peace Research Institute from Oslo; the private company ITTI from Poland, specialized on IT consulting, the national research institution of Germany, Fraunhofer; MORPHO, a French private company focused on digital security and identity solutions; and finally two academic institutions, the Trinity College Dublin in Ireland, and the Universidad Politécnica de Valencia of Spain. The consortium was enriched with the participation of an actor coming from a non-EU country, the International Security and Counter-Terrorism Academy in Israel.

The call which contained the guidelines of this project was part of the 2012 Security Work Programme and focused on strategies for countering terrorist

attacks in urban areas<sup>166</sup>. The project's lasted from 2012 to 2015, and its activities cost a total of € 4.446.999, while the EU contribution amounted to € 3.478.464<sup>167</sup>. The core focus was to develop strategic solutions to face terrorist attacks properly, quickly and efficiently. In particular, such strategies should be adapted to urban environments. Cities, in fact, are the principal locations of terrorist events, because of various factors. They contain critical infrastructure such as hospitals, economic and financial hubs, recreational locations, hotels and have a higher population density: an attack in a city always generates a symbolic impact. But the focus on metropolitan areas derives also from the fact that it is extremely difficult to prevent a specific threat in cities. Cities are crowded, do not require access control, people move from place to place freely, and with many different intentions. Nevertheless, it is essential that security forces are able to answer immediately when an actual terrorist attack occurs. Unfortunately, this is not always the case, since law enforcement entities cannot properly identify terrorist threats, and they do not quickly have access to proper capabilities. The result is that false alarms are frequent, they generate economic losses and do not help to improve preparedness and efficiency of security forces. Before the beginning of this project, such level of coordination and efficiency of counter-terrorism (CT) measures did not exist in Europe, therefore, the project TACTICS aimed at facing these challenges through CT support technologies and strategies. The practical goals were to provide:

- Ability to respond quickly to terrorist threats, without bias in decision-making, enabled by precise requests for information and clearly issued orders.
- Ability to decompose threats into observable terrorist behaviours specific for urban environments, in order to give security forces more tools to recognize them in advance and prevent them.

---

<sup>166</sup> For further information on the call for proposal: EUROPEAN COMMISSION, "Work Programme 2011 Cooperation theme 10: Security", July 2009, p. 12.

<sup>167</sup> CORDIS Database, project reference 285533.

- Ability to efficiently and effectively manage capabilities, by improving their management and coordination in urban terrorist attacks.

In other words, the consortium wanted to create a more effective counter-terrorism system, which would have the added value of being the product of a cross-European approach to a common EU threat<sup>168</sup>.

The activities carried out in the project included the development of techniques, tools and an organizational framework for threat prevention and threat management, followed by a detailed workshop with external stakeholders to implement the plan, in order to eventually deliver an actual system. This system would be composed by both strategic guidelines and IT tools. In the delivery of the final results, also a list of policy recommendations was included.

The core idea of the project was to develop a “Threat Management” system, to improve CT strategies. The system would be the result of two sub-processes: the “Threat Decomposition Tool” (TDT) and the “Capabilities Management Tool” (CMT)<sup>169</sup>. The TDT is used during the phases that precede a terrorist attack. It is necessary to improve the preparedness of security forces to face possible attacks by understanding terrorist behaviours, their organization and the modus operandi of their groups. The TDT, therefore, would be a database with numerous lists of data on past terrorist events, the methods of action which were used, and recurrent urban environments which were considered as “suitable” areas for terrorist strategies<sup>170</sup>. The creation of such a database was done by formalising disparate existing knowledge about terrorism, according to some criteria that were evaluated as reliable. An example of an important criteria is terrorists’ modus operandi. Terrorist attacks, in fact, very often operate following a planning cycle, which always looks rather similar and consists of seven stages:

---

<sup>168</sup> TNO NETHERLANDS, “TACTICS Report Summary”, 2015.

<sup>169</sup> TNO NETHERLANDS, “ Deliverable 3: Conceptual Solution Description”, March 2013, p.6.

<sup>170</sup> The database was partly developed by the consortium, but it was also built upon existing data collection from companies such as RAND, which have been building a comprehensive database for years, with information about terrorist plots and attacks.

- Broad target selection
- Intelligence and surveillance
- Specific target selection
- Pre-attack surveillance and planning
- Attack rehearsal
- Actions on objective
- Escape or suicide

Disposing of such a map is useful for security forces because several phases of this planning cycle can be decomposed into observable behaviours that can be detected by humans and by technological sensors. This is a relatively simple example, but the TACTICS database works on a higher complexity scale, since it identifies characteristics of different types of urban environments and indicates for a particular type of urban area the likelihood of specific deviant terrorist behaviour. For example, deviant behaviour decomposed from a threat in which a car bomb is used, has a smaller chance of occurring in a soccer stadium than in a main square. Even though this specific system describes and qualifies many aspects of terrorist behaviours, it cannot quantify them. For this reason, partners developed tools which resembled quantifying methods, for law enforcement to use them. One of the tools developed is illustrated in figure 5: it works through ten dimensions (the columns), with some up to twelve possible values for a terrorist attack with a modus operandi involving a vehicle. The dimensions and values are taken from TACTICS database, but also from information extracted from terrorist communications and from open source data. In fact, the very fact that a particular modus operandi has been shared through open sources might stimulate copycats, and may therefore be a valuable situation to be bared in mind.



Figure 5: Dimensions of a terrorist attack with a modus operandi involving a vehicle<sup>171</sup>.

Threat origin	Types of vehicle	No. of vehicles	Usage of vehicle	Types of IED	Intent	Type of Explosive	Enhancement	Nr of devices	Blast Initiator
Islamist	Car	1	Vector of attack	VBIED	Suicide	Homemade	None	1	Chemical
Animal extremist	Lorry	>1	Escape	PBIED	Conventional	Civilian	Gas - chemical	2	Electrical
Anarchist	Heavy Plant	No intel	Kidnapping	Letter/ Parcel		Military	Gas - biological	5	Radio
ETA	Tractor		Drive by shooting				Shape charge	10	Mobile signal
IRA	Motorcycle		Obstruction/ Entrapping				Anti-personnel		Flame
	Pedal cycle		Blocking						Pressure
			Transport						Mechanical
			Ramming						
			Trojan Horse						
			Concealment						
			VBIED						
			Decoy						

The description of this first tool is clearly not complete, since its complexity goes much beyond these examples, but they are a valuable source to understand the type of technology that the consortium wanted to develop for security forces.

The second component of the system was the Capability Management Tool (CMT), whose purpose was to improve the knowledge on the availability of the most appropriate capabilities in different cases and how to access them. This is done by a software that automatically matches indicators of a potential threat to available resources, such as security staff, camera surveillance or detection of weapons. The CMT is concerned with matching given situations with the most suitable capabilities: the tool does all this by taking into account the location, orientation, accessibility, and up-time of resources. The creators of the tool were aware that not every urban environment had the required capabilities to detect the specific signs and behaviours provided by the TDT, and immediately take action. In fact, the central point of the tool is how CT forces can have an overview of the available capabilities in a specific location, and which of them would be best suited to detect the specific signs and behaviours in that situation. The authors of

<sup>171</sup> TNO NETHERLANDS, "Deliverable 3: Conceptual Solution Description", March 2013, p.28.

