#### **EPP Group Public Hearing**

"The Future of EU Intelligence and Internal Security"
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## Dr. Ágnes HANKISS, MEP, Member of the Committee on Civil Liberties, Justice and Home Affairs and the Security and Defence Subcommittee

Good afternoon Ladies and Gentlemen. Welcome to the hearing on the Future of EU Intelligence and Internal Security. First of all, special thanks to all the distinguished speakers who accepted the invitation and are here with us now. Unfortunately the invited speakers from the European External Action Service were not in a position to be able to join us which I truly regret. I am delighted to see that the meeting room is almost full which is yet another sign that the subject of the hearing is very important.

When it comes to the initiation of future cooperation of various policies on European level, the European Parliament has traditionally been the institution which triggered widespread discussions. Today we are here to learn about a field that is – because of its nature – difficult to discuss in public, namely intelligence and security.

Why is it worth taking stock of what is going on and what possibilities and challenges there are in this area in Europe? There is bilateral and multilateral cooperation among Member States as you know well, as well as with third countries that can be permanent or task-oriented, operational or strategic, and still it may not be efficient enough or sometimes too fragmented. The weakness of exchange of information and common action is exploited by the counter-interested parties especially organised crime and terrorist groups which – by the way – are connected.

Another important point in this area is that a clear distinction and division of tasks and responsibilities is needed between the external security policies and internal security legislative and political measures and tools. At the same time the appropriate forms of cooperation and collaboration need to be defined. The principle of subsidiarity is laid down by the treaties and national security remains the full responsibility of the Member States. Nevertheless we need to do soul-searching as to what could be done in the future to start shifting from often fragmented, isolated bilateral agreements to a multilateral, let alone common EU policy. Undoubtedly it will take a lot of time but the work should begin on European level.

We have invited a number of recognized experts dealing with intelligence, counterterrorism and security services both in practice and theory. I am sure they all will give a new impetus on the road towards a safer, more secure and more efficient European framework.

Now I ask Mr Manfred Weber, vice-chairman of the EPP Group, responsible for the Legal and Home Affairs Working Group to hold his introductory speech.

#### Manfred WEBER, EPP Group Vice-Chairman in charge of Justice and Home Affairs

First of all thank you very much, Ágnes for taking the initiative of raising this subject within the European People's Party and I would like to thank the audience for attending to hear the debates. Obviously a lot of interests need to be evaluated / examined. Ágnes put 'top secret' on the flier and you know, simply by doing that type of thing the people would immediately read a document they would ignore otherwise. So well done and I am very pleased to have you all here for the EPP this afternoon.

It is a new age within the European Union under the effect of the Lisbon Treaty where we are trying to organize a new phase of foreign policy and if we intend to do that with the External Action Service, then obviously secret service information is a vital resource for organizing a proper common foreign policy. On the other hand we are aware that intelligence activities are embedded in national sovereignty and therefore the need / approach for enhanced cooperation in the field of information exchange creates some tension between Member State authorities and the EU. Initiatives from the past include the establishment of the Club of Berne in 1971 or the Situation Centre (SitCen) which represent the first approaches towards cooperation. I think the focus is on cooperation today and I would just mention the experience gathered in normal police inquiries whereby the exchange of information is key in order to find out more about authorities and to create mutual trust between them. Developing mutual trust is one of the main points.

The European Parliament – and this is something Ágnes is raising here – is focusing on the question of control exercised over secret services and intelligence. We know that on national level Members of Parliament mainly speak in committees which members have been granted national security clearance for monitoring the work of secret services. Here in the European Parliament we will have to consider whether the setting up of such a subcommittee can be used for monitoring intelligence and thus ensuring adequate control of it on European level. I think it is important for us to deal with this subject in order to help make Europe more secure and able to assess its limits.

