

PUMPS FOR THE ACTION ON THE EUROPEAN UNION IN THE SCOPE OF THE EUROPEAN AGENDA ON SECURITY

Venelin Terziev¹, Marin Petkov², Dragomir Krastev³

¹Corresponding Member of the Russian Academy of Natural History, Moscow, Russia, Prof., D.Sc.(Ec.), D.Sc. (National Security), D.Sc. (Social Activities), Ph.D., National Military University, Veliko Tarnovo, Bulgaria; University of Rousse, Rousse, Bulgaria, terziev@skmat.com

²Assoc. Professor, Ph.D., National Military University, Veliko Tarnovo, Bulgaria, marin_5kov@abv.bg

³Assoc. Professor, Ph.D., National Military University, Veliko Tarnovo, Bulgaria, drago.krastev@gmail.com

Abstract

The European Union aims to ensure that people live in an area of freedom, security and justice, without internal boundaries. Europeans need to feel confident that, wherever they move within Europe, their freedom and their security are well protected, in full compliance with the Union's values, including the rule of law and fundamental rights. In recent years new and complex threats have emerged highlighting the need for further synergies and closer cooperation at all levels. Many of today's security concerns originate from instability in the EU's immediate neighbourhood and changing forms of radicalisation, violence and terrorism. Threats are becoming more variable and more international, as well as increasingly cross-border and cross-sectorial in nature. These threats require an effective and coordinated response at European level. All the EU institutions have agreed that we need a renewed Internal Security Strategy for the coming five years.

Keywords: European Union, agenda, security.

1. INTRODUCTION

The European Union aims to ensure that people live in an area of freedom, security and justice, without internal boundaries. Europeans need to feel confident that, wherever they move within Europe, their freedom and their security are well protected, in full compliance with the Union's values, including the rule of law and fundamental rights. In recent years new and complex threats have emerged highlighting the need for further synergies and closer cooperation at all levels. Many of today's security concerns originate from instability in the EU's immediate neighbourhood and changing forms of radicalisation, violence and terrorism. Threats are becoming more variable and more international, as well as increasingly cross-border and cross-sectorial in nature.

2. PUMPS FOR THE ACTION ON THE EUROPEAN UNION IN THE SCOPE OF THE EUROPEAN AGENDA ON SECURITY

Better information exchange

The Schengen Information System (SIS) is the most widely used information-sharing instrument today. Competent national authorities can use it to consult alerts on wanted or missing persons and objects, both inside the Union and at the external border. The SIS was upgraded in early 2015 to improve information exchange on terrorist suspects and to reinforce the efforts of Member States to invalidate the travel documents of persons suspected of wanting to join terrorist groups outside the EU. To further strengthen security at the external borders, there should be fuller use of the SIS together with Interpol's database on Stolen and Lost Travel Documents (SLTD). The Commission will help Member States to use automated border controls with checks of the SIS and the SLTD, and it will continue to monitor if Member States implement their obligation to provide data to the SLTD.

Complementary measures to improve security in relation to the movement of goods also contribute to tackle illegal activities at the border, such as trafficking of weapons, illicit drug and cigarette smuggling or illegal currency transfers. The Customs Advance Cargo Information System provides customs authorities with advance notification for security risk assessment of cargo arriving into and departing from the EU. This system should be fully exploited by ensuring effective sharing of information between customs and with other law enforcement authorities. The Anti-Fraud Information System (AFIS) provides a crucial platform for exchange of customs anti-fraud information supporting customs law enforcement to fight cross border crime.

The Prüm framework is another example of an information exchange tool at EU level that is yet to be used to its full potential. It can offer automated comparison of DNA profiles, fingerprint data and vehicle registration data – which are key to detecting crime and building an effective case. The system is falling short of its potential because at this stage only a limited number of Member States have implemented their legal obligations and integrated the network with their own systems. This impedes the overall effectiveness of the Prüm framework in catching and prosecuting criminals. Member States have received significant financial and technical support for implementation. The Commission will treat this area as a priority in using its powers to ensure the correct implementation of EU law.