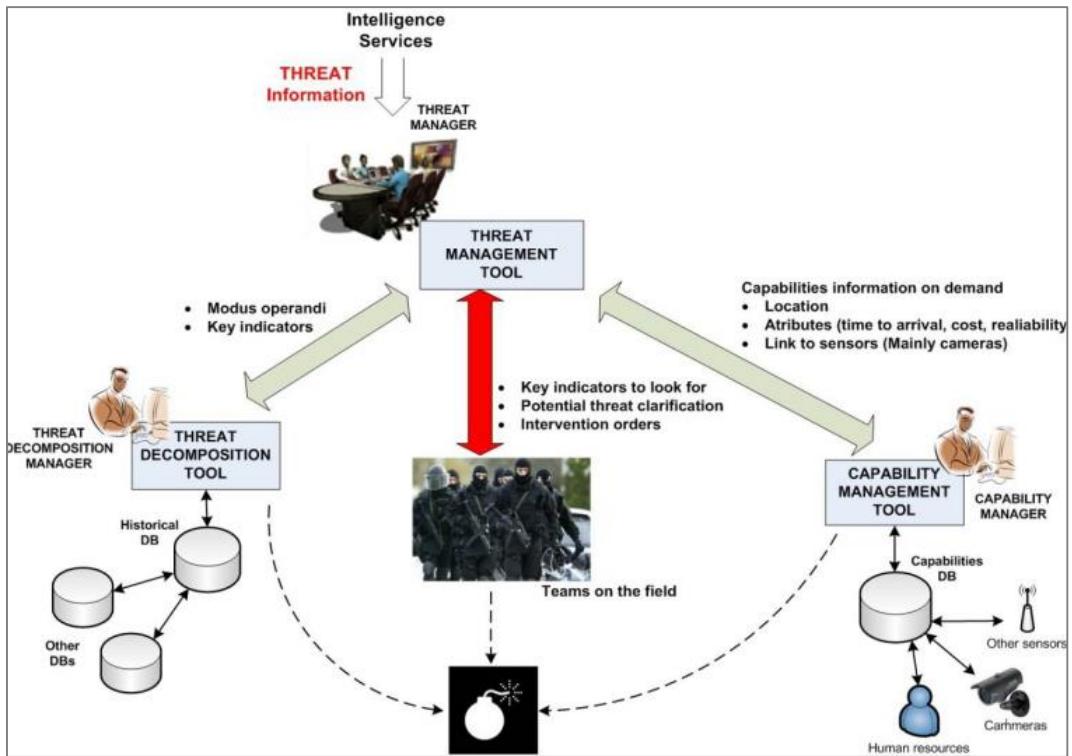
the project found out that each capability seems to have its strengths and weaknesses that need to be managed and combined. To give some coherent, yet non-exclusive examples: intelligent cameras are better at detecting deviances across large spaces and times compared to what human security officers can see. On the other hand, they currently have problems with detecting detailed behaviours. Camera operators have the advantage of being able to see more detailed deviances in large spaces. However, a disadvantage is that they are not good at detecting deviances over long periods of time because they have limited attention spans and work in shifts. To summarize, the second element is composed of three sub-processes, which are continuously executed in parallel: characterize local capabilities with regard to their availability and characteristics; match threat managers' need of information with available capabilities and, finally, make sure information about available tools is spread through the whole chain of officers and different security forces who may need it. The originality of this system is that it systematically creates an overview of the current capabilities available at urban locations and the capabilities that would be needed to prevent or to deal with an attack and to create optimal detection circumstances, taking into account capabilities' strengths and weaknesses.

As explained before, the sum of the TDT and the CMT generates the broader Threat Management System, the core of TACTICS' project. The purpose of the Threat Management process is to make security forces capable of better responding to terrorist threats, without being biased in decision making and to be more precise in the kind of information they request and the orders they send out. This is enhanced by the specific kind of information given by the TDT and the action steps suggested by the CMT in terms of resources to use for that particular threat. (Figure 6)<sup>172</sup>.

---

<sup>172</sup> TNO NETHERLANDS, "Deliverable 3: Conceptual Solution Description", March 2013, p.30.

Figure 6: The TACTICS approach



TACTICS’ partners used different channels to give visibility to their results, and to make sure that the project had a proper implementation. An example of a successful dissemination activity was the event organized in London during IFSec 2014<sup>173</sup>, which gathered around 40.000 global security professionals, and where they obtained also the attention of British media<sup>174</sup>. Another way to promote the TACTICS system what to implement it in local authorities, especially those who took part in the project development, such as the Koninklijke Marechaussee, the national Dutch police authority.

Finally, partners did not only carry out technical studies, but they also focused on the current state of the art of CT measures promoted by the EU: they published some policy recommendations to upgrade the level of these measures. Analysing

<sup>173</sup> IFSec International is the leading security exhibition to connect international security markets and global security professional to discover the latest innovations and strategies.

<sup>174</sup> MORPHO, TNO NETHERLANDS, “Deliverable 9.4 – Workshops and closing conference”, September 2015, p. 28.

the current situation, partners underlined the fact that nowadays terrorism cannot be associated only to external dangers coming into Europe, but it is an issue that often generates inside EU countries themselves and, therefore, needs to be addressed in a different way than in the past, including social factors; partners also provided an overview of current EU legislation on privacy and data protection to advise policy-makers to develop CT measures taking human rights into account. They talked about the scale of future potential attacks, which may remain isolated cases, carried out by few individuals, but they could also be more extensive, orchestrated, and address many targets simultaneously<sup>175</sup>. The events which took place in Paris in November 2015 have proved that, indeed, these strategies and structures are being put in action by terrorists.

#### 4. OTHER ASPECTS OF SECURITY: THE EUROPEAN SECURITY AND DEFENCE INDUSTRY

Efforts to develop a more secure European society have not been limited to investments in research or to strategic plans by the Council. The EU has worked for more than twenty years to involve the security and defence industries into the construction of EU security strategies, and especially to make them part of security research.

Given its important role in Europe's economy, a short introduction on this market sector is useful. It would be reductive and maybe superficial to simply attribute a negative societal role to the security and defence industry<sup>176</sup>, because it is one of the crucial components of the European economy. Europe accounts for a very large security and defence industry, with leader industries such as Thales, Finmeccanica and BAE System; the sector provides 80.000 highly skilled jobs and additional 100.000 secondary jobs in the continent, with an annual turnover of

---

<sup>175</sup> RAND EUROPE, PRIO, ISCA, "Deliverable 8.2 – Policy and strategic impacts, implications and recommendations", August 2015, p. 20.

<sup>176</sup> Beside specific cases, in EU official documents, the security and the defence industry are considered as one single sector.

around € 26 billion<sup>177</sup>. In addition, Europe's defence industry is the second largest in the world and it was regarded as one of the essential pillars for Europe's growth and competitiveness in the "Europe 2020 Strategy for Smart, Sustainable and Inclusive Growth"<sup>178</sup>. As far as the activities of this market are concerned, they do not limit to traditional production of military technologies and weapons: in fact, these industries provide a number of other services to national governments and to civil society, such as production of some drugs, and procurement of updated equipment for different law enforcement forces. Furthermore, the defence industry remains one of the markets where investments are the highest and are considered to be the safest, because of its very low financial fluctuation, because national governments account for the majority of their sales<sup>179</sup>.

Despite these high figures, European governments have cut down expenses in this field every year since the break out of 2008's financial crisis<sup>180</sup>. For this reason, the market lost potential, and in 2010 industry forecasts predicted that the market share of EU security companies would drastically drop by 2020, accounting only for one fifth of the total global market size<sup>181</sup>. Because of its massive size, it is essential not to overlook the role of the security and defence industry; they represent a powerful lobby and are deeply linked to national governments' activities, to the EU, and to European society. Also from a financial point of view there are considerations to remember: this market has an economic need for profitability, so policy-makers need to regulate it while guaranteeing its sustainable growth.

---

<sup>177</sup> EUROPEAN COMMISSION, "Security Industrial Policy – Action plan for an innovative and competitive Security Industry", July 2012, p.3.

<sup>178</sup>Europe 2020 is a ten-year strategy for economic and social development of the EU, proposed in 2010. Some of the goals that the strategy wanted to achieve were the raise of employment from 69% to 75% and to reduce greenhouse emissions by 20% compared to 1990.

<sup>179</sup>L. THOMPSON, "Five reasons the defence industry is still a better investment than other sectors", Forbes, September 2012.