On behalf of our Group chairman, Joseph Daul I would like to wish you all the best with an extensive exchange of views. On behalf of the EPP Group I would like to express my sincere thanks to Ágnes here for being the first to create such a platform for future discussions of secret service work. I wish you a great success and a fruitful hearing.

**Panel 1: EU Intelligence and Internal Security** 

### André VANDOREN, Head of Belgian Coordination Unit for Threat Assessment (OCAM/ OCAD/CUTA)

First of all I would like to thank you for the invitation and it is a great honour and pleasure to be here today. Within the time limits I will try to explain to you what our experience in Belgium is. The Coordination Unit for Threat Assessment (CUTA) was created in 2006. Belgium is considered as a European precursor in the coordination of antiterrorism work which was in fact triggered by attacks on a synagogue in Brussels back in 1982 and already in 1984 a coordination unit was set up to contribute to countering future attacks. This unit existed between police forces and security services while due to the presence of EU institutions and NATO headquarters the terrorist threat naturally increased in Belgium. This was followed by the 9/11 attacks and the Madrid bombing, the Council declarations for the creation of national fusion centres and the creation of CUTA in 2006.

First of all the external organization is of key importance: the institution depends on two ministries, namely the Ministry of Interior and Home Affairs and the Ministry of Justice while there are support agencies, foreign counterparts. The body works under the control of the Belgian Parliament, namely the Standing Intelligence Agency Review Committee and the Standing Police Monitoring Committee. Most of the analyses concerning threat assessments - 95 % of activities - are related to the Crisis Centre and 5% to the Federal Prosecutor's Office. Additionally we transmit proposals to the College of Intelligence and Security assessing the activity of the CUTA and highlighting items for future development.

Of course our support agencies already worked together in the Groupe en de Force Anti-terrorist created in 1984, in 2006 the institution was supported by the Federal Public Service of Home Affairs, Immigration Service, Foreign Affairs, Mobility and Transportation and at the end even the Customs. These seven support agencies are represented in the organisation and there are three main departments: a Department of the Experts representing different support services, the Department of Analysts and the Department of Capabilities Management and Documentation. The analyses are the results of the collaboration of these three departments.

In terms of tasks and responsibilities each kind of threat relating to terrorism and extremism possibly endangering the internal as well as the external security of the state needs to be assessed. It is a fact that after the murder of Theo van Gogh the Belgian Parliament decided to extend the competence of the institution from terrorism to extremism as well. In fact when you arrive to a certain level of extremism I would say it is already too late and thus anticipation should be the main element. Nobody wakes up in the morning saying "I am a terrorist". There is a process prior to that. We have to try to follow these processes up and try to identify on time the means to react against radicalisation projects so that we can obtain results not leading to terrorism. We certainly assess each possible threat against the interests of Belgian citizens abroad or against any other vital state institution. The threats can target people, facilities, as well as military organizations and events, while the participating support services are obliged to communicate all relevant information concerning possible threats linked to terrorism, extremism and radicalism.

The unique element in the coordination is the penal sentence provided by the Belgian legislator in case one of the support services does not transmit to us information they are obliged to do by law. It is very important that this element is provided as it is an enormous advantage. On the other hand it is equally important that the focus is not purely on what is happening in the country but the protection of Belgian interests abroad is also taken into account. Thus I can assure you of the plenty of activities under close management or the foreign visits to Belgium – bilateral visits are only a small slice of the cake but in terms of EU and NATO a lot of additional activities need to be performed.

The fact that we support intelligence through judicial prospects to prosecution phase is also one of the main elements concerning the working methods. It is important that the service is punctual and precise, for instance the visits, demonstrations as well as strategic assessment reports allowing an approximation of whether threats might manifest themselves or if already detected how they are evolving and as appropriate what measures might prove to be necessary.

