



THE EU AND 21ST CENTURY SECURITY



Spring 2014



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THE EU AND 21ST CENTURY SECURITY

Report of the roundtables

Co-organised by *Friends of Europe*, Security & Defence Agenda

and the European Commission Directorate General for Home Affairs

The Rome roundtable has been organised in cooperation with Istituto Affari Internazionali

Spring 2014

in cooperation with



This report reflects the roundtables rapporteurs' understanding of the views expressed by participants. Moreover, these views are not necessarily those of the organisations that participants represent, nor of *Friends of Europe* and Security & Defence Agenda, their Board of Trustees, members or partners.

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FOREWORD

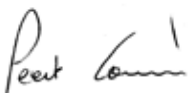
The cost of corruption to the EU's economy is €120 bn a year, according to the European Commission. Soaring corruption is just one of the problems the EU has to deal with in addition to cross-border crime, counter-terrorism and radicalisation, cyber-crime and security and crisis management. These all go against the fundamental values and well-being of European citizens.

Organised crime is multinational, using and abusing the freedoms of the European single market, the free movement of people as well as goods, and Europe's economic links with the world. There is no quick and easy fix to the challenges the EU faces, but a step in the right direction is to develop a much more comprehensive policy approach. Such an approach should take into account the assessment of both internal and external aspects of security. Cooperation between actors in the field should be improved, so policymakers need to determine more effective ways to enhance the EU's added-value for its member states.

With the end of the Stockholm programme, the Security & Defence Agenda and *Friends of Europe* in co-operation with the European Commission Directorate General for Home Affairs, brought together key stakeholders to discuss the next practical steps to be undertaken by the EU in this field. Over 200 of them from European, international and national institutions along with representatives of business, civil society and academia came together in meetings organised in Rome and Berlin to seek to share concrete suggestions on the shape and contents of the post Stockholm framework. This report presents an overview of their discussions and key recommendations.



Giles Merritt
Chairman
Security & Defence Agenda



Geert Cami
Co-Founder & Director
Friends of Europe



Stefano Manservigi
Director General for Home Affairs
European Commission

KEY RECOMMENDATIONS

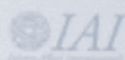
The recommendations below have been synthesized by the rapporteurs of the two meetings and are based on the discussions during the roundtables.

- Concentrate on the implementation and enforcement of existing legislation, rather than creating new laws.
- Work with the private sector to develop more effective anti-corruption monitoring mechanisms for Europe.
- Work more closely with third party countries through summits and workshops to raise awareness and fight against criminal organisations, as well as border control issues, such as illegal migration and human trafficking.
- Promote anti-corruption initiatives internationally, through bilateral trade agreements and adoption of the OECD Anti-Bribery Convention.
- Diminish the role of Europol's national units, and create branch offices in member states to deal with specifically supranational issues.
- Overcome member state reticence, and create permanent regional joint investigative teams.
- Create EU certification for training programmes in ethics and compliance for the private sector.
- Encourage the creation of degree and training programmes specialising in the use of information technology to respond to cyber-crime.
- Develop a strategic plan to implement ethics classes in education systems throughout Europe.
- Develop a “cross-pillar” approach that would combine, for instance, military crisis management and development policies, and provide the necessary framework to respond to rising security challenges in the European neighbourhood.
- Put in place more inclusive social policies to prevent the emergence or development of European home-grown terrorists.
- Support more harmonisation among member states for the implementation of policies and strategies already adopted on cyber-security.
- Work towards the full implementation of instruments on police exchange, collection and storage of information such as Schengen Information System, Visa Information System and the Prüm Convention.
- Develop a strategy on cloud computing, envisioning the creation of flexible systems and quicker decision-making processes.
- Increase training for young skilled people to be employed in the cyber-security sector.

Opening remarks



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The EU and 21st Century security:
Preparing for an uncertain future

Monday, 25 November 2013
Domus Pacis Torre Rossa Park, Rome



The EU and 21st century security: Preparing for an uncertain future

Report of the workshop in Rome on 25 November 2013

Security & Defence Agenda (SDA) and the European Commission with the support of Istituto Affari Internazionali (IAI) organised a workshop on "The EU and 21st Century security: Preparing for an uncertain future" to look at future challenges to the EU's internal security, with a particular focus on terrorism and cybercrime, to identify lessons learned and good practices, and to make concrete policy suggestions for the future development of home affairs policies after the end of the Stockholm Programme framework (2010-2014).

Discussions on the challenges Europe will face in the near future focused on five key areas: political, human, technological, economic and environmental resources. Globalisation has made states, institutions and people more interconnected, while the rise of emerging powers and the increasing influence of non-state actors has triggered worldwide changes. New technologies have brought positive developments but increased the likelihood of cyber-crimes and cyber-attacks. Interdependent financial markets are at risk of cascading crises. Climate change is likely to have negative effects on certain areas, and resources such as water, food or energy will become scarce. Low-quality infrastructure might worsen the effects of natural disasters. The scarcity of resources at the global and European level will continue to put significant constraints on the fight against organised crime.

