

The European Agenda on Security: Protection of what?

- A Literature Review

No. 28 August 2015

By Matthias Vogl

In April 2015, the European Commission adopted its “European Agenda on Security” (hereinafter Agenda). The Agenda is another example in a long list of reference documents in the framework of the so-called “Area of Freedom Security and Justice” (AFSJ). Looking at the content of Agenda, one can find that apart from a relatively logical structure with five key principles, three priority areas and three major elements for implementation, there are basic points of discussion that characterize this document. The first concerns the fragile balance between security calculations and the safeguarding of civil liberties. The second concerns the actors who cooperate in the implementation of the Agenda and the third concerns the link between internal and external security. Each of these three issues pose an enormous challenge for the European Union (EU).

The official goal of the Agenda is to build “an EU area of internal security” until 2020. On the way to achieving this goal, the document functions as an overarching umbrella. It makes policy proposals which might eventually be transformed into new or updated specialized area strategies. The Agenda, rather than being a strategic document, is a document to give more general guidance and direction in this web of partly overlapping strategies.

After the attacks on Charlie Hebdo in January 2015 it is not really surprising that when looking at the wording of the Agenda, “security” plays a dominant role. Ever since internal security began to play a role on the European level, the focus of the EU’s internal security policy has been “incident-driven” (Strambol, Strazzari, 2015). Examples include 9/11 as well as the attacks in Madrid and London 2004 and 2005. While some of the political priorities of Commission President Jean-Claude Juncker,

focusing on fundamental rights, data protection, mutual trust, and democratic accountability are actually being reflected in the general principles of the Agenda, Chris Jones from Statewatch (2015) criticizes that the latter part is almost exclusively dedicated to security measures. Referring to a Council of Europe (CoE) report, which was published one day after the Agenda, he regrets that there is no mentioning of judicial procedures and other elements of what the CoE calls “democratic security”. The emphasis on vigilance and threat is an assessment shared by Didier Bigo et al. (2015). As Bigo is known for his critical Paris School approach to European internal security policy, this is not surprising. The paper is particularly critical of the plans for a European Passenger Name Record (PNR) system. Therefore, instead of a further “securitization”, the authors plea for an alternative model of European security and a European Agenda on Security AND liberty. The general fear that is reflected in these opinions is that “the burden of proof” may shift from state institutions to the citizen “while (...) actual effectiveness (...) is far from proven“ (Argomaniz, Bures and Kaunert, 2015, p. 200). It remains to be seen whether the principles stated in the Agenda will find sufficiently strong supporters to avoid a total preponderance of “security” compared to liberty.

One important actor in this context is the European Parliament (EP). Since the ratification of the Lisbon Treaty the EP fully participates in the law-making of the AFSJ. Argomaniz, Bures and Kaunert (2015, p. 200) therefore state that the EP has transformed from a “critical but impotent actor” into a “key player”. At the same time, the EP having this new position is under pressure to become a “responsible partner”. Regarding the Agenda, the EP adopted a resolution by 205 votes to 204 with

184 abstentions in July 2015 (Parltrack 2015/2697 (RSP)). This close result and the emphasis on prevention, coordination and the safeguarding of basic freedoms shows that the critical nature of parliamentary scrutiny did not vanish with the extension of powers after Lisbon.

Although the Agenda was presented by the Commission as the major document in the field of internal security, it is not easy for an observer to determine if this is really true. The Internal Security Strategy (ISS) existing since 2010 was a purely intergovernmental undertaking by the then Spanish Presidency. The EP and the Commission were not happy to see this document drafted behind closed doors. As a reaction, as Bossong and Rhinard (2013, p. 53) remark, the Commission contributed with its own interpretation of the ISS. It had obviously been striving for a stronger position in this policy field since 2006. With the Agenda it has further developed its role as a policy entrepreneur. Following the Commission's call to see it as a "shared agenda" (Avramopoulos, 2015) between the EU level and the Member States, the Justice and Home Affairs Council decided that its June 2015 Conclusions together with the Agenda shall form the renewed Internal Security Strategy (Draft Council Conclusions, 10 June 2015). The general tone reflected a much closer cooperation than five years before. However, in its June Council Conclusions, the European Council held that "further to the Commission's 'European Agenda on Security' and the Council conclusions of 16 June 2015, work will be taken forward on the renewed European Union Internal Security Strategy; full implementation of the orientations on the fight against terrorism agreed at the February 2015 meeting remains a priority" (European Council meeting (25 and 26 June 2015) – Conclusions). The latter provision shows that although progress has been made, the underlying institutional tension between Member States and the Commission will certainly not disappear over night.

The European Council's focus on the fight against terrorism is also reflected in the priorities of the Agenda. This is neither new nor surprising. Since 9/11, which functioned as a "game changer", a continuous upscaling of the EU's role in counter-terrorism has taken place. Argomaniz, Bures and Kaunert (2015) give a comprehensive overview over this development in a recent special issue of

"Intelligence and National Security". One can also find further literature recommendations on the topic in this volume. While there is no doubt that the EU has increased its "presence" (ibid, p. 201) in this field not only through more coordination and legal measures but also through new and strengthened institutions like Europol or Eurojust, the authors come to the conclusion that the EU still plays a subsidiary role compared to the Member States (Ibid, p. 201). Hence, there is not only a tension between freedom and security but also between the different levels of policy-making; as the monopoly of the legitimate use of force is one of the most fundamental elements of national sovereignty.

