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To:	European Council
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Subject:	Draft Internal Security Strategy for the European Union: "Towards a European Security Model"

At its meeting of 25-26 February 2010, the Council reached agreement, at its level, on a document setting out the elements for the EU's strategy for internal security (Doc. 5842/2/10 REV 2 JAI 90 of 23 February 2010, entitled "Draft Internal Security Strategy for the European Union: Towards a European Security Model").

This document is submitted to the European Council so as to allow the European Council to endorse it as strategic guidelines within the meaning of Article 68 TFEU for ensuring the EU's internal security.

INTRODUCTION

For fifty years the European Union, its institutions and Member States have promoted and provided freedom and security. Europe guarantees respect for human rights, the rule of law and solidarity. As Europeans, we enjoy the right to live, work and study in European countries other than our own. The removal of internal border controls in the Schengen area was an especially great step forward for Europe. In addition, technological advances have revolutionised the modes and speed of communications, with the result that not only our borders, but also our societies have opened up. Through unity in diversity, this free and prosperous Europe continues to facilitate and enrich peoples' lives.

For citizens of the European Union, security is one of the main priorities. The EU multi-annual work programmes have already provided a good pragmatic basis for strengthening operational cooperation, but now a larger consensus on the vision, values and objectives which underpin EU internal security is required.

The main crime-related risks and threats facing Europe today, such as terrorism, serious and organised crime, drug trafficking, cyber-crime, trafficking in human beings, sexual exploitation of minors and child pornography, economic crime and corruption, trafficking in arms and cross-border crime, adapt extremely quickly to changes in science and technology, in their attempt to exploit illegally and undermine the values and prosperity of our open societies.

Whilst in itself not aimed at creating any new competences, but at integrating existing strategies and conceptual approaches, and acknowledging the framework of the Stockholm Programme, the EU Internal Security Strategy is responsive to this. It demonstrates a firm commitment to continuing to make progress in the area of justice, freedom and security through a European security model which faces the following challenges: protecting rights and freedoms; improving cooperation and solidarity between Member States; addressing the causes of insecurity and not just the effects; prioritising prevention and anticipation; involving all sectors with a role to play in public protection (political, economic, social, etc.); communicating security policies to the citizens; and, finally, recognising the interdependence between internal and external security in establishing a "global security" approach with third countries.

It is thus vital that the Internal Security Strategy itself be able to adapt, both to the needs of citizens, and to the challenges of the dynamic and global twenty-first century.

The concept of internal security must be understood as a wide and comprehensive concept which straddles multiple sectors in order to address these major threats and others which have a direct impact on the lives, safety, and well-being of citizens, including natural and man-made disasters such as forest fires, earthquakes, floods and storms.

The cooperation of law-enforcement and border authorities, judicial authorities and other services in, for example, the health, social and civil protection sectors, is essential. Europe's Internal Security Strategy must exploit the potential synergies that exist in the areas of law-enforcement cooperation, integrated border management and criminal-justice systems. Indeed, these fields of activity in the European area of justice, freedom and security are inseparable: the Internal Security Strategy must ensure that they complement and reinforce one another.

Europe must consolidate a security model, based on the principles and values of the Union: respect for human rights and fundamental freedoms, the rule of law, democracy, dialogue, tolerance, transparency and solidarity.

The quality of our democracy and public confidence in the Union will depend to a large extent on our ability to guarantee security and stability in Europe and to work with our neighbours and partners to address the root causes of the internal security problems faced by the EU.

The Internal Security Strategy has been adopted in order to help drive Europe forward, bringing together existing activities and setting out the principles and guidelines for future action. It is designed to prevent crimes and increase the capacity to provide a timely and appropriate response to natural and man-made disasters through the effective development and management of adequate instruments.

1. PROTECTING PEOPLE IN EUROPE WITHIN A GLOBAL SOCIETY

The European Union (EU) in the twenty-first century consists of 500 million people across the twenty-seven countries which make up the Union. Economic growth, together with the opportunities provided by a free and democratic society based on the rule of law, generate prosperity amongst Europe's citizens – but with such opportunities also come risks, as terrorists and other types of criminals seek to abuse those freedoms in the pursuit of destructive and malicious ends. Furthermore, increased mobility of people in turn increases our common responsibility for protecting the freedoms which all citizens of the Union cherish.