The distinction between external and internal security threats is increasingly more difficult to make, with external threats likely to become internal if not properly addressed. Europe can expect to welcome an additional 60 to 100 million migrants in the coming years. In an increasingly diverse European society, events in the European neighbourhood will directly influence relations between different European ethnic and religious communities, challenging European integration and social cohesion as well as European values.

External threats on the EU's borders, including instability in the Sahel or the war in Syria, have a significant impact on European security. Tackling these threats requires a Europe-wide comprehensive approach under instruments,

which are part of the Common Security and Defence Policy (CSDP) framework, that are better connected to all EU crisis management instruments. Such a comprehensive approach as well as more coordination between the EU's internal and external policies and between individual member state policies are required to tackle the root causes of these challenges, rather than their consequences. A multi-stakeholder approach could also help address the challenge posed by the global economic crisis and the subsequent polarisation between the “haves and have-nots”, which contributes in turn to youth radicalisation and social unrest.



From left to right: **Stefano Manservigi**, Director General, European Commission, Directorate General for Home Affairs and **Shada Islam**, Director of Policy at *Friends of Europe*

The cyber-security versus privacy debate

Panellists and participants agreed that cyber-security has become a sensitive issue following National Security Agency/Central Security Service (NSA/CSS) Edward Snowden's revelations about America's global cyber spying operations. The NSA/CSS spying scandal has heightened EU citizens' concerns about privacy and data protection. Clearly, the right to privacy can only be restricted by law. The fight against crime must respect human rights, and therefore, there must be a balance between security and privacy. As speakers pointed out, there is a need to differentiate between privacy and anonymity. Existing international provisions, such as the European Convention on Human Rights and Fundamental Freedoms, offer an adequate level of privacy protection, while allowing certain restrictions necessary in a democratic society. The Council of Europe, which works with the EU on a number of programmes on Justice and Home Affairs, also has two international conventions applicable to cyber issues: the Budapest Convention on Cybercrime and the Data Protection Convention, both of which are open to third countries.

Cyberspace encompasses virtually every sector of the economy, and the consequences of a system failure can be shattering. Yet, the cyber security field is still new, and no standard doctrine exists. Some 35 cyber security strategies are publicly available, and 34 of them mention the importance of public-private collaboration. Cyber is a collaborative field by nature because: (1) social networks and Internet Service Providers (ISP) are privately-owned, (2) most governments do not have sufficient financial and human resources to act independently, and (3) cyber space has no borders.

Government and private sector efforts in the cyber security field should be further supported by the EU. Enforcing strict data protection standards might raise the costs to IT companies, which in turn could seek to move to other markets with more lax standards. A single negotiating position adopted by all EU member states could prevent such situations, and enforce governments' negotiating position vis-à-vis the industry. The EU should be involved only where it can provide a clear added value, and its actions should be guided by the principles of subsidiarity and proportionality.

Europe could act as a facilitator amongst international organisations, such as the Council of Europe and EU governments, in order to ensure policy coherence. Stronger coordination within member states is also needed as often national institutions adopt diametrically different positions in the field of cyber security and privacy protection. Inter-operability among cyber security instruments and institutions, such as the EU Cybersecurity Strategy, Europol and National authorities and law enforcement units dedicated to the task, should be enhanced and transparency ensured.

Referring to cyber-crime, one participant noted the shift from a “downloading culture” to web streaming and cloud services, and underlined the speed with which proof disappears. Before proposing new policies, it is important to fully optimise existing measures, such as police cooperation and EU action against organised and serious international crime, in accordance with the Stockholm Programme.

Towards a multi-stakeholder approach

Security is mainly about data gathering, law enforcement and judiciary, but in the field of critical infrastructure protection, it is crucial to ensure an active collaboration of owners of the facilities. The same applies to security of mass events. New EU leaders to take up their jobs in 2014 should establish a social pact on security between citizens and institutions. The aim of security measures, namely to protect human rights and European values, should be better communicated to citizens. The EU could promote a network of actors, public and private, and reduce the gap between policy-making, decision-making and actors on the ground.

The EU, in particular the European Commission, has so far passed legislation, written policy documents, provided practical facilitation and risk assessment. There is a common definition of terrorism, establishing a shared definition of terrorism and its sanctions. However, the Syrian conflict revealed a new dimension of an already known problem, that of foreign fighters, people travelling from Europe to fight in the civil war. Reflections are on-going on the need to

further expand the common definition of terrorism, so as to cover travel and passive training.

Europe needs a common and global picture of the security challenges it faces in order to work to mitigate them, facilitate common understanding of the challenges, and build political consensus among actors on key priorities. A recent development in this respect has been the work done on preventing terrorist recruitment and radicalisation. In this context, the EU should continue to rely on a comprehensive approach based on a mix of legislation, policy instruments and concrete facilitation steps. To this end, the Commission has developed joint exercises and collaboration projects such as ATLAS, a joint training programme for counter-terrorism police units and Airpol, a network of all EU airport police bodies in charge of protecting the non-aviation parts of airports. Classified handbooks are prepared to share best practices. Such initiatives are concrete examples of progress achieved in making airports safer at no extra cost. Similar risk assessments in urban and mass transportation are also needed.