Of course, legal implementation of EU instruments at national level is not enough. The tools of the EU security framework will only take full effect when national law enforcement agencies feel confident in existing instruments and share information readily. The proposal for a new legal basis for Europol, 15 currently before the legislators, seeks to enhance Europol's analytical capabilities, trigger operational action on the part of Member States, and reinforce the agency's data protection regime. Member States should use Europol as their channel of first choice for law enforcement information sharing across the EU. Europol's Secure Information Exchange Network Application (SIENA) allows Member States to exchange information in a swift, secure and user-friendly way with each other, with Europol, or with third parties that have a cooperation agreement with Europol. The active use of information exchange instruments also needs the right interface between the EU's tools and national law enforcement systems, such as Single Points of Contact. Member States must put the right structures in place at national level to integrate and coordinate the work of the relevant authorities.

Increased operational cooperation

The Lisbon Treaty provides legal and practical arrangements to make operational cooperation between authorities of different Member States effective. Through the EU Policy Cycle for serious and organised crime, Member States authorities coordinate common priorities and operational actions. The Standing Committee on Operational Cooperation on Internal Security (COSI) plays a central role. The Policy Cycle provides a methodology for an intelligence-led approach to internal security, based on joint threat assessments coordinated within Europol. It targets available resources in view of immediate, mid-term and long-term security threats and risks. The Policy Cycle should be used more by Member States to launch concrete law enforcement operations to tackle organised crime, including with third countries. Operation Archimedes, coordinated by Europol in September 2014 to address a variety of serious crimes across Member States and third countries, provided a practical example of how this can help.¹⁹ Such operations should be evaluated regularly in order to identify best practices for future action. EU agencies play a crucial role in supporting operational cooperation. They contribute to the assessment of common security threats, they help to define common priorities for operational action, and they facilitate cross-border cooperation and prosecution. Member States should make full use of the support of the agencies to tackle crime through joint action. Increased cooperation between the agencies should also be promoted, within their respective

mandates. The revised cooperation agreement between Europol and Frontex, once implemented, will allow such synergies by enabling the two agencies to share personal data with appropriate data protection safeguards. Eurojust and Europol should further enhance their operational cooperation.

Supporting action: training, funding, research and innovation

In addition to information exchange and operational cooperation, the EU provides support to security-related actions through training, funding and the promotion of security-related research and innovation. The Commission seeks to target this support in a strategic and cost-effective way.

The effectiveness of cooperation tools relies on law enforcement officers in Member States knowing how to use them. Training is essential to allow authorities on the ground to exploit the tools in an operational situation. The European police college CEPOL organises courses, defines common curricula on cross-border cooperation and coordinates exchange programmes. The current legislative proposal on CEPOL would further reinforce its ability to prepare police officers to cooperate effectively and to develop a common law enforcement culture.²⁶ CEPOL should adapt its yearly training programmes to the priorities set out in this Agenda. National police academies should also use EU funding to make cross-border cooperation an integral part of their own training and practical exercises. Training for the judiciary and judicial staff should also be better aligned with EU priorities, building on existing structures and networks and with the support of the European Judicial Training Network (EJTN) and of the European e-Justice Portal and e-learning.

The recently created Internal Security Fund provides a responsive and flexible tool to address the most crucial challenges up to 2020. This Agenda provides strategic direction for the Fund, with a focus on those areas where financial support will bring most value added. Priority uses of the fund should include updating national sections of the Schengen Information System, implementing the Prüm framework and setting up Single Points of Contact. The Fund should also be used to strengthen cross-border operational cooperation under the EU Policy Cycle for serious and organised crime, and to develop 'exit strategies' for radicalised persons with the help of best practices exchanged in the Radicalisation Awareness Network. Other EU funding instruments, such as Horizon 2020 for research and innovation²⁷, the European Structural and Investment Funds, the EU Justice Programmes, the Customs 2020 Programme and financial instruments for external action can also contribute, in their respective areas, to support the priorities of the Agenda on Security. The mid-term review of the Internal Security Fund in 2018 will provide an opportunity to take stock of how funding has helped to deliver the priorities of the Agenda and reprioritise as necessary.

A competitive EU security industry can also contribute to the EU's autonomy in meeting security needs. The EU has encouraged the development of innovative security solutions, for example through standards and common certificates. The Commission is considering further action, such as on alarm systems and airport screening equipment, to remove barriers to the Single Market and to enhance the competitiveness of the EU security industry in export markets. Forensic science is critical to law enforcement and prosecution. Law enforcement and judicial authorities must be confident that the forensic data they rely on is of high quality, including if the data comes from another Member State. It is therefore important to ensure that the forensic data exchanged through information exchange systems, such as the Prüm framework for fingerprints and DNA profiles, can be effectively used in court. A European Forensic Area, to align the processes of forensic service providers in Member States, would foster cooperation and ensure confidence.