<sup>180</sup>In 2014, NATO reported that 13 out of the 22 EU Members which are part of the alliance drastically decreased their expenditure in defence. ("Financial and Economic Data relating to NATO Defence", NATO Public Diplomacy Division, 2015, p.5).

<sup>181</sup>EUROPEAN COMMISSION, "Security Industrial Policy – Action plan for an innovative and competitive Security Industry", July 2012, p.2.

For these reasons, the EU has always worked to make this industrial sector grow and competitive, given the importance that it has in the European economy and because of the high amount of jobs it provides. Nevertheless, as some experts noticed<sup>182</sup>, the relationship between the EU and the industrial world has led to favouritism for the big industrial giants of the sector and has not lead to any particular improvement in favour of SMEs.

#### 4.1 THE PUBLIC-PRIVATE DIALOGUE

The EU started many years ago to bring together public stakeholders and the private industry to achieve its goals related to security, through a number of different initiatives. The public-private dialogue between security providers started at the beginning of the 1990s and continues to deeply shape EU policies related to security research even nowadays.

Not much literature has been dedicated to the analysis of the relations between the EU and the industry in the field of security. Therefore a critical assessment cannot be easily performed and further investigation is clearly required to have a detailed picture of the relation. The Centre for European Policy Studies, though, represents an important source for this study: researchers of the Centre retraced the history of the dialogue and argued that the EU had often been influenced by security and defence companies, while it rarely succeeded to do the opposite.

Relations between the EU and European defence and security companies date back to the early 1990s, when the main industrial associations of European defence and aerospace industries opened offices in Brussels. During most the decade, the main point of contention arose in the efforts of the European Commission to incorporate defence procurement markets into the framework of the Single Market, despite the opposition of member state governments. When the

---

<sup>182</sup> Explanation of the critics to EU-industry relations are given in the following paragraph, part II, 6.1.

first discourses on European security research emerged, the armament and IT security markets were not part of them. In a 2003 Communication entitled “Towards an EU defence equipment policy”, the Commission changed its approach as regard to the matter and launched some initiatives, through the form of forums of advisory groups. They gathered many representatives of the industrial world, to develop security research programmes. Examples are the Group of Personalities on Security Research (GoP) and the European Security Research Advisory Board (ESRAB). These bodies brought together executives from major European defence and security companies (e.g. BAE Systems, Diehl, EADS, Ericsson, Thales, Sagem), as well as European officials from the EC and the Council and representatives of some think tanks. Through their reports, the GoP and ESRAB had a strong influence over the shaping of EU research schemes dedicated to security since the early stages; the PASR and the FP7’s Security theme (see part II, 1.3) were largely drafted by the EC basing on the proposals of these advisory groups<sup>183</sup>.

As a result of those consultations, in 2007 the EC published a document on “Public-Private Dialogue in Security Research and Innovation” where it made clear that for the EU the defence sector had a vital importance. This document explained how the defence sector would be involved in EU security research. In this Communication, the EC reaffirmed the need for an effective security strategy, which would require the participation of all relevant stakeholders in the private and the public sectors. In order to connect them with security research, the EC proposed a list of issues that had to be taken into account in the future research programmes: examples were a stronger dialogue between demand for and supply of technologies and solutions,

The strong role played by industrial groups emerges also under other aspects: for example, it contributes to explain why EU security research has always been characterized by a strictly technological aspect, while very little attention has been dedicated to studies on protection of human rights and freedoms of citizens.

---

<sup>183</sup> D. BIGO, J. JEANDESBOZ, “The EU and the European Security Industry – Questioning the Public-Private Dialogue”, Centre for European Policy Studies, No. 5, February 2010, pp. 2-4.

GoP's report of 2004, in fact, clearly stated that security research should be capability-driven, i.e. demanding for a technical focus.<sup>184</sup> Or again, the ESRAB report strongly encouraged exclusively research activities that aimed at identifying, preventing, deterring preparing and protecting against unlawful or intentional malicious acts harming European societies<sup>185</sup>.

#### 4.1.1. THE SECURITY INDUSTRIAL POLICY

Since the break out of the world financial crisis, many economic sectors have suffered consistent losses and have reduced their market share. As already explained (see part II, 4), in Europe, the security and defence market sectors were part of the general economic recession and, given their deep importance in the European economy, the EU acted to reboot their growth and increase their potential.

The Security Industrial Policy was developed exactly with those goals: it was officially released in July 2012 by the EC as a strategy to overcome the fragmentation of the security and defence markets, in order to reduce the gap from research to market, to reshape the industry's activities - introducing societal aspects and respect for human rights, to make sure the industry would work according to the EU latest legislation -, but especially to boost the industry and the number of jobs it could generate, as established in the Europe 2020 strategy. The Plan identified three distinctive weaknesses of this market, which translated in its three key policy actions to overcome them:

- It was a highly fragmented market, divided along national or even regional boundaries. Security, being one of the most sensitive policy fields, is one of the areas where Member States are hesitant to give up their national

---

<sup>184</sup> GoP, "Research for a Secure Europe: Report from the Group of Personalities in the field of Security Research", 2004, p.16.

<sup>185</sup> ESRAB, "Meeting the Challenge: the European Security Research Agenda, Office for Official publications of the European Communities, 2006.



prerogatives. Effective actions that the Union could take to overcome such a deep fragmentation were: the creation of EU standards, the harmonisation of EU certification/conformity assessment procedures for security technologies and a better exploitation of synergies between security and defence technologies

- It was an institutional market. In large parts the security market was still an institutional market, i.e. the buyers were public authorities. Therefore, when companies wanted to make their products valuable for the commercial market, there was a gap between research and market, since it was often very difficult for this industry to predict whether there would be any commercial opportunity. In order to improve this situation, research programmes would play a crucial role: if planned in a correct way, EU programmes could actually be a tool to develop new ways to make security products more saleable, thus giving more stability to the entire market. The document mentioned specific actions that would be included in Horizon 2020 for this specific purpose.

- The products of this industry had a strong societal dimension. Whilst security was one of the most essential human needs, it was also a highly sensitive area. Security measures and technologies can have an impact on fundamental rights and often provoke fear of a possible undermining of privacy<sup>186</sup> (see part II, 3.1). It was necessary, therefore, to develop impact assessments to be used by companies, for them to understand if their products matched EU standards of human rights' protection.

The Security Industrial Policy represents the most recent document in which the EU spoke about its future strategy to collaborate with the security and defence industry. Literature, even in this case, is very limited, therefore further inquiry is necessary. CEPS's analysis returns useful also in this case: their study included comments on this the Security Industrial Policy, and identified contradictions in the core of the EU document itself, in particular the goal to ensure more competitiveness to this industry through support to SMEs. EU security research

---

<sup>186</sup> EUROPEAN COMMISSION, "Security Industrial Policy – Action plan for an innovative and competitive Security Industry", July 2012, p.5.

tends to be dominated by larger companies capable of a broad scope of activities and investments (EADS, Thales and Sagem being the most recurrent), while SMEs are almost invisible and are rarely dedicated considerable parts of research budgets. Furthermore, the involvement of major companies both in the policy process of establishing EU security research schemes and as applicants for funding through these schemes, appears highly problematic in relation to the fairness and transparency of the application process<sup>187</sup>.

A critical point of view is a necessary element to elaborate a proper evaluation of the role that the security industry plays in Europe. It is essential that institutions sustain it and enhance its growth, but it must be acknowledged that current EU policies are still subject to powerful influences, which result in policies that are not always favourable to SMEs and tend, instead, to reinforce an already strong industrial basis as a way to boost the market's growth. Further investigation is necessary, as the literature gathered until nowadays does not allow for an exhaustive picture of the security industry of Europe and its links with institutions in Brussels.

The second part of this work aimed at showing the always growing importance that internal security has gained in the EU internal affairs agenda. In particular, institutions, as well as Member States, have realized that internal security is better managed if policies come from a supranational level. Security is connected to a better management of EU AFSJ, it influences EU external relations, and it plays an important economic role in Europe's industrial landscape.