Security has therefore become a key factor in ensuring a high quality of life in European society, and in protecting our critical infrastructures through preventing and tackling common threats.

There is no such thing as "zero risk" but, despite that, the Union must create a safe environment in which people in Europe feel protected. Furthermore, the necessary mechanisms must be put in place to maintain high security levels, not only within EU territory, but also as far as possible when citizens travel to third countries or find themselves in virtual environments such as the Internet.

In this context EU internal security means protecting people and the values of freedom and democracy, so that everyone can enjoy their daily lives without fear. It also reflects Europe's shared vision of today's challenges and our resolve to present a common front in dealing with those threats, where appropriate, with policies that harness the added value of the EU. The Lisbon Treaty and the Stockholm Programme enable the EU to take ambitious and concerted steps in developing Europe as an area of justice, freedom and security. Against that background, this strategy:

- sets out **the common threats and challenges** we face which make it more and more important for EU Member States and Institutions to work together in order to tackle new challenges which go beyond our national, bilateral or regional capability.

> - ***together*** *we are more effective and better prepared for the threats we face*
> - *an internal security strategy which reflects the **values and priorities** we all share*
> - *actions which reflect both **public security and the rights of the individual***

- sets out the **EU's common internal security policy –** and the **principles** underpinning it – in a comprehensive and transparent way.

- defines a **European Security Model**, consisting of common tools and a commitment to: a mutually reinforced relationship between security, freedom and privacy; cooperation and solidarity between Member States; involvement of all the EU's institutions; addressing the causes of insecurity, not just the effects; enhancing prevention and anticipation; involvement, as far as they are concerned, of all sectors which have a role to play in protection – political, economic and social; and a greater interdependence between internal and external security.

COMMON THREATS: The main challenges for the internal security of the EU

Crime takes advantage of the opportunities offered by a globalised society such as high-speed communications, high mobility and instant financial transactions. Likewise, there are phenomena which have a cross-border impact on security and safety within the EU. There are, therefore, a number of significant common threats which can be identified:

- **Terrorism**, **in any form,** has an absolute disregard for human life and democratic values. Its global reach, its devastating consequences, its ability to recruit through radicalisation and dissemination of propaganda over the Internet and the different means by which it is financed make terrorism a significant and ever-evolving threat to our security.

> - • *In 2007, through Eurojust, twenty-six people across Italy, France, Romania, Portugal and the UK were arrested in an international anti-terrorist operation. The organisation was planning to carry out attacks in Italy, Afghanistan, Iraq and Arab countries.* Source: Eurojust Annual Report 2007, pp. 34-35
> - • *In 2008, through national, regional and EU efforts, 1009 people across thirteen countries were arrested on terrorism charges.* Source: Europol TE-SAT Report 2009, p. 6

> • *In February 2008, during Operation PIPAS (against an organisation carrying out credit card fraud), 100 people were arrested and forty-eight house searches conducted through a joint investigation between eleven countries, coordinated by Europol.*
> Source: Europol Annual Report 2008, p. 24

- **serious and organised crime** is of increasing importance. In its various forms it tends to occur wherever it can reap the most financial benefit with the least risk, regardless of borders. Drug trafficking, economic crime, human trafficking, smuggling of persons, arms trafficking, sexual exploitation of minors and child pornography, violent crimes, money-laundering and document fraud are only some of the ways in which organised and serious crime manifests itself in the EU. In addition, corruption is a threat to the bases of the democratic system and the rule of law.

- **cyber-crime** represents a global, technical, cross-border, anonymous threat to our information systems and because of that, it poses many additional challenges for law-enforcement agencies.

- **cross-border crime**, such as petty or property crime, often carried out by gangs, when it has a significant impact on the daily lives of people in Europe.

- **violence itself,** such as youth violence or hooligan violence at sports events, increases the damage already caused by crimes and can significantly harm our society.

- **natural and man-made disasters,** such as forest fires, earthquakes, floods and storms, droughts, energy shortages and major Information and Comunication Technologies (ICT) breakdowns, pose safety and security challenges. In this day and age, civil protection systems represent an essential element of any modern and advanced security system.

- there are a number of other common phenomena which cause concern and pose safety and security threats to people across Europe, for example **road traffic accidents**, which take the lives of tens of thousands of European citizens every year.