From left to right: Col. Janos Szonyegi, Head of the Strategic Analysis Branch, Strategic Plans and Policy Directorate, NATO ACT; Agostino Miozzo, Managing Director, Crisis Response Department, European External Action Service; Ambassador Ferdinando Nelli Feroci, President of the Istituto Affari Internazionali; Giles Merritt, Chairman of the Security & Defence Agenda and Noman Benotman, President and Head of Research, Quilliam

Crime in Europe is on the increase while the financial crisis has slashed governments' security budgets. The absence of major security attacks makes increasing financial efforts difficult to justify. To maintain a sufficient level of protection, states have had to decrease security-related investments, thereby reducing future capacity to prevent and prosecute crimes. Identification of the source is fundamental to determining the correct response to cyber crime. Cooperation among member states can overcome the lack of resources in a global phenomenon which cannot be addressed by a single country. European countries and the EU, making use of the Europol framework, should pool and share their cyber security technological tools and increase training for skilled young people who could be employed in the sector.

Cyberspace has created a new dimension for criminals. In 'conventional' crimes there is a crime scene and a physical investigation. In cyberspace millions of euros can be stolen within minutes. In cyberspace it is difficult, if not impossible, to trace criminals, who often operate in countries which do not have extradition agreements with the EU, have no interest to cooperate on these matters, or simply do not have the capacity to deal with these issues. Cloud services are a blessing for criminals as they can store their data in clouds provided by accomplices from 'secure' locations. Another useful tool for criminals are so-called darknets, private networks that are very difficult to penetrate by law enforcement agencies.

The fight against cyber crime has to be a collective effort, yet there is a lack of education about the use of the internet, social media and other digital resources. Only a few people outside the tech industry are aware of the results of European security-enhancing efforts, and there is no clear method to assess the effectiveness of security measures.

The workshop highlighted the importance of cooperation among EU member states, EU institutions as well as third party countries and international organisations to adopt common policies and legislation, and to set up common standards on security. To better respond to problems and threats member states and the EU should adopt a fact-based and practical approach. Recommendations made by participants include the allocation of more resources to monitor evolving cyber threats and to involve the tech-savvy young generation in the improvement of security of cyber networks and infrastructures.



**CROSS BORDER CRIME AND
CORRUPTION IN EUROPE**

WORKSHOP ON THE IMPACT OF THE CRIMINAL
JUSTICE SYSTEM

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CROSS-BORDER CRIME AND CORRUPTION IN EUROPE: WHAT NEXT AFTER THE STOCKHOLM PROGRAMME?

Report of the roundtable in Berlin on 20 January 2014

The policy roundtable 'Cross-border crime and corruption in Europe: What next after the Stockholm Programme?', organised by *Friends of Europe* and the European Commission, in partnership with the Security & Defence Agenda, and held under Chatham House rules in Berlin on 20 January 2014, brought together stakeholders from all areas of European society to discuss practical steps to follow in the field of home affairs.

Organised crime and corruption in the European Union today are practices which go against the fundamental values and well-being of European society. Corruption in particular has a great impact on the credibility of the EU, its institutions, and policies, at a moment when these issues are under increasing scrutiny, not least because of upcoming European Parliament elections and leadership changes at key EU institutions.

"The discussion on what will replace the Stockholm Programme¹ requires a technical and systemic examination of the EU's response to organised crime and corruption," noted a speaker. Key features of the EU's economic profile – the integration of the single market, free movement of people and goods, and Europe's economic links with the rest of the world – are inadvertently assets for criminal organisations operating across the EU.

From this perspective, organised crime functions as a multinational enterprise, using and abusing the freedoms gained by European integration. The main issues in the debate on organised crime are: human trafficking, counterfeiting, money laundering, links to terrorism, illegal markets for weapons, and drug consumption and production.

In addition, corruption poses risks to economic behaviour and political credibility, contributing to the lack of trust in politics. Conservative estimates suggest that corruption costs European society billions of euros annually. For example, in a report commissioned by the European Anti-Fraud Office (OLAF), it was found that the financial cost of corruption in public procurement in only five sectors in eight member states was around 2 billion euros in 2010.²

Participants were asked to consider four areas in the discussion:

1. How to assess the common risk to the EU and its member states and to develop common criteria and knowledge on the issues of organised crime and corruption.
2. How to assess and develop better law enforcement cooperation within the EU.
3. Determining the features of these phenomena and their relationship with the relevant instruments of the EU governance system. It was noted that these instruments, intricately linked to the EU's supranational economic integration, must also be considered from national perspectives, owing to the organisational competences of the EU.
4. Finally, what actions can be taken to improve prevention? It behoves the EU institutions, in consultation with the member states, to develop common methods for analysis and response.

What has been done?

Since the establishment of the Tampere Programme, much has been accomplished in the fight against organised crime and corruption in terms of legislation, practical cooperation between law enforcement authorities, funding for projects, and developing policy, instruments, and strategies with a long-term perspective.