Against this background, the Commission's Agenda offers a mixed approach to enhance coordination but also to strengthen the EU's institutional base. While there has been a whole bunch of measures over the years, the Agenda does not call for more laws but for a full and more effective implementation of existing legislation and mechanisms (e.g. the Prüm Treaty on the comparison of DNA profiles, fingerprint data and vehicle registration data) or an adjustment of older initiatives (e.g. a new legal basis for Europol Common rules but also common rules on data protection). Furthermore the Agenda proposes the opportunity to form Joint Investigation Teams to be used more extensively. Mutual recognition of judicial decisions is necessary to create a European space of judicial cooperation in criminal matters. Another important pillar of the strategy is the focus on training, funding (Internal Security Fund) and the promotion of security-related research and innovation.

One of the measures reported in the media is the creation of a European Counter-Terrorism Centre (Mussler, 28.04.2015). The EP in its resolution on the Agenda asks for more concrete steps in this regard. It also asks for a more elaborated strategy of how to deal with so-called "Foreign Fighters" (European Parliament resolution of 9 July 2015). In the field of radicalization prevention, the Agenda requests the development of a "counter-narrative", however, without explaining what this narrative should look like. Nevertheless, an important insight is that it is particularly local actors that have to be empowered in order to deal with the challenge of radicalization.

Regarding organized crime, the focus is on all kinds of trafficking and on the control of firearms. For the third priority area, which is cyber-crime, obstacles to criminal investigations shall be overcome and the cyber security strategy of 2013 shall be implemented properly. In this field, cooperation with the private sector seems indispensable to build resilient structures. This is especially true for the field of critical infrastructure. Awareness-building is therefore of utmost importance also regarding data power (Limnell, 2015). However, while the Agenda speaks of “a new approach to law enforcement in the digital age”, commentators also ask for a cyber-security policy that is transparent, participatory and accountable, which leads back to the initial tension between freedom and security (Bendiek, 2012).

The cyberspace is also a sector where the border between the internal and the external is blurred. Hence, the Agenda recognizes the enormous need for coordination with the stakeholders in the field of external relations, which is also being reviewed at the moment. While the request for more political dialogue is nothing new, the suggestion to organize a “Round of Eminent Persons from Europe and the Muslim world” seems an approach that reflects openness and offers the EU a channel to more publically promote its assumption that a peaceful Islam in a peaceful Europe is possible. Furthermore, the UN states, that at least in the field of counter-terrorism, counter-terrorism clauses and capacity-development have contributed to enhancing the EU’s actorness (Argomaniz, Bures and Kaunert, 2015, p. 198). However, as long as the number of Commissioners responsible for the areas touched on in the Agenda remains that high, shortcomings in the coordination of policies will remain.

Thus, while there has been a kind of “path dependency” towards more Europe in the field of security and protection, the political struggles around the question of what shall be protected at all will continue: Security or liberty? National sovereignty or European interests? European borders or the European political and societal model? The European Agenda on Security is only

a cog in the wheel of finding answers to these long-term challenges.

Matthias Vogl is a Research Fellow at ZEI and a Coordinator of the WAI-ZEI Project on “Sustainable Regional Integration in West Africa and Europe”

Literature and Further Reading:

Argomaniz, Javier; Bures, Oldrich & Kaunert, Christian (2015): A Decade of EU Counter-Terrorism and Intelligence: A Critical Assessment, *Intelligence and National Security*, 30:2-3.

Bendiek, Annegret: *Europäische Cybersicherheitspolitik*, SWP, Berlin 2012.

Bigo, Didier et al.: *The EU Counter-Terrorism Policy. Responses to the Attacks in Paris: Towards an EU Security and Liberty Agenda*. CEPS Papers in Liberty and Security in Europe. No. 81, February 2015.

Bosson, Raphael and Rhinard, Mark: *The EU Internal Security Strategy. Towards a More Coherent Approach to EU Security?*, *Studia Diplomatica* 2013, LXVI-2.

Commissioner Avramopoulos presents European Agenda on Security at European Parliament, Strasbourg 28 April 2015. http://europa.eu/rapid/press-release_SPEECH-15-4885_de.htm

Draft Council Conclusions on the Renewed European Union Internal Security Strategy 2015-2020. European Council meeting (25 and 26 June 2015) – Conclusions.

European Parliament resolution of 9 July 2015 on the European Agenda on Security (2015/2697(RSP)).

Jones, Chris: *Analysis Full compliance: the EU’s new security agenda*, May 2015.

Limnell, Jarno: *Europe must play stronger role in cyber security*, *EUObserver*, 10.07.2015. <https://euobserver.com/opinion/129560>

Microsoft: *Europe’s Cybersecurity Push*, *Politico*, 19.06.2015. <http://www.politico.eu/sponsored-content/europes-cybersecurity-push/>

Mussler, Werner: *Commission will Antiterrorzentrum*, *FAZ.net*, 28.04.2015. <http://www.faz.net/aktuell/politik/europaeische-union/eu-kommission-will-antiterrorzentrum-13564404.html>

Parltrack 2015/2697 (RSP).

Stambol, Eva Magdalena and Strazzari, Francesco: *Counter-terrorism in Europe. Which questions should we ask ourselves after the terrorist acts in Europe the last few months?*, *Norwegian Institute of International Affairs*, 1 July 2015.

ZEI Insights are part of the Research Project - Governance and Regulation in the EU: [The Future of Europe](#)

ZEI Insights provide commentary and critical analysis on governance and regulation issues related to the future of the European Union. Authors are responsible for their own views.