3. CONCLUSION

Security should be a key priority in a wide range of funding instruments, research and innovation programmes as well as training initiatives. Existing priorities should be adjusted as required.

The European Agenda on Security sets out the actions necessary to deliver a high level of internal security in the EU. It must be a shared agenda. Its successful implementation depends on the political commitment of all actors concerned to do more and to work better together. This includes EU institutions, Member States and EU agencies. It requires a global perspective with security as one of our main external priorities. The EU must be able to react to unexpected events, seize new opportunities and anticipate and adapt to future trends and security risks (Europe, 2014a; De Groot, 2005a, pp. 83-97; Dikov, E. 2005b, s. 11; Ivanov, 2010a, s.326; Ignatova, 2007, s.95; Iliev, 2000; Kaymedzhiev, 2005c; Kopcheva, 2006a; Kotorova, 2014b; Mihov, 2010b; Nikolov, 2015; Rashkov, 2010c, s. 97; Robinson, 2002; Timchev, 2005d, s.109; Van der Wilt, 2005e; Verhofstadt, 2006b; Vitorino, 2003; Vlastnik, 2008; Yanev, Mihov, Nikolov, 2010d; Yanev, 2013).

REFERENCE LIST

- A New Start for Europe. My Agenda for Jobs, Growth, Fairness and Democratic Change. (2014a). Political Guidelines for the next European Commission, 15.7.2014.
- De Groot, S. (2005a). Mutual trust in (European) extradition law, Handbook on the European Arrest Warrant, T.M.C. Asser Press, pp. 83-97.
- Dikov, E. (2005b). Razsledvane na prestapleniyata terorizam i trafik na hora. S., s. 11.
- Ivanov, VI. (2010a). Upravljenje na shengenskata sigurnost, V: Strategii i poliki na sigurnost, T.2, S., s.326.
- Ignatova, B. (2007). Razpit chrez telefonna konferentsiya i videokonferentsiya pri razsledvane na prestapleniya, izvarsheni ot chuzhdentsi, V: Savremenno pravo, kn. 5, s. 95.
- Iliev, I. (2000). Upravljenje na politseyskite i spetsialnite sluzhbi, Varna.
- Kaymedzhiev, Hr. (2005c). Teoriya na operativnoizdirvatelnata deynost. S.
- Kopcheva, M. (2006a). Kompyutarni prestapleniya, S.
- Kotorova, I. (2014b). Evropeyska prokuratura, S.
- Mihov S. (2010b). Transgranichno presledvane v Shengenskoto prostranstvo, sp. Professional, br. 5, S.
- Nikolov, P. (2015). Teoretichni i prilozhni aspekti na vzaimodeystvieto mezhdu politseyskite organi na sasedni darzhavi pri transgranichno presledvane, V: Byuletin na AMVR, Fakultet „Politsiya“, br. 33, S.
- Rashkov, B. (2010c). Spetsialni razuznavatelni sredstva, S., s. 97.
- Robinson, P. (2002). The Missing Crimes. The Rome Statute of the International Criminal Court: A Commentary. Oxford.
- Timchev, L. (2005d). Protivodeystvie na terorizma ot politseyskite organi za izdavane na dokumenti za samolichnost i kontrol na migratsiyata, S., s.109.
- Van der Wilt, H. (2005e). The EAW and the principle ne bis in idem, Handbook on The European Arrest Warrant, T.M.C.
- Verhofstadt, G. (2006b). The United States of Europe. Manifesto for a New Europe, London.
- Vitorino, A. (2003). JNA Commissioner, Improving Cross-Border Cooperation between Investigating and Prosecuting Authorities. Speech 03\219, The Hague, 29.04.2003.
- Vlastnik, J. (2008). Eurojust – A Cornerstone of the Federal Criminal Justice System in the EU?, In: Security versus Justice Police and Judicial Cooperation in the European Union. Farnham, Surrey and London: Ashgate Publishing Limited.
- Yanev, R., S. Mihov, P. Nikolov. (2010d). Politseysko satrudnichestvo v Shengen, V: Byuletin na AMVR, Fakultet „Politsiya“, br 27, S.
- Yanev, R. (2013). Politseyskoto satrudnichestvo v shengenskoto prostranstvo - chast ot vissheto spetsialno obrazovanie v Akademiyata na MVR na Republika Balgariya., Byuletin „Politsiya“, br. 31, S., AMVR.