Among all the initiatives of the EU in the last twenty five years, investments in security research programmes were the most significant actions. The lack of critical literature has led to the choice of using EU documents as material to recreate the historical rise of internal security in EU research programmes: the results which emerged proved that institutions have made considerable

---

<sup>187</sup> D. BIGO, J. JEANDESBOZ, "The EU and the European Security Industry – Questioning the Public-Private Dialogue", Centre for European Policy Studies, No. 5, February 2010, p.6.

investments in the form of policy, scientific, technical and strategic research for security enhancement.

Nevertheless, the analysis revealed also shortcoming. Security research has focused almost exclusively on technological development and has neglected the ethical and social consequences of a society which is more and more secure. Furthermore, IT tools and strategic plans have been developed by institutions, but their actual implementation and use is not monitored, not imposed on national legislations, not equally spread among the Union. The EU has tried to give a new push to security and defence industries after the crisis, but Member States have cut on national security budgets and EU policies so far have mainly favoured big industrial corporations.



## **CHAPTER III**

### **LATEST ADVANCEMENTS AND FUTURE CHALLENGES**

Summary: 1. 2015-2020: what will be next? – 1.2. Unsolved issues – 2.

Conclusions

## 1. 2015-2020: WHAT WILL BE NEXT?

Art. 68 TFEU<sup>188</sup> states that “the European Council shall define the strategic guidelines for legislative and operational planning within the area of freedom, security and justice”. Therefore, in 2014 and 2015, the European Council and the EC collaborated to elaborate a follow-up of the work done until that moment in the AFSJ. In 2015 two documents were published, containing respectively the new strategy and the policy initiatives related to internal security. The Council renewed the Internal Security Strategy for the years 2015-2020 in June 2015. The Strategy will continue to focus on the priorities established five years ago, namely an effective policy on migration; a correct implementation of the Schengen agreements and a common visa policy. There will be more cooperation with third countries to regulate illegal immigration, linking in this way external and internal strategies; finally, protecting Europe from crime and terrorism will remain the Council’s priority, always guaranteeing respect for fundamental rights of citizens<sup>189</sup>.

Even though not many innovations appear at a first sight, there are elements in the new Strategy which make it different from the previous ones. For example, for the first time, the programming phase was not linked to a Treaty change. As a principle, the entry into force of a new Treaty opens new avenues for taking action and therefore creates a new and strong political impetus. This can be considered as a positive element. However, it is most often the case that new Treaties are accompanied by new legal and institutional frameworks which create uncertainty as to how players interact and how new procedures interplay with old ones. This can make the implementation of a strategy more complex. The post-Stockholm phase is not surrounded by such a major political, institutional and legal modification. Therefore, to some degree this phase could be considered as

---

<sup>188</sup> Treaty on the Functioning of the European Union, amended in 2007 by the Lisbon Treaty.

<sup>189</sup> EUROPEAN COMMISSION “An open and secure Europe: making it happen”, March 2014.

the first one taking place in a new “normal mode”<sup>190</sup>. Secondly, the challenges that the Union has faced during the last two years - such as managing the financial difficulties of the Greek government and the regulation of an intense flow of refugees from Africa and the Middle East - may alter the level of cooperation that has been reached so far between Member States: they may represent a turning point which will eventually reinforce European collaboration, or even upgrade it; they may, therefore, remove the intergovernmental attitude which has continued to present in the Home Affairs area<sup>191</sup>.

During the time when the new Strategy was being created, much was discussed on what would be the content of the “post-Stockholm phase”, and several suggestions were given by researchers and experts. Yves Pascouau, from the European Policy Centre, suggested that the future guidelines should not have been a lengthy, detailed list of actions, but rather some short, forward looking and political orientations and steps, in a concise document. As far as the content of the steps was concerned, Pascouau underlined the fact that, in these times of security crisis, a feeling of instability and fear is shared by a large part of the population in Europe. Policies developed within this climate often take a restrictive turn. This form of “political contraction” is detrimental to more progressive policies and plays in favour of the development of a security-driven agenda to overcome citizens' fears: this orientation, though, risks to turn into an operation of massive securitization, and not a plan of progressive, integrative policies<sup>192</sup>. Some of the suggestions given by experts can be found in the Strategy developed by the

---

<sup>190</sup>Y. PASCOUAU, “The future of the area of freedom, security and justice. Addressing mobility, protection and effectiveness in the long run”, European Policy Centre, January 2014.

<sup>191</sup>When they approved article 68 TFEU in Lisbon, Member States announced their willingness to ensure “the perpetuation of the practice of the five-year programme” but also, for these issues to be dealt with at the highest political level: the European Council. In doing so, they have once again demonstrated their reluctance to transfer sovereign powers into “normal” community law. Article 68 TFEU constitutes the continuation of a trend or history whereby justice and home affairs issues have been kept under specific procedures to allow Member States to keep control over these policies. (Y. PASCOUAU, “The future of the area of freedom, security and justice. Addressing mobility, protection and effectiveness in the long run”, European Policy Centre, January 2014).

<sup>192</sup>Y. PASCOUAU, “The future of the area of freedom, security, and justice: addressing mobility, protection and effectiveness in the long run”, European Policy Centre, January 2014, pp. 12-19.

Council. The document, in fact, invites the EC and Member States to focus on few, fundamental threats to security, first of all terrorism, followed by cross-border crime and cybercrime. Another point of innovation lies in the interconnectivity of issues: the Council emphasizes the fact that security cannot be ensured if it is considered as a single, separate issue, without social causes; in other words, real security cannot be achieved through massive securitization. On the contrary, the document says that security initiatives developed by the EC will have to be linked to migration policies, to anti-corruption laws, to internet and privacy policies, and to EU actions in external affairs<sup>193</sup>.

On the basis on the Council' Strategy, the EC developed the "European Agenda on Security". After many years that the EC spent to create guidelines, cooperation tools for States' collaboration, the priority for the next future is to ensure their actual and proper implementation inside national territories. Before its adoption, many critics suggested the EC to upgrade its action plans. The Centre for European Policy Studies called for a

"New European Agenda on Security and Liberty, based on an alternative EU security (criminal justice-led) cooperation model firmly based on current EU legal principles and rule of law standards. The model should be built on the premise that less is more in what concerns the use and exchange of data by police and intelligence communities. It should call for less data retention and processing, and better and more accurate use of data that meets the quality standards of evidence in criminal judicial proceedings. EU policy-makers and security professionals should implement a cautious approach and a rational and non-emergency-induced way of policy-making on counterterrorism responses"<sup>194</sup>.

---

<sup>193</sup> EUROPEAN COUNCIL, "Draft Council Conclusions on the Renewed European Union Internal Security Strategy 2015-2020", June 2015.

<sup>194</sup> D. BIGO, E. BROUWER, S. CARRERA, E. GUILD, E. GUITTET, J. JEANDESBOZ, F. RAGAZZI, A. SCHERRER, "The EU Counter-Terrorism Policy Responses after the Attacks in Paris: towards an EU security and liberty agenda", Centre for European Policy Studies, February 2015, p. 15.



In fact, the priorities for the next years are similar to those of the previous Strategy, but now they have been reinforced, made more realistic, more focused on efficiency; in addition, human rights' protection is now much more relevant. The EC will invest resources in:

- Better information exchange: the topic will be further developed in the following paragraph (see part III, 2), but it is important to mention that the system of information of EU agencies is extremely technologically advanced, and contains much valuable data for investigative purposes. The Union, in fact, provides a number of tools to facilitate the exchange of information between national law enforcement authorities (namely, the SIS II, the Stolen and Lost Travel Documents (SLTD), the provisions contained in the Prüm Convention<sup>195</sup> and the European Criminal Records Information System (ECRIS). Member States are now invited to make full use of these tools and to discuss the data that concerns many States in a collaborative way. Therefore, the focus of EC will be to make EU and national intelligence agencies efficient in relation to each other and to guarantee that Member States make a proper use of all the services which these agencies can provide. The EC will also continue the negotiations to establish an EU PNR as soon as possible (see note 161).