As concerns legislation, under the Stockholm Programme and its predecessors a certain number of measures have been created under several headings, including trafficking in human beings, money laundering, and cyber-crime, among others. In addition, the process has overseen the creation of several legal instruments necessary to organise the response against organised crime on the EU level.

Secondly, much has been done in the area of police cooperation, both in terms of practical cooperation and the creation of information exchange networks. In particular, the creation of the European Police Office (Europol) has served to reinforce the notions of cross-border analysis and operational cooperation in order to align the expectations, instincts, and processes of law enforcement authorities in the member states.

In terms of funding, the Prevention of and Fight against Crime programme (ISEC)³, with a budget of 600 million euros for the period 2007-2013 has contributed greatly. However, since the framework of the Stockholm Programme will change, so too should the financing instruments.

To supplant ISEC, the European Commission has created the Internal Security Fund, which will apply a long-term perspective based on shared management with the member states with a view to better support the implementation of the policy objectives agreed at EU level.⁴

A systemic approach

Reducing organised crime and corruption in the EU requires a systemic - as opposed to episodic - approach. In order to meet the challenges ahead, the EU and member states must determine how to increase the EU's added value to the process.

As the size and scope of criminal networks increase, smaller EU countries, for example in the Baltic area, do not have the necessary resources to properly address these issues. "Do you think that Estonia or Latvia can fight Russian networks of organised crime? I am not even sure that the EU can do it," indicated one speaker. "The days of fighting organised crime on the national level are over. We must consider the EU as a single nation." In political terms however, the question of national sovereignty remains a delicate issue.

The credibility of the EU institutions is at an all time low. To address this, the EU and member states need to strive to work together as a cohesive force, rather than a disparate collection of authorities functioning at different levels and with different methods and standards. Speakers indicated that countries with a less

potent culture of corruption must attempt to share their practices with others.

As criminal organisations become multinational in nature, the EU, member states, and the international community need to refresh the architecture for international cooperation. In addition to the EU's internal policies, one speaker noted that external EU and global action must also be better tailored to meet new challenges in this area.

Many of the security challenges the EU is facing today – for example the import and sale of opiates from Afghanistan – require coordination in the international arena, particularly in the cases of organised crime, illegal migration, and corruption. Therefore, the external and supranational dimensions of the Stockholm Programme are of crucial relevance.

Many speakers agreed that encouraging international dialogue on the topics of organised crime and corruption is essential to meet these challenges. Through summits and workshops, the EU and its international partners can compare experiences and create frank and open debate with third party countries that do not necessarily share the same viewpoints on these issues.



Francisco Jiménez-Villarreo, Vice President, Eurojust

In particular, several of the BRIC (Brazil, Russia, India, and China) and MINT (Mexico, Indonesia, Nigeria, and Turkey) emerging economies, as demonstrated by Transparency International's 'Bribe Payers Index 2011', are considered to have a weaker anti-corruption culture.⁵ As these countries become increasingly important players in the global economy, they will be exporting their norms and business practices, as well as goods and services.

In order to formulate a response to organised crime and corruption, EU and member state actors need to develop a coherent approach, integrating legislation, policy, and funding. Using the EU's policy against trafficking human beings as a case study one may see the relevance of such an approach.

Anti-trafficking legislation, with policies and funding to support it, aims at creating an approach that goes beyond law enforcement to include prevention, protection of victims and prosecution, and takes into consideration the roles of various actors – local and national police, as well as judicial, administrative, and financial authorities. The creation of cohesive policy frameworks to address other criminal actions should be an important element for policymakers to consider. The role of the civil society was also underlined, and proposals were made to further develop civil society platforms and business coalitions.

Focus on implementing current legislation

Moving beyond the Stockholm Programme, the EU's approach should first and foremost be concerned with maintaining continuity, as opposed to developing new legislation. "Thinking that creating one piece of EU legislation after another will significantly change something in the world is simply not a productive idea," one speaker stressed. "Instead, it is necessary to implement what has already been created."

As an example, in terms of procedural law, there is a need to improve the implementation of several existing legal instruments. While some European legal instruments, such as the European Arrest Warrant, have been successfully implemented, others – for example instruments in the area of assets recovery

– have yet to be. Lack of implementation and evaluation of such instruments would jeopardise their effectiveness, and leave open the possibility of their obsolescence.

Similarly, legal instruments and conventions aimed at fighting corruption exist both in the EU and at the global level. At the moment, however, it is hard to evaluate the effectiveness of the EU's legal tools in part owing to incomplete implementation, according to a private sector representative.

Existing international conventions and instruments – including the Organisation for Economic Co-operation and Development's (OECD) Anti-Bribery Convention and various instruments proposed by the Council of Europe's Group of States against Corruption (GRECO) – appear to be functioning well. It is recommended that the European Commission explore the possibility of determining how and why this is, and to apply the lessons learned in the EU.

Moreover, it was suggested that the EU should be doing more in the international community to promote anti-corruption initiatives by working through the G20 to encourage adoption of the OECD Convention and using its soft power to lock in anti-corruption laws with its trading partners through bilateral trade agreements.

More than implementation, the focus must be on enforcement, with EU member states working harder to harmonise the enforcement of legislation, said one speaker.