THE RESPONSE TO THESE CHALLENGES

In order to cope with these phenomena, EU Member States have their own national security policies and strategies, and in response to the movement of criminals between neighbouring countries, bilateral, multilateral and regional patterns of cooperation among Member States have also been developed. However, since those efforts are not enough to prevent and fight such criminal groups and their activities, which go far beyond our borders, an EU-wide approach is increasingly required.

Joint Police and Customs Centres, such as the Centre de Coopération Policière et Douanière in Luxembourg, which support effective operational cooperation between the police, gendarmerie and customs authorities of Belgium, Germany, Luxembourg and France.

The Salzburg Forum, composed of the Interior Ministers of Austria, Bulgaria, the Czech Republic, Hungary, Poland, Slovakia, Slovenia and Romania, who meet to discuss common security issues. The Baltic Sea Task Force, including non-EU members, which was set up to combat organised crime in the Baltic Sea Region.

In July 2009, a criminal organisation of seventeen people, responsible for the counterfeiting of euros with a face value of more than EUR 16 million distributed throughout the EU, was dismantled by the Bulgarian and Spanish prosecution and police authorities, with the help of a Joint Investigation Team that included Eurojust and Europol

Source: Eurojust Press Release 3 July 2009

The Member States must continuously strive to develop instruments so that national borders, differing legislation, different languages and ways of working do not impede progress in preventing cross-border crime.

The EU has made significant progress in this area in recent years. For example, increased law-enforcement and judicial cooperation has been essential since the abolition of internal-border controls, which allows for the free movement of people within the Schengen area.

Numerous instruments for facilitating cooperation have been developed. The most relevant include:

- **analysis of future situations and scenarios: threat anticipation.** Europol and other EU Agencies produce regular threat assessments.

- **adequate response: planning, programming and handling the consequences.** Work Programmes have been developed which enable us to address the dangers to and the concerns of citizens in a methodical way. Strategies and specific work plans have also been developed on counter-terrorism, drug trafficking, trafficking in human beings, organised crime and civil protection. Furthermore, the Community Civil Protection Mechanism coordinates the response of Member States to natural and man-made disasters.

- **effectiveness in the field: the work of agencies, institutions and bodies.** A number of agencies specific to the EU have been created and these include **Europol**, whose main aims are to collect and exchange information and to facilitate cooperation between law-enforcement authorities in their fight against organised crime and terrorism, **Eurojust**, which drives coordination and increases the effectiveness of judicial authorities, and **Frontex**, which manages operational cooperation at the external borders. The EU has also created the role of the **Counter-Terrorism Coordinator.** Other bodies and networks have also been established in the fields of training, drugs, crime prevention, corruption and judicial cooperation in criminal matters.

- **tools based on mutual recognition, for information sharing and to facilitate joint investigations and operations.** Instruments based on mutual recognition include the European Arrest Warrant and provision for the freezing of assets. Data bases such as the Schengen Information System and networks have also been established for the exchange of information on criminal records, on combating hooliganism, on missing persons or stolen vehicles and on visas which have been issued or refused. The use of DNA and fingerprint data helps put a name to anonymous traces left at crime scenes. EU legal instruments facilitate operational cooperation between Member States such as the setting up of joint investigation teams, the organising of joint operations and close cooperation to ensure the security of international events, including major sporting competitions.

- **evaluation mechanisms have been developed to assess the effectiveness of our actions.** For example, peer-to-peer evaluation exercises in the field of terrorism and organised crime which have contributed to the improvement of mutual trust.

2. TOWARDS A EUROPEAN SECURITY MODEL

The success to date demonstrates great progress in the fields of justice, freedm and security in the EU. However, we must continue to pool our efforts in order to guarantee even greater protection for our citizens. The Stockholm Programme and strategies such as the European Security Strategy, the Strategy on the external dimension in the area of justice, freedom and security and the Information Management Strategy have provided a good basis for doing that.

The time has come to harness and develop common tools and policies to tackle common threats and risks using a more integrated approach: that is the main aim of the Internal Security Strategy. To achieve that aim we have chosen a security model which integrates action on law enforcement and judicial cooperation, border management and civil protection.

The principles and guidelines for action using this model are set out below.