- Increased operational cooperation: the Solidarity Clause of the Lisbon Treaty provides legal and practical arrangements to make operational cooperation between authorities of different Member States effective. Cooperation can become more effective if States use information coming EU agencies, but also if law enforcement forces use tools provided by the EC to implement cross-border cooperation: JITs (see part I, 1.3) and Joint Customs Operations (JCO) provide a ready-made framework for cooperation between Member States, set up for a fixed period to investigate specific cases. Collaboration in critical border regions is also

---

<sup>195</sup>The Convention was signed in 2005 between Belgium, Germany, Spain, the France, Luxembourg, the Netherlands and Austria on the stepping up of cross-border cooperation, particularly in combating terrorism, cross-border crime and illegal migration. The Convention mainly focused on mutual exchange of restricted information. (EUROPEAN COUNCIL, "Prüm Convention", 7 July 2005).

possible, thanks to the Police and Customs Cooperation Centres (PCCC) initiative, which brings together on the same site enforcement authorities of different Member States: PCCCs are always co-funded by the EU, which also facilitates exchange of best practices between countries.

- Supporting actions: training, funding, research and innovation. The effectiveness of cooperation tools relies on that fact that law enforcement officers in Member States should know how to use them; for this reason, training to police forces is a valuable form of support. In order to reach this goal, the European police college CEPOL was created. It organises courses, defines common curricula on cross-border cooperation and coordinates exchange programmes. In addition, the EC has provided a very powerful and valuable tool to States, thanks to funds devoted to security-related research and innovation. Part II of this analysis shows some of the contributions that cooperation on research can bring to Europe's security. Research can identify new security threats and their impacts on European societies. It also contributes to create social trust in research-based new security policies and tools. Innovative solutions will help to mitigate security risks more effectively by drawing on knowledge, research and technology. The current research programme Horizon 2020 can play a central role in ensuring that the EU's research efforts are well targeted. For the future the EC invites States to get informed on innovations coming from EU funded projects and evaluate which ones could be implemented, so to involve the actual national and local end-users in EU projects.

All the actions of the EC are addressed to three main forms of threats: terrorism, cross-border crime and cybercrime. The most important priority will be fighting terrorism. The problem is not new, but the instruments used so far have proved to be insufficient, mainly because they have not been exploited by States. The focus on information collection and police training are only some of the actions that can be taken but they are not enough. For this reason, the EC will focus on disrupting the vital nodes of terrorist networks. First of all, activities will be reorganized and unified under one single agency: the European Counter-Terrorism Centre, which will be part of Europol and will specifically coordinate actions CT operations.

Operations will be targeted to internet, finances, and cooperation with third countries. The Internet Referral Unit (IRU) will concentrate on localizing and disrupting extremist networks or forms of propaganda; EU Terrorist Financing Tracking Programme (FIU) will deal with the important and complex task of tracking and dismantling financial operations linked to terrorist activities. Furthermore, actions to fight terrorism will be based on a cross-sectorial approach: agencies will have to cooperate more, and different topics will be taken into account. The EU, in fact, must cut the support base of terrorism with a strong and determined counter-narrative: education, youth's participation, interfaith and inter-cultural dialogue, as well as employment and social inclusion, have a key role to play in preventing radicalisation by promoting common European values"<sup>196</sup>. In order to do so, the Commission will focus on combating radicalisation, marginalisation of youth and promoting inclusion with some concrete actions under the Strategic Framework for European Cooperation on Education and Training (ET2020) and the EU Youth Strategy<sup>197</sup>. It will also fund other initiatives, such as the Radicalisation Awareness Network (RAN), an umbrella organization linking experts engaged in preventing radicalisation. In sum, "securing the everyday lives of people living in the area of freedom, security and justice is a hard task which is no more than the sole responsibility of individual Member States. Cross border criminality is evolving and using new technologies. While the transnational dimension is sufficient to justify EU action, the complexity of criminal behaviour calls for enhanced cooperation between EU states to better address the issue. The approach adopted over the last fifteen years has brought some results but needs to be further elaborated"<sup>198</sup>. For this reason the EC will concentrate on implementing the existing tools and will only promote

---

<sup>196</sup> EUROPEAN COMMISSION, "The European Agenda on Security", April 2015, p.15.

<sup>197</sup> ET2020 is the framework for cooperation in education and training, to overcome deficits such as the lack of skilled workforce in Europe. It will work as a place of exchange of best practices and dissemination, and it will propose policy reforms. The EU Youth Strategy will promote initiatives of non-formal learning, youth work, volunteering and mobility, funds for art and culture in the young world.

<sup>198</sup> Y. PASCOUAU, "The future of the area of freedom, security, and justice: addressing mobility, protection and effectiveness in the long run", European Policy Centre, January 2014, p. 30.

actions of which bring better cooperation and more efficiency. The next years should be marked by the will to make processes and legislation simpler; competencies should be clarified and priorities should be firmly decided.

## 1.2 UNSOLVED ISSUES

In the past years, the EU internal security agenda mainly has lacked of clear priorities, implementation tools, and clear coordination the competencies of States and those of the Union. One interesting example can be found in the actions undertaken by the police forces of Paris and in general from the French intelligence services, before and during the recent terrorist attacks of 13 November 2015 in the French capital.

After the previous terrorist attacks of January 2015 at the venue of “Charlie Hebdo” magazine in Paris, the French CT services developed a complex organizational structure to gather more information on potentially dangerous individuals and carry out more investigations; they also began to gather much more information coming from Europol and Frontex on suspect criminals. Other fundamental elements, though, were still missing. Firstly, a proper coordination between intelligence agencies and police forces was never created. Three main intelligence agencies have been in charge of fighting terrorism since 2011: the DGSI (Direction Générale de la Sécurité Intérieure), the SAT (Section Anti-Terroriste) and the SDAT (Sous-Direction Anti-Terroriste). On top of them, a fourth one was added, as a general overwatching office: UCLAT (Unité de la Coordination de la Lutte Anti-Terroriste). But French newspapers published cases in which intelligence agents from different offices were following the same suspects from the Charlie Hebdo attacks, and they were not even aware of it<sup>199</sup>. As the second case study of this work explains (see part II, 3.1), there are new,

---

<sup>199</sup> F. ARFI, R. BACKMANN, M. DELEAN, L.FESSARD, J. HORDEAUX, M. SUC, “L’antiterrorisme: l’histoire d’une faillite”, *Mediapart*, 30 November 2015.

efficient tools in the market which allow police and intelligence services to be more coordinated and effective.

Secondly, governments have not always made wise investments in security and intelligence. In France, no investment was made to improve police forces' quality of some services since long time: the French number for emergencies, number 17, is not suitable to face crises: during the night of 13 November 2015, it was blocked after only few seconds, due to the very high number of Parisians who called. And the European emergency number, 112, simply readdressed the calls to number 17<sup>200</sup>.

International cooperation in terms of exchange of sensible information exists and it is used by the various national intelligence services. In fact, some of the terrorists involved in the deadly terrorist attacks of January and December 2015 in Paris had been present in French intelligence databases since 2011, mainly thanks to information provided by the Belgian services<sup>201</sup>. Nevertheless, information on those individuals was not used to carry out investigations, or follow the movements of suspects. Despite the amount of information available, the European guidelines, the European Arrest Warrant, new technologies being developed by the best research centres of Europe, the terrorist attacks of 2015 in France could not be prevented. An analysis of the quality and of the detailed capabilities of the French defence and police system is not the focus of this research: but it can be used as an example to show that a proper implementation of these tools is missing at national and local level, together with a precise use of the European guidelines. And this is exactly the concept which closed the new security agenda of 2015. The EC wanted to stress the fact that:

“We need to ensure better application and implementation of existing EU legal instruments. One of the Commission's priorities will be to help Member States to further develop mutual trust, fully exploit existing tools for information sharing and foster cross-border operational cooperation

---

<sup>200</sup> B. MANENTI, “Les attentats de Paris mettent en lumière ‘l’obsolescence’ du 17”, *L’Obs*, November 2015.