What is also very important is that maintaining relations with foreign counterparts helps that data, information or intelligence resulting from such relations is passed to the relevant Belgian departments. So we have regular contacts with our neighbouring countries but also with all the European Union fusion centres. For instance the Spanish organised a meeting at the beginning of 2007, in 2008 the French did so, then the Spanish organised it at the beginning of the presidency in 2010 and we called for a conference at the end of the year with all the fusion centres. Furthermore we have contacts with other countries all over the world where exchange of information, exchange of experiences is key and I can only say that such initiatives are very interesting and rewarding for both sides because these exchanges are not unilateral.

Knowledge of the threat levels is important. In Belgium there are four threat levels, currently in Belgium level 2 is in effect which stands for "medium" except for American, Jewish and Israeli interests where threat level 3 is activated. We may not forget that Antwerp is the second Jewish city in the world after New York City and we were already confronted with some terrorist attacks even in Brussels similarly to those in Antwerp on such targets. In September we were confronted with some alerts originating from abroad concerning threats against the European Union. I think it is crucial to operationalize a mechanism where we can exchange information quite in real time about harmonized threat levels. In the near future I hope we will reach common threat levels for the 27 Member States and we speak the same 'language' because for the moment threat levels are different from country to country.

During the Belgian presidency our Minister of the Interior worked hard on these efforts, especially the objective of sharing national threat levels between different countries and also the decision to mandate the Situation Centre (SitCen) to facilitate that on EU level. This would contribute to the deepening of the cooperation. Our experience is that sometimes our service can obtain 80% of the information and the other services each 5%. Sometimes the key to solve the problem is hidden in that 5%. Therefore it is rather important to receive information from those departments and the Belgian executive branch so that we can make an evaluation of the threat as accurate as possible. We are not competing with any other service let it be intelligence or police. We are there to bring everything together and to build added value for the different services by analysis.

#### Ferenc BÁNFI, Director of the European Police College (CEPOL)

Ladies and Gentlemen, I would like to express my gratitude for the invitation to the public hearing on "The future of EU Intelligence and Internal Security". It gives me great pleasure to be here and participate in this important event.

The political attention of the Members of the European Parliament and the presence of senior representatives of national authorities, directors and former heads of special services underlines the importance and actuality of the public hearing.

The European Union is facing increased security challenges in the globalised world which require joint responses based on effective cooperation, professionalism and responsibility towards the security and freedom of citizens. Our ability to meet these new challenges to prevent and tackle the threat of terrorism, serious and organised transnational crime will impact the internal security of the European Union.

The role of European Police College (CEPOL) is to bring together senior police officers and contribute to a more effective cross border cooperation in the fight against crime through training. One of the fundamental elements of our policy is to improve and enhance partnerships to build law enforcement capacity by qualitative learning.

Looking back at the history of information-and intelligence gathering, we must recall the importance of one of the earliest studies of intelligence, "The Art of war" by Sun Tzu, written approximately 2500 years ago in China. Among the many gems he left to posterity, he identified "knowing your enemy" and "seizing the enemy without fighting" as key pillars of his study. Since that time fundamental changes have happened; however, the principles identified by Sun Tzu still remain actual and valid nowadays; it is not a secret that this revered author is still a major source of inspiration for political and business leaders.

What is the role of intelligence in CEPOL's activities? In spite of a long history of research and scientific debate, there is still no universally accepted definition of intelligence; or at least, in my experience, I could notice that the word itself is used and intended in a wide variety of ways. For the purpose of this intervention, I would like to make clear that I will not examine the intelligence of any individual human being, nor will I dwell on military intelligence as a subject of CEPOL activities.

The European Police College focuses on criminal intelligence for law enforcement purposes; this is generally intended as the "final product" of a process that involves gathering, collating, analysing, storing and/or disseminating of information aimed at anticipating, preventing, or monitoring criminal activity.