PRINCIPLES

People in Europe expect to live in security and to enjoy their freedoms: security is in itself a basic right. The values and principles established in the Treaties of the Union and set out in the Charter of Fundamental Rights have inspired the EU's Internal Security Strategy:

- justice, freedom and security policies which are mutually reinforcing whilst respecting **fundamental rights, international protection, the rule of law and privacy.**

- **protection** of all citizens, **especially the most vulnerable,** with the focus on **victims** of crimes such as trafficking in human beings or gender violence, including victims of terrorism who also need special attention, support and social recognition.

- **transparency and accountability** in security policies, so that they can be easily understood by citizens, and take account of their concerns and opinions.

- **dialogue** as the means of resolving differences in accordance with the principles of **tolerance, respect** and **freedom of expression**.

- **integration, social inclusion and the fight against discrimination** as key elements for EU internal security.

- **solidarity** between Member States in the face of challenges which cannot be met by Member States acting alone or where concerted action is to the benefit of the EU as a whole.

- **mutual trust** as a key principle for successful cooperation.

STRATEGIC GUIDELINES FOR ACTION

On the basis of these principles, ten guidelines for action are laid down in order to guarantee the EU's internal security over the coming years.

-I-   A wide and comprehensive approach to internal security

Internal security must be seen as encompassing a wide range of measures with both horizontal and vertical dimensions:

- **horizontal** dimension: to reach an adequate level of internal security in a complex global environment requires the involvement of law-enforcement and border-management authorities, with the support of judicial cooperation, civil protection agencies and also of the political, economic, financial, social and private sectors, including non-governmental organisations.

- likewise, we must take into account the **vertical dimension** of security at various levels: international cooperation, EU-level security policies and initiatives, regional cooperation between Member States and Member States' own national, regional and local policies.

-II-   Ensuring the effective democratic and judicial supervision of security activities

Following the entry into force of the Lisbon Treaty, the involvement of the European Parliament in the development of security policies has greatly increased, which means that effective consultation at all stages is essential. National parliaments also have a greater role to play in the work of the EU through their ability to monitor application of the subsidiarity principle and through their participation in evaluation of the implementation of justice, freedom and security policies.

The European Court of Justice becomes fully competent in this area (except as regards Member States' internal law and order and their security responsibilities). Finally, the EU's accession to the European Convention on Human Rights will also contribute to improved protection for the human rights of people in Europe.

-III- Prevention and anticipation: a proactive, intelligence-led approach

Among the main objectives of the Internal Security Strategy for the EU are the prevention and anticipation of crime as well as of natural and man-made disasters, and the mitigation of their potential impact. Whilst effective

> *We should ensure that Member States share intelligence in time to prevent crime and bring offenders to justice.*

prosecution of the perpetrators of a crime remains essential, a stronger focus on the prevention of criminal acts and terrorist attacks before they take place can help reduce the consequent human or psychological damage which is often irreparable.

Our strategy must therefore emphasise prevention and anticipation, which is based on a proactive and intelligence-led approach as well as procuring the evidence required for prosecution. It is only possible to bring successful legal action if all necessary information is available.

Furthermore, it is necessary to develop and improve prevention mechanisms such as analytical tools or early-warning systems. An applicable instrument of prevention should also be a European Passenger Names Record (PNR), that ensures a high level of data protection, for the purpose of preventing, detecting, investigating and prosecuting terrorist offences and serious crime, based on an impact assessment. This allows us to deepen our understanding of the different types of threats and their probability and to anticipate what might happen, so that we are not only prepared for the outcomes of future threats but also able to establish mechanisms to detect them and prevent their happening in the first place. For this reason, a comprehensive approach must be taken that is geared to constant detection and prevention of the threats and risks facing the EU in the various areas of internal security, and the main issues of concern to the public. A strategy to prevent and tackle threats such as organised crime is needed.

Prevention of crime means addressing the root causes and not just the criminal acts and their consequences.

Security policies, especially those of prevention, must take a broad approach, involving not only law-enforcement agencies, but also institutions and professionals at both national and local levels. Cooperation should therefore be sought with other sectors like schools, universities and other educational institutions, in order to prevent young people from turning to crime. The private sector, especially when it is involved in financial activities, can contribute to the development and effective implementation of mechanisms to prevent fraudulent activities or money laundering. Civil society organisations can also play a role in running public awareness campaigns.