<sup>201</sup> P. ALONSO, W. LE DEVIN, E. FANSTEN, J. QUATREMER, “Les filets percés du renseignement”, *Libération*, 15 November 2015.

between competent authorities. Peer evaluation and effective monitoring of the implementation of European measures both have a role to play”<sup>202</sup>.

## 2. CONCLUSIONS

For many decades in the history of the European project, internal security remained an exclusive competency of national governments. Member States did not envision any possibility of cooperation in this field, which represented the core of States’ sovereignty. During the 1970s and 1980s European governments limited their commitment to the launch of some joint activities, dominated by an intergovernmental approach, to better fight forms of political radicalism and terrorism in Europe.

Internal security became a concern at supranational level at the beginning of the 1990s. States took a common commitment to open free, borderless space in the Union, under the provisions of the Schengen Convention in 1990; they voted in favour of the creation of Europol – which was born as a European task force to fight specific crimes such as drug trafficking – and further developed to become the main European reference point for intelligence forces. In this way they implicitly accepted to share part of their sovereignty in internal affairs. The more Europe became a free territory for people, goods and information, the more security problems required a form of cooperation in order to solve them. The creation of the Area of Freedom Security and Justice was a long process, especially because it was complex for institutions to establish real cooperation inside the area, and to make States abandon their traditional intergovernmental approach. The AFSJ was created with the Treaty of Amsterdam, but it remained governed by an intergovernmental decision-making approach until very recently. This approach prevented the EU from introducing important changes because they would have not been approved. In 2007 the Lisbon Treaty was signed, and the third pillar regarding judicial cooperation and security provisions was reformed:

---

<sup>202</sup> EUROPEAN COMMISSION, “The European Agenda on Security”, April 2015, p.3.

the “community method” (see part I, 1.2) was adopted also for the judicial and police cooperation.

In sum, the process of integration was long and has not been completed yet. Nevertheless, the EU has managed to introduce important legal and policy innovations and to change States’ mind-set on the way they exercise their power on security issues. In particular, this work has focused on the goals achieved by the EU in terms of cooperation and development policies in internal security. The Council and the EC have worked in parallel and in synergy to provide Member States with strategic actions, knowledge and financial possibilities.

The Council has launched in 1999 the cycle of the five-year strategic programmes, to help States to focus on investing in the correct priorities. In addition, the Council has been the reference point where real international cooperation has been possible, where common security measures have been agreed: it has been the place where States have made steps towards an actual, single territory to protect together.

On the other side, the EC has taken action to share knowledge with Member States on which kind of measures they should adopt to ensure internal security; it has elaborated action plans to implements the Council’ strategies, and especially it has assigned consistent funds to internal security research. Investments in research have different goals: when they began, the EC hoped to increase Europe’s competitiveness in the field of theoretical and applied research to reach the same level of Asia and the USA. It also wanted to boost the security and defence industries, which was suffering the effects of the economic crisis: in fact, a more technologically advanced security industry could guarantee more jobs and more competitiveness in the world market. Another aim was to develop studies on the link that internal security has with other issues of the Union, such as privacy, human rights’ respect, migration and climate change, in order to have a complete overview of the problems linked to insecurity and to solve them in the most complete way possible. Finally, through the research programmes the EC hoped to foster international cooperation between Member States, so that they could share best practices, develop common technologies, strategies and tools. The

Commission also hoped to reduce the gap in quality of research between the same EU countries, some of which received many more funds for research compared to others.

Despite the efforts of EU institutions, the path to make Europe a secure and free space is not completed yet. As already mentioned above, inducing States to renounce to their sovereignty to take common decision in matters of migration and border control represented one first obstacle, which slowed down the process of security cooperation at the Council's level. In addition, for many years Council's guidelines were vague, generic, and focused on too many priorities. This fact summed with the fact that national governments have operated significant budget cuts in their security programmes since the financial crisis of 2008. States could only afford limited investments, which had to be split into many areas, from border control, to protection of infrastructures, collection of information on criminals, training of law enforcement forces, adoption of new IT tools, improvement of quality and organizational systems. This approach revealed to be inefficient and it left too many uncovered issues, which are all possible forms of insecurity. Therefore, only recently the Council has changed its approach and has decided to focus on few, urgent issues, namely terrorism, cross-border criminality and cybercrime (see part III, 1). The Council has also pushed States and the EC to implement the tactic of cooperating with non-EU neighbour States to fight cross-border crime and illegal migration.

From the side of the Commission, the security research programme (see part II, 1.3) was introduced in 2004 in the Framework Programmes and it brought great contribution to security in Europe. The five-year research programmes, though, presented also some weak aspects. For the first two cycles, from 2004 until 2013, EC calls for proposals focused almost exclusively on funding applied research to develop new technologies; ethical and judicial research was almost not considered. In addition to this, mainly private actors were included in the projects, while public entities were almost present at all, even if they are the principal end-users of the majority of security projects. In this way security research aimed at purely securitizing societies and infrastructures through privately-owned



technology, and did not take into consideration citizens' rights, privacy issues, and the fact that Europe should be a secure place for those who live in it and for those who seek refuge from other parts of the world. In addition, security was not considered as a cross-cutting topic: EC commissioners did not see the link that security has with many other research subjects, such as social and integration policies, support to SMEs, with the external dimension of internal security threats. Finally, since the first years in which the EC began to work on internal security enhancement, it tried to involve the security and defence industries, given the fact that they represent an important sector in the EU's economy. The EC launched ad-hoc programmes to give new competitiveness to this market sector, but it was strongly criticized because it involved almost exclusively the giants of the industrial sector, cutting out SMEs, which are supposed to be the pillar of Europe's new wave of economic recovery<sup>203</sup>.

In 2014, the current Framework Programme was launched with the name of Horizon 2020. EC Commissioners have made treasure of the critics and suggestions given by experts in the past: the latest programme has introduced new features which will very probably improve the long-term results of EU research programmes. In fact, Horizon 2020 is characterised by a cross-cutting approach to research topics, which are now much more interconnected. Therefore, security is now being studied in connection with social issues, integration, migration studies, climate change and other very urgent issues. In addition, more aspects of security are being covered by the funds, such as studies to improve EU legislation on the protection of citizens' rights and freedoms, privacy and free movement.

In general, the main missing point in the EC programmes so far, from the security agendas to the security research programmes, was a real implementation structure. Implementation of research results, guidelines and policies did not occur at national and at local level inside Member States. The Commission managed to provide a number of very valuable tools to Member States who still do not make full use of them. In order to overcome the implementation and coordination's

---

<sup>203</sup>R. TUFFS, "SMEs key to EU's economic success", The Parliament Magazine, October 2015. (<https://www.theparliamentmagazine.eu/articles/opinion/smes-key-eu-economic-success>).

obstacles, the EU will have to adopt changes and review its way of developing policies. “There is need to implement existing rules first before launching other legislative proposals, the system is not perfect and requires finding a good balance between developing new tools and making sure that the ones already adopted and in motion are correctly implemented”<sup>204</sup>. This means deciding whether EU decision-makers want to set up new bodies like the European Public Prosecutor or the European Counter-Terrorism Centre, or strengthen the power of existing bodies like Europol and Eurojust.

The same effort will be required from Member States, who should review, simplify and make more efficient their police forces and intelligence services and respect the current EU legislation.

Nevertheless, probably the greatest challenge for the EU will be at the level of European identity and cooperation rather than in the tactics to be used by law enforcement offices. Walter Wagner, while investigating the history of EU internal security poses a fundamental question:

“Internal security co-operation has become closely linked to issues of legitimacy and democracy. Whether Europeanization will lead to a governance of internal security which is dominated by security agencies and their concerns with control and surveillance, or whether such a move will ultimately accelerate the process of establishing a kind of constitutional superstructure for the enforcement of civic rights and liberties is likely to remain a topic of (academic) debate for some time to come”<sup>205</sup>.