Myria Vassiliadou, EU Anti-Trafficking Coordinator

Cross-border law enforcement: Streamlining efforts and enhancing cooperation

Tackling organised crime requires a multidisciplinary approach encompassing cooperation between judicial, law enforcement, tax, and customs and border control authorities, agreed the participants. Such cooperation on combating crime exists within member states, but unresolved questions of jurisdiction and lack of mutual trust allow more freedom for criminal organisations at the EU level.

As highly mobile cross-border criminal organisations take advantage of the opportunities created by freedom of movement and the single market, the national and European agencies that are expected to confront them are unprepared to do so. The principles of complementarity, solidarity, and convergence are key to creating effective deterrents against crime and corruption in the EU. Participants outlined several areas where more efforts are needed to create such an environment.

On the supranational level, it would be useful to see progress on the implementation of the amended regulation – proposed in 2013 by the European Commission – governing Europol⁶ and increased cooperation between Europol and the European Union Agency for Criminal Justice Cooperation (Eurojust).

Furthermore, there is an urgent need to enhance and improve access to EU and national criminal databases and intelligence networks, and to shift to a more open exchange of information across borders. To accomplish this, indicated one speaker, “it is important that the member states should organise themselves to easily cooperate, consider their different administrative mechanisms, and reduce bureaucratic barriers.”

Regional approaches have largely been neglected, some said, proposing the creation of regional joint investigative teams with permanent offices and representation on site from the member states involved, thus allowing for legal and police action to take place in multiple countries simultaneously.⁷ Though authorities from various countries currently communicate at a distance, co-location is paramount to ensuring quick and effective responses to criminal

actions. “Criminals in the EU are operating in cross-border regions,” one speaker stressed, “so should we, and build a 21st century strategy to address trans-national crime.”

While the EU has developed some frameworks for cross-border policing, more efforts are required to better integrate Europol into the member states’ law enforcement systems. It was suggested to diminish the role of Europol’s national units – operating in The Hague – and to create branch offices in member states linked to specific supranational issues, such as border control, customs, and cross-border cooperation.

“It will not be easy to implement these recommendations,” one speaker said. “National authorities have their own priorities and governments are not willing to accept EU policies with regard to their sovereignty.” As imposing mandatory cooperation on the member states would likely prove unfruitful, it is suggested that the best option is to encourage and share successful instances of cross-border cooperation.

Pre-empting crime and corruption: The importance of education and prevention

The topic of prevention in discussions on organised crime and corruption is greatly neglected, as it is difficult to measure prevention effects, noted one speaker. Nonetheless, more efforts must be made in this area to enlarge the capacity of prevention and investigation to be more effective in the reduction of crime and corruption.

Through stricter regulations, public authorities can prevent and limit the opportunities for bribery, inequality and criminal activities in the public sphere. “Legislators need to be aware that different kinds of laws and regulations can create prospects for criminals,” one speaker said.

The Stockholm Programme underlines that the EU should adopt a pre-emptive and administrative approach against organised crime and corruption, though the results of this decision remain ambiguous. One area in particular that could benefit from EU support is ethics and compliance programmes in the private sector, agreed industry representatives.

“Many in the private sector are enthusiastic about more integrity in business practices,” underlined one speaker. “Training and education need to be made top priorities.” Efforts to develop programmes in this direction should be concrete and sustainable, and it is recommended that the European Commission consider a certification process for training programmes in the business world.

Indeed, soft legislation aimed at reducing demand for illegal goods and services and to encourage prevention, education and training is a priority in certain areas of organised crime and anti-corruption policy. In terms of education, policy must go beyond awareness campaigns and concentrate on training officials in law enforcement, border control, judiciary institutions, and so on.

Furthermore, any strategic plan encompassing prevention should consider the importance of European and member state educational systems and policies. Combating corruption and crime requires a multi-pronged approach that integrates education beginning in primary school and continuing for life.

“We are now beginning to see the development of ethics courses in European education systems,” one speaker concluded. “A strategic plan should be developed and implemented in this regard as soon as possible.”



Gemma Aiolfi, Basel Institute of Governance and Jean-Luc Lemahieu, UNODC

Collecting and sharing data

If one considers what has already been accomplished in Europe in the field of fighting organised crime and corruption, it is clear that there is a lack of knowledge and understanding on criminal phenomena. “We need better data and more specific information about organised crime and criminal organisations,” one speaker stressed. “If we expect evidence-based policy, policymakers need more solid and quantitative indicators to be able to understand the nature of organised crime in Europe.”

There is a dearth of EU-specific evaluation in the field of crime and corruption. It is recommended that the European institutions, in collaboration with academia, law enforcement authorities and the private sector, work to enhance EU capacity in this regard. Furthermore, it is necessary to consider evaluation and results with a long-term perspective.

At the same time, data collection and infrastructure on these topics – absolutely crucial to developing an EU-wide response – need to be made more effective and versatile. Law enforcement databases and information systems in individual member states need to be made to operate more closely with one another and with their counterparts on the EU level.