EU action in the field of civil protection must be guided by the objectives of reducing vulnerability to disasters through development of a strategic approach to disaster prevention and anticipation and by further improvements in preparedness and response while recognising national responsibility. Guidelines for hazard and risk-mapping methods, assessments and analyses should be developed as well as an overview of the natural and man-made risks that the EU may face in the future. This EU-wide risk analysis should be the basis for cooperation initiatives between risk-sharing Member States and the EU in the field of civil protection and capacity planning. New risks and threats are to be identified, such as energy shortage, ICT breakdown and pandemics. Resilience of citizens as well as public and private sector to the effects of disasters are to be included in prevention policies.

-IV- Development of a comprehensive model for information exchange

An internal security policy supported by information-exchange on a basis of mutual trust and culminating in the principle of information availability. If law-enforcement authorities are to be able to prevent and act early they must have timely access to as much data as possible concerning criminal acts and their perpetrators, modus operandi, details of victim(s), vehicles used, etc.

In order to increase substantially the current levels of information exchange, we must continue to strengthen the mechanisms which build mutual trust between the authorities responsible for ensuring internal security in the EU, in order to enhance existing mechanisms, and use the Information Management Strategy to develop a secure and structured European Information Exchange Model

This model will include all the different EU databases relevant for ensuring security in the EU so that there can be interaction between them, as far as it is needed and permitted, for the purpose of providing effective information exchange across the whole of the EU and maximising the opportunities presented by biometric and other technologies for improving our citizens' security within a clear framework that also protects their privacy.

This information exchange model must always fully respect the right to privacy and protection of personal data. If a higher level of security means an increase in data exchange, it is important that that increase be managed carefully, that it be proportionate and that it respect data protection laws.

-V- Operational cooperation

The Lisbon Treaty has created the Standing Committee on Operational Cooperation on Internal Security (COSI) to ensure effective coordination and cooperation between law-enforcement and border-management authorities, including the control and protection of external borders, and when appropriate judicial cooperation in criminal matters relevant to operational cooperation. The work of this Committee will be based, above all, on national and EU threat assessments and priorities.

Stringent cooperation between EU agencies and bodies involved in EU internal security (Europol, Frontex, Eurojust, Cepol and Sitcen) must be also ensured by COSI so as to encourage increasingly coordinated, integrated and effective operations. Such players must continue to improve the provision of effective support to specialist services in Member States. In particular, Europol's capacity to support Member States' operations should be improved.

Progress should be made on the development of a cooperation framework to improve security and safety at major and mass international events.

During theFootball World Cup in Germany '06, police officers from 13 European countries were on duty in Germany, wearing their regular uniforms and having been granted law-enforcement powers.

In the field of civil protection, the EU should promote an integrated approach to cover the different phases of a crisis – prevention, response, and recovery – through the implementation of European mutual assistance and solidarity.

-VI- Judicial cooperation in criminal matters

Closer cooperation between Member States' judicial authorities is essential, as is the need for EUROJUST to achieve its full potential within the framework of applicable law. At EU level, successful criminal operations and investigations must enable us to realise the potential synergies between law-enforcement and border agencies and judicial authorities in preventing cross-border crime.

-VII- Integrated border management

As well as tackling illegal immigration, integrated border management plays an important role in maintaining security. The integrated border-management mechanism must be reinforced in order, *inter alia*, to spread best practice among border guards. The feasibility of the creation of a European system of border guards must be explored on the basis of a prior analysis. Special emphasis will have to be given to the continued development of the European Border Surveillance System (EUROSUR).

The cooperation and coordination of Frontex with other EU agencies and Member States' law-enforcement agencies is a key issue for the success of this Agency.

New technologies play a key role in border management. They may make it easier for citizens to cross quickly at external-border posts through automated systems, advance registration, frequent-traveller schemes, etc. They improve security by allowing for the necessary controls to be put in place so that borders are not crossed by people or goods which pose a risk to the Union. In that context, close cooperation between law-enforcement and border-control authorities is essential. Likewise, the law-enforcement authorities should facilitate provision of the information necessary for the implementation of security measures at borders.