The EU will have to overcome these years of high insecurity and remain an open, free, welcoming collection of States, who have committed on a common vision and strategy to protect their citizens without abandoning the very basic democratic principles of the European Union.

---

<sup>204</sup>Y. PASCOUUAU, “The future of the area of freedom, security and justice. Addressing mobility, protection, and effectiveness in the long run”, European Policy Centre, January 2014, p. 31.

<sup>205</sup> W. WAGNER, “Analysing the European Politics of Internal Security”, *Journal of European Public Policy*, December 2003, p. 1037.

## LITERATURE

### Journal articles

P. ALONSO, W. LE DEVIN, E. FANSTEN, J. QUATREMER, “Les filets percés du renseignement”, *Libération*, 15 November 2015. Retrieved from <http://www.liberation.fr>.

M. ANDERSON, J. ASAP, “Changing conceptions of security and their implication for EU Justice and Home Affairs”, *Centre for European Policy Studies*, No. 26, October 2002, pp. 1-4.

S. ANDOURA, H. BRIBOSIA, B. CRUM, F. DEHOUSSE, S. HAGERMANN, J. KELLER, S. KURPAS, A. MISSIROLI, P. SCHOUTHEETE, “The Treaty of Lisbon: implementing the Institutional Innovations – A joint study” *Centre for European Policy Studies*, Egmont, European Policy Centre, November 2007.

D. ANDREE, “Priority-setting in the European Research Framework Programmes”, *VINNOVA – Swedish Governmental Agency for Innovation Systems*, July 2009, p.10.

F. ARFI, R. BACKMANN, M. DELEAN, L. FESSARD, J. HORDEAUX, M. SUC, “L’antiterrorisme: l’histoire d’une faillite”, *Mediapart*, 30 November 2015. Retrieved from <https://www.mediapart.fr/>.

D. BIGO, “Security and Immigration: toward a Critique of the Governmentality of Unease”, *Alternatives: Global, Local Political*, volume 27, February 2002.

D. BIGO, J. JEANDESBOZ, “The EU and the European Security Industry – Questioning the Public-Private Dialogue”, Centre for European Policy Studies, Volume 5, February 2010, pp. 2-6.

D. BIGO, J. JEANDESBOZ, M. MARTIN, F. RAGAZZI, “Review of Security Measures in the 7<sup>th</sup> Research Framework Programme 2007-2013, Directorate-General for Internal Policies, 2014, pp.20, 25, 33.

D. BIGO, E. BROUWER, S. CARRERA, E. GUILD, E. GUITTET, J. JEANDESBOZ, F. RAGAZZI, A. SCHERRER, “The EU Counter-Terrorism Policy Responses after the Attacks in Paris: towards an EU security and liberty agenda”, Centre for European Policy Studies, February 2015, p. 15.

R. BOSSONG, M. RHINARD, “The EU Internal Security Strategy – Towards a More Coherent Approach to EU Security?”, *Studia Diplomatica*, Volume 66, No.2, 2013, pp.48-49, 51.

O. BROIN, F. DEHOUSSE, P. KACZYNSKI, T. HEREMANS, J. KELLER, P. SCHOUTHEETE, “The Treaty of Lisbon: a second look at the Institutional Innovations - A joint study”, Centre for European Policy Studies, Egmont, European Policy Centre, September 2010.

T. BUNYAN, “First thoughts on the EU’s Internal Security Strategy” *Statewatch Analysis*, November 2014, p. 1.

T. BUNYAN, “Statewatching the New Europe: handbook on the European State”, *Statewatch Publications*, 1993, p. 1.

T. BUNYAN, “Trevi, Europol and the European state”, *Statewatch Publications*, 1993.

L. BUONO, “From Tampere to The Hague and beyond: towards the Stockholm Programme in the area of freedom, security and justice”, Academy of European Law, September 2009.

E. COLLETT, “The European Union's Stockholm Program: Less Ambition on Immigration and Asylum, But More Detailed Plans”, Migration Policy Institute, January 2010.

G. DE BAERE, “Constitutional Principles of EU External Relations” Oxford Scholarship Online, 2008.

B. DONNELLY, “Justice and Home Affairs in the Lisbon Treaty: a constitutionalizing clarification?” European Institute of Public Administration, 2008, p.20.

“Europol: Intelligence-Led Law Enforcement”, Delegation of the European Union in the United States, September 2010.

M. GRANADOS, V. HERNANDEZ, E. MUNTION, “Horizon 2020 – The new European R&D and Innovation Framework Programme”, RTDI - Research Development Technology and Innovation, 2013, p. 36. Retrieved from <http://www.rtdi.eu/en/>.

E. GUILD, S. CARRERA, A. EGGENSCHWILER, “The Areas of Freedom, Security and Justice ten years on - Successes and future challenges under the Stockholm Programme”, Centre for European Policy Studies, 2010, pp. 1, 6.

E. GUILD, S. CARRERA, A. FAURE ATGER, “Challenges and prospects for the EU’s area of freedom, security and justice: recommendations to the European Commission for the Stockholm Programme”, Centre for European Policy Studies, April 2009, pp. 1, 11.

L. GUZZETTI, “A brief history of European Union research policy”, European Commission Directorate-General XII Science, Research, Development, October 1995, pp.7, 27, 83-84, 122-124.

A. HORGBY, M. RHINARD, “The EU’s internal security strategy: a historical perspective”, Security Journal, May 2014, pp. 2-5, 54.

C. KAUNERT, “Liberty versus Security? EU Asylum Policy and the European Commission” Journal of Contemporary European Research, Volume 5, Issue 2, 2009, p. 148.

W. JAMES, “Treaty of Amsterdam”, CIVITAS Institute for the Study of Civil Society, 2005, p. 1.

J. JEANDESBOZ, F. RAGAZZI, “Review of security measures in the Research Framework Programme”, October 2010, p. 27.

B. MANENTI, “Les attentats de Paris mettent en lumière ‘l’obsolescence’ du 17”, L’Obs, November 2015. Retrieved from <http://tempsreel.nouvelobs.com/>

L. MARIN, “The European Arrest Warrant in the Italian Republic” European Constitutional Law Review, Volume 4, Issue 2, 2008, pp. 251-273.

A. MISSIROLI, “After Paris: why (now) the Lisbon Treaty”, European union institute for Security Studies, November 2015.

Y. PASCOUAU, “The future of the area of freedom, security and justice. Addressing mobility, protection and effectiveness in the long run”, European Policy Centre, January 2014, pp.12-19.

J. PETERSON, M. SHARP, "Technology Policy in the European Union", MacMillan Press, 1998.

S. POWER, "Our war on Terror", The New York Times, July 2007. Retrieved from <http://www.nytimes.com/>

L. THOMPSON, "Five reasons the defence industry is still a better investment than other sectors", Forbes, September 2012. Retrieved from <http://www.forbes.com/>

F. TOSCANO, "The second phase of the Common European Asylum System: a step forward in the protection on asylum seekers?", Institute for European Studies Vrije Universiteit Brussel, 2013.

R. TUFFS, "SMEs key to EU's economic success", The Parliament Magazine, October 2015. Retrieved from <https://www.theparliamentmagazine.eu/>

W. TROSZCZYNSKA VAN GENDEREN, "Enhancing support for European security and defence research: challenges and prospects", Directorate-General for External Policies, April 2015, p.9.

M. WARMAN, "EU SAPIENT project will be early warning system for invasive technology", The Telegraph, May 2011. Retrieved from <http://www.telegraph.co.uk/>

### **Official documents and reports**

COUNCIL of the EUROPEAN UNION, "Living in an Area of Freedom, Security and Justice", 2005.

