

## SOURCE Legal Card – Communication from Commission on The European Agenda on Security (EAS)

By Lina Vosyliūtė, Justice and Home Affairs Section, CEPS

### BACKGROUND

- In 2010 [Council adopted and the European Council endorsed Internal Security Strategy over the period for 2010 – 2014](#). This strategy proposed the new **European Security Model** after the Treaty of Lisbon and ‘communautairisation’ of Third pillar.
- On 27 of June, 2014 the [European Council conclusions](#) called on the Commission to review the EU Internal Security Strategy of 2010 and to adopt new strategy by the mid-2015. The strategy identifies „main common threats and challenges“ and calls for strengthening „comprehensive and coherent“ approach, as well as links internal and external security factors.
- On 15 of July, 2014 - [President Juncker’s political guidelines](#) identified the re-newal of the EAS, as a priority to the Commission.
- On 4 of December, 2014 the [draft Council conclusions](#) set out the priorities for the renewed Internal Security Strategy.
- On 17 of December, 2014 the [EP issued a resolution on renewing the EU Internal Security Strategy](#). EP called „comprehensively evaluate the implementation of the measures adopted in the area of internal security before the entry into force of the Lisbon Treaty“ (Article 70 TFEU) before making new Strategy.
- On 28 of April, 2015 the Commission adopted the [European Agenda on Security](#) (EAS), which is a building block towards the EU’s [Internal Security Strategy](#) over the period 2015-2020. The EAS is a reponse to external and internal security threats in the EU, such as „**instability** in the EU’s immediate neighbourhood“ and various „changing forms of **radicalisation, violence and terrorism**“. The EAS identified **terrorism, organised crime** and **cybercrime** as three main priorities. These priorities are seen as „interlinked areas with a strong cross-border dimension“, thus providing basis for cooperation and joint action by the Union.

## THE CONTENT - ANTI-TERRORISM PRIORITY

The EAS foresees tackling terrorism and radicalisation in a following ways:

- To bring together its anti-terrorism law enforcement capabilities in a **European Counter-Terrorism Centre** within the Europol.
- To step-up cooperation with **private sector** by launching an EU Forum with IT companies to help counter terrorist propaganda and addressing concerns about new encryption technologies.
- To improve the fight against terrorism financing, namely, to assess possible benefits of additional measures relating to the **freezing of terrorist assets** under Article 75 TFEU, to illicit trade in cultural goods, to the control of forms of payment such as internet transfers and pre-paid cards, to illicit cash movements and to the strengthening of the Cash Controls Regulation.
- To update the **2008 Framework Decision on Terrorism** in line with the UN Security Council Resolution 2178 requiring criminalisation of foreign-fighters travels and following the adoption of the additional protocol to the Council of Europe convention of terrorism. The Commission will propose a directive harmonising the criminalisation of offences linked to terrorist travel, passive training, financing and facilitation of such travel.
- **In tackling extremism**, to address any gaps in the response to incitement to hatred and hate speech online.
- To re-prioritise the EU's policy frameworks and programmes for education, youth and culture as to cover **anti-radicalisation**.
- To focus on the **prevention of radicalisation in prisons**, and develop effective **disengagement/de-radicalisation programmes**.
- To launch the **RAN centre of excellence** and extend the anti-radicalisation work with Turkey, the Western Balkans, the Middle East and North Africa.

## THE CONTENT - ORGANISED CRIME PRIORITY

- The EAS calls to extend the work of the **EU Policy Cycle** to neighbouring countries, in particular, the participation of their law enforcement agencies in the operational cooperation. On the other end, EAS aims to involve **local authorities** “alongside the work of law enforcement and judicial authorities” and the **European Union Crime Prevention Network** as to enable multi-disciplinary approach, as to prevent and counter the Organised Crime (OC).
- **Anti-money laundering (AML)** and **follow the money trail from the OC**: to link **AML** and **anti-terrorist** financing regimes; to enhance cooperation between the **Asset Recovery Offices** and the **Financial Intelligence Units** as to enable easier exchange of information; to amend [Directive on asset confiscations from criminal proceeds](#) (2014/42/EU) as to include possible measures for **non-conviction based confiscation**; to improve the **Mutual Recognition of freezing and confiscation orders**;
- **Arms trafficking**: to review and strengthen **legislation on firearms**, as common approach is needed on the neutralisation and de-activation of firearms to prevent reactivation and use by criminals. Trafficking of firearms has a crucial external dimension, thus **operational plans** fighting firearms are foreseen in the Western Balkans, the Middle East and North Africa.
- **Migrant smuggling**: to launch joint actions and cooperation strategies with key third countries to combat smuggling of migrants. This priority is further elaborated within the European Agenda on Migration.
- **Human trafficking**: to implement [EU Anti-Trafficking Directive](#) (2011/36/EU) which strengthens cooperation among the Europol and Eurojust “through coordinated and coherent approach” and to adopt a **post-2016 strategy on human trafficking**.
- **Illicit drugs**: to adopt **new legislative framework** as to tackle proliferation of new psychoactive substances; to assess the progress and success of the EU drugs action plan 2013 – 2016.
- **Environmental crime**: to strengthen compliance monitoring and enforcement by training and approximation sanctions.