It was noted that solutions in this area could be as straightforward as creating an international database of individuals owning shell companies, in violation of EU anti-money laundering policy. The scale of illicit outflows in the EU has increased over the past decade, and criminal organisations are easily able to take advantage of the cross-border nature of the single market, with no corresponding monitoring mechanism to disguise these outflows.

The concept of data sharing, notably between private sector organisations and government agencies, is deeply enmeshed in the debate on data protection. The security vs. privacy debate is not a binary issue, agreed many participants. Rather, it is believed that one supports the other.

In many cases, access to, and the transfer of, relatively harmless data is stymied by EU data privacy laws that are simply out of date. When it comes to issues of data collection, sharing, and protection, there is paralysis in the legislative approach that needs to be overcome.

The role of information and communications technology

It was noted that the capacity of law enforcement officials in the EU to deal with crime, and in particular online crime, is significantly less than what is needed. Law enforcement agencies are notoriously conservative and, in general, have yet to fully integrate the extent to which cybercrime and information technology have changed the face of organised crime. This is changing, a speaker indicated, noting that Europol is currently working to design cybercrime investigative degree programmes to prepare the next generation of investigators.

Rapid advances in technology are creating more challenges for crime fighters, while at the same time opening up new avenues to deal with these issues by, for example, using the internet to target websites run by criminal organisations or to raise awareness in a targeted way. Law enforcement policy must respond to the vast spread and development of cybercrime and high tech organised crime.

“The internet is simply a tool used to communicate and facilitate data exchange,” concluded one speaker. “As a new instrument for fighting crime, law enforcement agencies have not had enough time to train people in its use. Increasingly, however, flexible organisations are learning how to get the best out of it.”

CONCLUSION

The key to dealing with organised crime and corruption in Europe is to develop a much more comprehensive approach to policy, evaluation, and results. Moreover, this approach should be considered for a longer term than a five-year policy cycle. The focus should be on the implementation and enforcement, rather than the creation of legislation with a concentration on prevention and education.

In addition, cooperation between all actors in the field should be facilitated and improved upon, with a particular emphasis on cross-border law enforcement cooperation. Policymakers need to address the challenges raised by the need for mutual trust and mutual reliance and to determine the most effective way to enhance EU added value for the member states.

ANNEX I – End Notes

- 1 The Stockholm Programme provides a roadmap for EU efforts in the areas of justice, freedom, and security for the period 2010-2014. It supplements and replaces the Hague (2005-2010) and Tampere (2000-2005) Programmes and provides guidelines for cross-border cooperation, legislation, policy, and funding in the aforementioned areas. For a summary of the programme, see: http://europa.eu/legislation_summaries/human_rights/fundamental_rights_within_european_union/jl0034_en.htm
- 2 http://ec.europa.eu/anti_fraud/documents/anti-fraud-policy/research-and-studies/pwc_olaf_study_en.pdf
- 3 An overview of ISEC may be found on the European Commission Directorate-General for Home Affairs' website: http://ec.europa.eu/dgs/home-affairs/financing/fundings/security-and-safeguarding-liberties/prevention-of-and-fight-against-crime/index_en.htm
- 4 See the European Commission Directorate-General for Home Affairs' website for details on funding beyond 2013: http://ec.europa.eu/dgs/home-affairs/financing/fundings/funding-home-affairs-beyond-2013/index_en.htm
- 5 For a detailed summary of the findings of the report, see <http://bpi.transparency.org/bpi2011/results/>
- 6 The full text of the proposed regulation may be found here: http://ec.europa.eu/justice/criminal/files/regulation_eurojust_en.pdf
- 7 An example of the difficulties involved in cross-border law enforcement cooperation, owing both to issues of national sovereignty as well as legislative and practical differences in member state's law enforcement and prosecutorial structures can be seen in the EUREGIO Maas-Rhine.



Andrea Rigoni, Italian Digital Agenda Task Force and
Sophie Kwasny, Council of Europe



Cyrille Fijnaut, Tilburg University



Shada Islam, *Friends of Europe* and Monica Den Boer,
Academic Dean, Police Academy of the Netherlands



Carl Dolan, Transparency International



Agostino Miozzo, EEAS and Fernando Nelli Feroci, IAIL



From left to right: Rob Wainwright, Europol, Walter Kegö, Swedish Institute, Axel Küchle, Ministry of
Foreign Affairs of Germany, and Stefano Caneppele, Joint Research Centre on Transnational Crime



The EU and 21st Century security: preparing for an uncertain future

Opening remarks



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ANNEX II – Programme

THE EU AND 21ST CENTURY SECURITY: Preparing for an uncertain future
Rome, 25 November 2013

Whether it is terrorism or the wide spectrum of organised crime that spans from drug or human trafficking to cyber-attacks, the security of Europe's citizens is at the heart of current European policy efforts. The European Commission, the Security & Defence Agenda and *Friends of Europe* will bring together the key stakeholders for a wide consultation on what should be the next steps after the 2014 end of the Stockholm programme.