COUNCIL of the EUROPEAN UNION, “Council Act of 29 May 2000, establishing the Convention on Mutual Assistance in Criminal Matters between Member States of the European Union”, May 2000, art. 13.

COUNCIL of the EUROPEAN UNION, “Joint investigation teams’ manual”, November 2001, p. 4.

COUNCIL OF THE EUROPEAN UNION, “The Hague Programme: strengthening freedom, security and justice in the European Union”, March 2005, art. 2.3, 1.7.2.

COUNCIL of the EUROPEAN UNION, “Council common position on the application of specific measures to combat terrorism“, December 2001.

COUNCIL of the EUROPEAN UNION, “Draft Internal Security Strategy for the European Union – Towards a European security model”, February 2010, pp. 2-5.

DIRECTORATE-GENERAL JUSTICE AND HOME AFFAIRS, “Tampere: kick-start to the EU’s policy for justice and home affairs”, August 2002, p.4.

DIRECTORATE-GENERAL INTERNAL POLICIES, “Review of security measures in the 6th research framework programme and the preparatory action for security research”, May 2008, pp. 1, 11.

DIRECTORATE-GENERAL FOR RESEARCH AND INNOVATION, “European Research Area Progress Report 2014”, 2014.

DIRECTORATE-GENERAL FOR RESEARCH, SCIENCE, DEVELOPMENT, “30 years: EU Research Framework Programmes 1984-2014”, Horizon 2020 Magazine, Special Issue March 2015, pp. 3-5.



DIRECTORATE-GENERAL FOR RESEARCH AND INNOVATION, “Horizon 2020 First results”, European Commission, September 2015, pp. 5, 16.

ESRAB, “Meeting the Challenge: the European Security Research Agenda”, Office for Official publications of the European Communities, 2006.

EUROPEAN COMMISSION, “Towards a European research area”, January 2000, pp. 4, 8.

EUROPEAN COMMISSION, “Realising the European Union’s potential: consolidating and extending the Lisbon strategy”, March 2001, p. 2.

EUROPEAN COMMISSION, “On the implementation of the Preparatory Action on the enhancement of the European industrial potential in the field of Security research - Towards a programme to advance European security through Research and Technology”, February 2004, p. 2.

EUROPEAN COMMISSION, “Area of freedom, security and justice: assessment of the Tampere programme and future orientations”, June 2004, p. 4.

EUROPEAN COMMISSION, “Establishing a framework programme on ‘Security and Safeguarding Liberties’ for the period 2007-2013”, April 2005, pp. 3-9.

EUROPEAN COMMISSION, “Better careers and more mobility: a European partnership for researchers”, May 2008.

EUROPEAN COMMISSION, “Justice, Freedom and security in Europe since 2005: an evaluation of the Hague Programme and Action Plan”, June 2009, pp. 13, 16.

EUROPEAN COMMISSION, “Work Programme 2010 Cooperation Theme 10, Security”, July 2009, p. 35.

EUROPEAN COMMISSION, “The Internal Security Strategy in Action: five steps towards a more secure Europe”, November 2010.

EUROPEAN COMMISSION, “First annual report on the implementation of the EU Internal Security Strategy”, November 2011.

EUROPEAN COMMISSION, “Security Industrial Policy – Action plan for an innovative and competitive Security Industry”, July 2012, pp. 2-5.

EUROPEAN COMMISSION, “Second annual report on the implementation of the EU Internal Security Strategy”, April 2013.

EUROPEAN COMMISSION, “The final implementation report of the EU Internal Security Strategy 2010-2014”, June 2014, p. 3.

EUROPEAN COMMISSION, “An open and secure Europe: making it happen”, March 2014.

EUROPEAN COMMISSION, “The European Agenda on Security”, April 2015.

EUROPEAN COMMISSION, “Final evaluation of Security Research under the Seventh Framework Programme for Research, Technological Development and Demonstration”, September 2015, pp. 10-14, 18, 41, 64.

EUROPEAN COUNCIL, “Presidency conclusions of the Tampere European Council”, October 1999.

EUROPEAN COUNCIL, “The European Union Counterterrorism Strategy”, November 2005.

EUROPEAN COUNCIL, "The Stockholm Programme - an open and secure Europe serving and protecting citizens", 2010, art. 2.

EUROPEAN COUNCIL, "Draft Council Conclusions on the Renewed European Union Internal Security Strategy 2015-2020", June 2015.

EUROPEAN PARLIAMENT, "European Parliament Fact Sheets: The Maastricht and the Amsterdam Treaties", European Parliament Facts Sheets.

EUROPEAN POLICY EVALUATION CONSORTIUM, "Understanding the Long Term Impact of the Framework Programme", December 2011, p.74.

EUROPOL, "Ten years of Europol 1999-2009", Europol Corporate Communications, 2009.

M. FRIEDEWALD, D. WRIGHT, "SAPIENT Report Summary", July 2014, pp. 1-3, 15.

M. FRIEDEWALD, D. WRIGHT, "Final Report: Findings and Recommendations", SAPIENT Project, July 2014, pp. 16-22.

GROUP of PERSONALITIES, "Research for a Secure Europe: Report from the Group of Personalities in the field of Security Research", 2004, p.16.

INSTITUTE FOR ECONOMICS AND PEACE, "Global Peace Index 2015", June 2015.

MORPHO, TNO NETHERLANDS, "Deliverable 9.4 – Workshops and closing conference", TACTICS Project, September 2015, p. 28.

NATO, "Financial and Economic Data relating to NATO Defence", NATO Public Diplomacy Division, 2015, p. 5.

RAND EUROPE, PRIO, ISCA, “Deliverable 8.2 – Policy and strategic impacts, implications and recommendations”, TACTICS Project, August 2015, p. 20.

SWEDISH PRESIDENCY of the EUROPEAN UNION, “Informal Meeting of the Ministers of the Interior on the Future of Europol and EU Law Enforcement Cooperation”, October 2009, pp. 1-2.

TNO NETHERLANDS, “Deliverable 3: Conceptual Solution Description”, TACTICS Project, March 2013, pp. 6, 28-30.

TNO NETHERLANDS, “TACTICS Report Summary”, TACTICS Project, 2015.

### **Treaties and conventions**

“Prüm Convention on the stepping up of cross-border cooperation, particularly in combating terrorism, cross-border crime and illegal migration”, 27 May 2005.

“Single European Act amending Treaties establishing the European Communities. Single European Act”, 17 February 1987, art. 130f, 130i, 130q.

“Treaty on the European Union”, 7 February 1992, art. K.1.

“Treaty of Amsterdam amending the treaty on the European Union, the Treaties establishing the European Communities and certain related acts”, 2 October 1997, Title VI, art. K.1, K.2, a) b) c).

“Treaty of Lisbon amending the Treaty on European Union and the Treaty Establishing the European Community”, 13 December 2007, Title VII, art. 67, 75, 222.

## **Internet websites**

CORDIS DATABASE:

<http://www.cordis.europa.eu/>

EUR-LEX Access to European Union Law:

<http://www.eur-lex.europa.eu/>

EUROPOL:

<https://www.europol.europa.eu/>

SWISS CONFEDERATION GOVERNMENT:

<http://www.sbf.admin.ch/>

## **Books**

A. DUFF, J. PINDER, R. PRYCE, “Maastricht and beyond, Building the European Union”, Routledge, 1994, p. 112.

C. KAUNERT, S. LEONARD, “European security, terrorism and intelligence: tackling new security challenges in Europe”, Palgrave Studies in the European Union Politics, 2013.

C. MURPHY, D. ACOSTA ARCARAZO, “Rethinking Europe’s Freedom, Security and Justice”, March 2014, pp. 2, 5-6. In “EU Security and Justice Law: After Lisbon and Stockholm”, Hart Publishing, 2014.

## **Speeches**

H. BRADY, “Inquiry in the EU Internal Security Strategy”, meeting of the House of Lords Select Committee on the European Union, London, 2011.