## THE CONTENT – CYBER-CRIME PRIORITY

The EAS calls for reinforcing the tools to fight cybercrime:

- To strengthen **Europol's European Cybercrime Centre** as to become a central information hub for law enforcement in the area.
- To review obstacles to criminal investigations on cybercrime, notably on issues of competent jurisdiction in gathering electronic evidence. Eurojust is called to facilitate challenges of **accessing e-evidence** and **its admissibility** in court.
- To enhance dialogues with the **IT industry** in order to respond to cybercrime swiftly with the involvement of the entire chain: from the European Cybercrime Centre, Computer Emergency Response Teams in the Member States concerned by the attack, to internet service providers that can warn endusers and provide technical protection.
- Enhancing **cyber capacity building** action under external assistance instruments and promoting **international cooperation**.
- To complement the 2013 **EU Cybersecurity strategy** by a swift adoption of the [proposal for a Directive on network and information security](#) (COM(2013) 48 final).
- To ensure full implementation of the [Directive on attacks against information systems](#) (2013/40/EU), which criminalises the use of malicious software and other cyber-crime tools and strengthens the framework for information exchange on attacks among the law enforcement authorities.
- To address and prevent child sexual abuse online across the EU by implementing [Directive on child sexual exploitation](#) (Directive 2011/92/EU), which approximates national legislation on this emerging issue.
- To review and extend [Framework Decision on combating fraud and counterfeiting of non-cash means of payments](#) (2001/413/JHA) as to address newer forms of crime, such as virtual currencies and mobile payment, with proposals in 2016.

## THE COMMENTS AND CONCLUSIONS

- Since 1 of December 2014 police and judicial cooperation falls within normal EU legal order, but the EAS is framed from a rather **intergovernmental approach**. Though EAS is defined as a “basis for cooperation and joint action by the Union”, the majority of tools relies on the coordination among the MS (i.e. Asset Recovery Offices and Financial Intelligence Units).
- EAS covers existing initiatives and promotes pending ones in the area of internal security, and aims to **extend the competences of EU level agencies**, in particular of the Europol and its centres.
- **Prioritisation** of ‘terrorism’, ‘cyber-crimes’ and ‘organised crimes’ as three main EU security challenges helps to focus the resources and tools. However, the ‘**organised crime**’ priority is used as an **open-ended list** to include any other crimes.
- The **over-arching anti-terrorism approach** is employed as to establish links between three priorities.
- Whereas it is welcomed that EAS provides **strategic direction for funding** from Internal Security Fund, the use of other financial instruments (i.e. Horizon 2020 for research and innovation, European Structural and Investment Funds, the EU Justice programme, etc.) raises concerns, as ‘security’ should not **be overriding other legitimate aims of the other funds**.
- **Fundamental rights, transparency, accountability** and **democratic control** are mentioned among the **key principles** guiding the implementation of the EAS (See section 1). However, EAS takes on the ‘**efficiency for the law-enforcement**’ approach and aims to improve the **information exchange** (See sub-section 2.1), and to increase the **Operational cooperation** (See sub-section 2.2). **Prevailing reliance agencies and networks outside realm of criminal justice** (i.e. national authorities, specialised agencies, as well as inclusion of local authorities and private companies) fall outside the rule of law checks and balances, democratic scrutiny and accountability and thus are highly prone to **violate fundamental rights**.



## REFERENCES

- Commission, **The European Agenda on Security (EAS)**, Strasbourg, 28.4.2015 COM(2015) 185 final.
- Council, **Conclusions of 25.2.2010 on Internal security strategy for the European Union: Towards a European security model**, (adopted by the Justice and Home Affairs Council at its meeting on 25 and 26 February 2010 and approved by the European Council on 25 and 26 March 2010).
- Commission, **An open and secure Europe: making it happen**, Brussels, 11.3.2014, COM(2014) 154 final.
- President Jean-Claude Juncker. **A New Start for Europe. My Agenda for Jobs, Growth, Fairness and Democratic Change**. Political Guidelines for the next European Commission, 15.7.2014.
- European Council Conclusions EUCO 79/14 of 27.6.2014, Brussels, 27 June 2014.
- European Parliament resolution of 17 December 2014 on **renewing the EU Internal Security Strategy (2014/2918(RSP))**.
- Council Conclusions of 4.12.2014 **on the development of a renewed EU Internal Security Strategy**, Brussels, 4 December 2014.



**SOURCE**

Societal  
Security  
Network