The Stockholm programme has gone a long way to improve cooperation in the area of freedom, security and justice among national authorities. But tackling cross-border 21st century security challenges requires a new and improved set of tools, priorities and synergies. More cooperation is needed among member states but also with countries out-side the EU. A clearer assessment of the new security risks is also needed. The workshops will examine questions such as: Is there an EU-wide agreement on which challenges should priority attention be given to in the coming years? Does the EU have the policies and instruments needed to address new security challenges? What is the state of cooperation among the different EU agencies and their national counterparts? What is the state of play on the implementation of existing EU rules? What are the main obstacles to effective judicial and police cooperation? What threat analysis mechanisms are there at European level, and how can they be improved? What is the role of public-private partnerships in improving cyber-security? How can the EU balance security needs with the fundamental rights and freedoms of European citizens?

Discussions will begin with a strategic brainstorm on the future challenges to European security, will then turn to the tools needed to address those challenges, and to conclude, will look at how to develop said tools from the EU's existing toolbox.

A truly comprehensive approach requires taking both internal and external aspects of security policy into account from the outset. Both discussions will serve to look at horizontal themes, ranging from implementation of existing measures to the development of new responses to internal security threats.

The Rome workshop, organised by the Security & Defence Agenda and the European Commission, will look at issues related to counter terrorism and radicalisation, cyber-crime and cyber-security, and crisis management. The Berlin workshop, organised by *Friends of Europe* and the European Commission, will focus on white collar and organised crime as well as trafficking of human beings, arms and drugs.

KEYNOTE SPEECH:

Ambassador Ferdinando Nelli Feroci, President of the Istituto Affari Internazionali

SESSION I

Preparing for future threats

What key security challenges will Europe face in 10, 15 and 20 years? While risks linked to global terrorism, international organised crime and human trafficking are subject to discussion, has Europe done its homework as regards security challenges linked to climate change, cyber-crime and global inequalities leading to social unrest? Can the European Commission and the civilian security community use existing foresight exercises carried out by the military?

Noman Benotman
Agostino Miozzo

President and Head of Research, Quilliam
Managing Director, Crisis Response Department,
European External Action Service

Col. Janos Szonyegi

Head of the Strategic Analysis Branch , Strategic Plans
and Policy Directorate, NATO ACT

Co-moderated by **Giles Merritt**, Chairman of the Security & Defence Agenda and
Ambassador Ferdinando Nelli Feroci, President of the Istituto Affari Internazionali (IAI)

SESSION II

What internal security tools for 2020?

What policies, tools and mechanisms will the EU need to ensure the security of its citizens in the future while re-specting their fundamental rights and freedoms? How can these instruments be made flexible enough to respond to a fast-changing and increasingly globalised world and to the evolving cyber-threats, terrorism and organised crime.

Sophie Kwasny
Andrea Rigoni

Head of Unit, Data Protection, Council of Europe
Member of the Digital Agenda Task Force in charge of
security affairs, Office of the Prime Minister of Italy

Anna Tulej

Deputy Director, Department of International Cooperation
and European Funds, Ministry of Interior, Poland

Co-Moderated by **Giles Merritt**, Chairman of the Security & Defence Agenda and
Gen. Vincenzo Camporini , Vice-President of the Istituto Affari Internazionali (IAI)

SESSION III

Next steps for the EU toolbox

Can the EU's Justice and Home Affairs toolbox be adjusted to future threats? Where are the loopholes and gaps in current European security and law enforcement legislation? Is there a need for deeper harmonisation of national frameworks and increased cooperation between agencies? Does Europe need radically new instruments?

Monica den Boer,
Olivier Luyckx

Academic Dean, Police Academy of the Netherlands
Head of Unit, Crisis Management and Fight Against
Terrorism, European Commission

Troels Oerting

Head, European Cybercrime Centre, Europol

Co-Moderated by **Giles Merritt**, Chairman of the Security & Defence Agenda and
Gen. Vincenzo Camporini, Vice-President of the Istituto Affari Internazionali (IAI)

ANNEX III – Programme

CROSS-BORDER CRIME AND CORRUPTION IN EUROPE:

What next after the Stockholm Programme?

Berlin, 20 January 2014

Whether it is combating terrorism or fighting organised crime, ranging from drugs or human trafficking to cyber-attacks, the security of Europe's citizens is at the heart of current European policy. As the Stockholm programme draws to an end, *Friends of Europe* and the European Commission, in partnership with the Security & Defence Agenda are launching the debate on what should be the next practical steps undertaken by the EU in this field. Bringing together key stakeholders from European, international and national institutions, business representatives, civil society and academia, two events have been planned to seek to come up with concrete suggestions on the future shape and contents of the post Stockholm framework.

The roundtable in Berlin on 20 January 2014 will focus on organised crime, economic and financial crime and corruption. Among more specific issues, tracking the proceeds of crime, trafficking of human beings and drugs will be discussed. The Berlin roundtable follows a workshop organised in Rome on 25 November 2013 that looked at issues related to counter terrorism and radicalisation, cyber-security and crisis management. The Stockholm programme has greatly helped to improve cooperation in the area of freedom, security and justice among national authorities.

