

Intervention - Borsellino report

11 April 2011

Working document 1 is a very extensive and useful presentation of the historical background and structural levels of the common internal security policy of the EU. Working doc 2 sets out very clearly the three main dimensions of work, focusing on cooperation on every level, namely:

- a) the internal and the external dimensions of the EU's internal security policy and task- sharing, which I think is the most important issue after founding the EEAS;
- b) cooperation between the agencies and security services of member states on multilateral levels, possible forms of this work etc.
- c) cooperation between the EU's own agencies.

My problem is why the working documents do not refer to or take account more concretely of the Commission's report which is the benchmark for us on this topic?

The part of the working doc dealing with parliamentary control of security agencies is indeed an important issue, however - and this is my main problem with the working doc - is a bit too political (over-politicized) and less professional. I think we should overcome the fight and the infantile debate between the Parliament and the Council and we need more rational and practical ways in order to find the best solution together.

Hereby some bulletpoints showing concrete problems missing or losing priority from the ISS in spite of the necessity to mention them:

1. The role of intelligence and secret services in internal security cooperation. Subsidiarity remaining the leading principle how can common action and multilateral cooperation be facilitated under the umbrella of the EU. It does not define clearly task division and cooperation forms between internal and external security bodies, namely what is needed to prevent parallelities and improve fusion mechanisms. The possibility of cooperation between military and civil secret services need to be analyzed, as both in terms of terrorism and organized crime or the nexus between the two and given that real life has long transcended institutional differences and borders.

2. Implementation of the Stockholm Program requires a change and the harmonization of decade-long practices, technics and language. An important step in this process is the establishment of security agencies enabling the integration of differing MS practices. Precondition to integration is mutual trust. In this respect MS view of internal and external security issues seems to be two different sides of the coin. To develop cooperation, harmonization of operational measures or creation and running of common databases will need to involve a major rethink. The MS law enforcement authorities are even more open to multilateral cooperation and the sharing of information in respect of international, borderless crime which spans more countries and therefore needs common action (terrorism, drug trafficking, corruption or human trafficking) than in handling national political extremities or corruption scandals and the data relating to political, economic or financial information. How can we contribute to the inevitably needed development of common security culture and language?

4. Handles terrorism and organized crime separately instead of their rather obvious intertwinement and thus the contact points for their strategic separation need to be defined.

5. It lacks mentioning of the so-called centers of gravity in connection with organized crime (this shows the geographical concentration of different types of crimes). Trend analysis is missing. For instance the emerging crimes such as medicine counterfeiting.

6. Will there be an EU PNR? Answers are incoherent: „Flights entering and leaving the EU” - and what about the connecting transport infrastructure?

7. Fight against money-laundering is neither linked to terrorism-financing nor to corruption. Role of the NGOs is not mentioned at all!

8. The status of Europol is not clarified, lacking this does not help efficiency. What way can we make Europol's databases and assessment systems more proactively accessible for the MS? Will Europol have an operative role? Europol: in order to tackle cybercrime more effectively, Europol's role and capabilities need to be strengthened. Convergence of investigations related to cybersecurity and cybercrime is natural as on practical level it is usually the same staff working on both kinds of cases.

9. Cybersecurity:

The question of legislation: we support union level legislation in order to avoid handling the case at inappropriately low levels in the administrations of Member State governments. This needs to be in line with the need of smaller as well as the requirements of larger Member States. There used to be an EU CERT (Computer Emergency Response Team) in the 1990s but it failed in 1996, thus instead we suggest

providing legal, institutional and financial support to European Government CERTs (EGC) group in order to shift cooperation from technical level to appropriate political level as well.

EU-NATO: We urge a close cooperation between the NATO CERT and a strengthened EGC in order to avoid duplication and ensure to deepen the relationship between these close allies.

An important task ahead is the alignment of data protection and privacy laws with cybersecurity needs.

ENISA: we agree with the strengthening of ENISA, the goal is to make sure that ENISA can play a defining role in Europe's cybersecurity even on operational level in case of the EU institutions to make sure general cybersecurity levels are on an equally high level among the Member States.

In line with the above suggestions I will contribute to the drafting work with more concrete amendments.