The entry into force of the Visa Code, further development of the Schengen Information System as well as electronic border-control systems, such as an exit-entry system, will contribute to intelligence-led integrated border management. Dialogue and cooperation with third countries of origin and transit are also essential, for example to build up border-control capacity.

-VIII-   A commitment to innovation and training

It is necessary to work together to promote and develop new technologies through a common approach as well as cutting costs and increasing efficiency. In the field of technology, it is also important for the public and private sectors to work together. Building upon the outcome of research and development projects conducted under the Joint Research and Development Programme, the EU should develop technological standards and platforms tailored to its security needs.

The interoperability of different technology systems used by any agency or service must be a strategic objective so that equipment does not pose a barrier to cooperation between Member States on the sharing of information or the carrying out of joint operations.

A strategic approach to professional training in Europe: this objective is essential in establishing law-enforcement, judicial and border-management authorities that have advanced technology and are at the forefront of their specialisation, and in enabling European law-enforcement training to take a major step forward and become a powerful vehicle for promoting a shared culture amongst European law-enforcement bodies and facilitating transnational cooperation. For that to be achieved, European elements should be included in national training, and exchange programmes should be developed on the basis of the Erasmus model. To that end, highly trained European professionals sharing a similar culture will add value in the context of competition in a globalised society, as well as in the field of security. The European agencies and bodies, especially CEPOL, should play an important role.

-IX- External dimension of internal security/cooperation with third countries

A concept of internal security cannot exist without an external dimension, since internal security increasingly depends to a large extent on external security. International cooperation by the EU and its Member States, both bilaterally and multilaterally, is essential in order to guarantee security and protect the rights of our citizens and to promote security and respect for rights abroad. The EU's policies with regard to third countries need to consider security as a key factor and develop mechanisms for coordination between security and other related policies, such as foreign policy, where security issues must increasingly be taken into account in an integrated and proactive approach.

In terms of external security, the EU must not restrict itself just to cooperation between the law-enforcement agencies of Member States and other countries, especially EU neighbours. It is necessary to build relationships with other countries through a global approach to security, working closely with them and, when necessary, supporting their institutional, economic and social development. This system of working will mean establishing opportunities for dialogue through areas of mutual interest, concerns and the possibilities for cooperation that can be identified in each case.

> *European countries have established successful platforms in the Caribbean, Lisbon, Toulon, Accra and Dakar in cooperation with third countries in the fight against drug trafficking.*

Cooperation and coordination with international organisations in the field of law enforcement, in particular with Interpol, should be enhanced. Bilateral, multilateral and regional approaches among Member States should be developed, where appropriate, to address specific threats.

The efforts to combat transnational crime outside the EU as well and to build up respect for the rule of law are of crucial importance. Cooperation with the Common European Security and Defence Policy, especially between the EU agencies and the respective missions, must therefore to be enhanced even further. It is also very important to strengthen the participation of law enforcement agencies and Justice Freedom and Security bodies at all stages of civilian crisis-management missions, so that they can play a part in resolving conflicts by working together with all other services involved on the ground (military, diplomatic, emergency services, etc.). Special attention will have to be paid to "weak and failed States" so that they do not become hubs of organised crime or terrorism.

In this context, the Internal Security Strategy serves as an indispensable complement to the EU Security Strategy, developed in 2003 under the EU's Security and Defence Policy to address global risks and threats and to make a commitment to the social, political and economic development of global society as the most effective way of achieving effective and long-lasting security.

-X- Flexibility to adapt to future challenges

A broad, pragmatic, flexible and realistic approach, continually adapting to reality, taking into account risks and threats which could impact on citizens in a wider perspective, not focusing only on criminal aspects but taking into account risks of any kind which might create a security problem in the broader sense, as well as being attentive to the detection of any need to adapt to these changing circumstances and guaranteeing the highest levels of security for the people of Europe.

3. NEXT STEPS

Following the Action Plan for the implementation of the Stockholm Programme, the Commission will adopt a Communication on the Internal Security Strategy which will include action oriented proposals. Further developing, monitoring and implementing the Internal Security Strategy must become one of the priority tasks of the Standing Committee on Operational Cooperation on Internal Security (COSI). Furthermore, according to the Stockholm Programme, the Commission will consider the feasibility of setting up an Internal Security Fund to promote the implementation of the Internal Security Strategy.

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