The EU has taken several measures over the last five years to put in place the necessary instruments – ranging from legislation and EU directives to strategies and policies - to tackle challenges raised by organised crime. However Europeans' security and fundamental values continue to be at risk and organised crime and corruption continue to undermine or threaten the security and wellbeing of European citizens, businesses and state institutions. A 2011 Ernst and Young Survey of more than 2,300 staff in European companies found that nearly 1 in 5, regardless of grade, considers it acceptable to pay bribes to win or retain business. The EU faces significant challenges when it comes to trafficking of human beings, arms and drugs as well. Several thousand people are trafficked to or within the EU every year. According to the latest Commission report on trafficking in human beings (2013), in the EU a large proportion of the victims of trafficking were women (68%), while child trafficking victims accounted for 15%.

These cross-border challenges have no borders and require joint solutions. What have we learned from the cooperation taking place in the last years to address these issues? Should the EU develop a new and improved set of tools, priorities and synergies? Is more cooperation needed among member states and with other international actors and how to foster it? How can the EU reconcile the security

of its citizens while respecting their fundamental rights and freedoms? The Berlin roundtable will examine these issues. Discussions will begin with a strategic brainstorming on future challenges to European security; it will continue with a critical analysis of the achievements and the shortcomings of the Stockholm programme, and finally, it will look at how to move from today's to tomorrow's toolbox.

OPENING REMARKS BY

Stefano Manservigi, European Commission Director General for Home Affairs

SESSION I

Crime and corruption in Europe: Preparing for the future

What key challenges will Europe face in the coming 10 to 15 years in its efforts to combat organised crime, human trafficking, 'white collar' fraud and corruption?

Gemma Aiolfi	Head of Corporate Governance, Compliance & Collective Action, Basel Institute of Governance
Jean-Luc Lemahieu	Director for Policy Analysis and Public Affairs, UN Office on Drugs and Crime
Myria Vassiliadou	EU Anti-Trafficking Coordinator
Rob Wainwright	Europol Director

Moderated by **Shada Islam**, Director of Policy at *Friends of Europe*

SESSION II

The Stockholm Programme: Successes and challenges

What is the state of play on the implementation of existing EU rules in these areas? How effective are current measures to track the proceeds of crime, the trafficking of human beings and drugs? What are the existing gaps in the strategies and policies already put in place at the European level? What are the successes and gaps of the Stockholm programme in tackling organised crime, economic and financial crime and corruption?

Stefano Caneppele	Researcher, Joint Research Centre on Transnational Crime, Università Cattolica del Sacro Cuore, Italy and University of Trento
Francisco Jiménez-Villarejo	Eurojust Vice President
Walter Kegö	Senior Fellow at the Swedish Institute for Security & Development Policy
Axel Küchle	Deputy Head, Task Force International Cooperation on Counterterrorism, Ministry of Foreign Affairs of Germany

Moderated by **Shada Islam**, Director of Policy at *Friends of Europe*

SESSION III

Next steps for the EU toolbox

How can the EU Justice and Home Affairs toolbox be adjusted to future challenges in the area of organised crime and in eradicating graft? Which important best practices identified so far can be applied to other areas? Does Europe need radically new instruments or can the existing ones still be used? In a continuously changing environment should the EU continue to develop long term strategies, or are flexible and adaptable instruments better suited to tackling future challenges? How can business, civil society, international and national organisations work better together to counter these challenges?

Cyrille Fijnaut
Reinhard Priebe

Professor at Tilburg University, The Netherlands
Director for Internal Security at the European Commission
Directorate General for Home Affairs

François Vincke

Lawyer, Chairman of the International Chamber of
Commerce Commission on Corporate Responsibility &
Anti-corruption

Moderated by **Shada Islam**, Director of Policy at *Friends of Europe*



ANNEX IV – List of participants Rome and Berlin workshops

Ian Joseph Abdilla, Police Inspector, Malta Police

Gemma Aiolfi, Head of Corporate Governance, Compliance & Collective Action, Basel Institute on Governance

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Michael Tingskov Ask, Chief Superintendent, Danish National Police, National Centre of Investigation (NCI)

Alessandro Baldo, Director, Soletierre

Lina Bartaševiciute, Advisor, Public Security Department, Ministry of the Interior, Lithuania

Emiliano Battisti, Journalist, Il Caffè Geopolitico

Jorge Bernal Geschier, Manager, Ethics & Compliance, Airbus Brussels Office

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Rita Borgnolo, Event Organizer, ProFusion

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Irina Bratosin, Programme Manager, Security & Defence Agenda (SDA)

Karel Brezina, Attache, Police cooperation, COSI, Info Exchange, Data Protection, Illegal Drugs Permanent Representation of the Czech Republic to the EU

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Anna Maria Sifo, Freelance journalist

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Nils Utermöhlen, Assistant, Bread for the World

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Rob Wainwright, Director, European Police Office (Europol)

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Benjamin Werner, Independent researcher and writer in International Relations and Development Policy, Independent Researcher

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General Philip M. Breedlove
NATO Supreme Allied Commander Europe



General Jean-Paul Paloméros
NATO Supreme Allied Commander Transformation

They are the latest in the long line of distinguished leaders who have spoken at our debates



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