CEPOL seminars, courses aim at presenting progress made in the use of intelligence at the European level. Evolving law enforcement methodologies, improved cooperation, institutional as well as technological developments have in fact resulted in intelligence-led policing being one of the key police philosophies (if indeed this is an acceptable oxymoron!) throughout the European Union. It was originally articulated as a law enforcement operational strategy that sought to reduce crime through the combined use of crime analyses and criminal intelligence, in order to enact crime reduction tactics focused on the prevention of criminal activity, aiming at reducing crime by proactively going after offenders.

This approach is underpinned by the "mix" of a variety of data sources, indicators and variables. Information gathering through the extensive use of confidential informants, undercover agents and/or covered tactics, offender—interviews, analysis of crime statistics and incidents, and information coming from community sources are all combined in the intelligence-led policing approach. The revolutionary development of e-platforms, community sites, social media and networks opened up further opportunities for law enforcement to obtain results by combining open source information with elements obtained through more traditional or confidential sources. Once these different sources of information are gathered, they are analysed and a final product is put together so that law enforcement managers can devise operational strategies and tactics and determine objectives vis-à-vis enforcement targets, prevention activities and further intelligence gathering operations. This intelligence cycle therefore becomes an operational mechanism capable of renewing itself by incorporating new elements which in turn help reshape law enforcement policies and operations, taking into account the mutation of circumstances that most certainly intervene in any criminal landscape.

In the last few years, the interpretation of 'intelligence-led policing' appears to be broadening in scope. The central assumption still remains valid: police shall, as much as possible, try to have a comprehensive approach to crime fighting, look for links and patterns and avoid having a "tunnel vision" approach to individual case files. The successes in the fight against the Italian Mafia instigated by the proactive analytical approach utilized by Judge Giovanni Falcone and the "Anti-mafia Pool" as early as the 1980s are a clear proof of what can be achieved by law enforcement once investigative visions are broadened.

Intelligence-led policing is in fact evolving into a management philosophy that places greater emphasis on information-sharing and collaborative, strategic solutions to crime problems at national and EU level. As we will see shortly, this is now understood at the very senior level of EU policy-making in the area of Justice and Home Affairs.

Participants to CEPOL courses should therefore understand the European dimensions as well as the context of the evolving EU policy in countering crime. It is paramount that instruments such as the European Crime Intelligence Model are first of all understood at the strategic and conceptual level before they can actually be implemented with success. The formal adoption of the European Crime Intelligence Model in 2005 (Council Conclusion) was indeed a big leap forward on the way of tackling organised crime at the EU level. The following five years evidenced that intelligence-led policing became the most relevant tool in developing EU-wide strategies. This change of paradigm had several consequences on many areas. As a consequence, the mandates of Europol and Frontex have been enhanced, easing their access to information or enhancing their analytical capacities, promoting the use of high-tech instruments to process and analyse data and information. Both agencies are now capable of producing strategic analyses for policy-makers and for strategy level law enforcement management. At the same time they can now provide further support at the operational level to the national agencies. The establishment of Joint Investigation Teams with Europol and Eurojust, or the work of Frontex Rapid Border Intervention Teams based on the risk analysis process are clear examples of this trend.

CEPOL follows closely the changes originating from the Lisbon Treaty and the Stockholm Programme and updates its curricula accordingly. The recent Council Conclusions on the creation and implementation of an EU policy cycle for organised and serious international crime will be incorporated into our training portfolio. The promotion of this policy will be among our key objectives.

As detailed in the Council document quoted above, the new policy cycle for serious international and organised crime consists of four steps:

- 1. Policy development on the basis of a European Union Serious and Organised Crime Threat Assessment (EU SOCTA) that must provide for a complete and thorough picture of criminal threats impacting the European Union;
- 2. Policy setting and decision-making through the identification by the Council of a limited number of priorities, both regional and pan-European. For each of the priorities a Multi-Annual Strategic Plan (MASP) needs to be developed in order to achieve a multidisciplinary, integrated and integral (covering preventive as well as repressive measures) approach to effectively address the prioritized threats;
- 3. Implementation and monitoring of annual Operational Action Plans (OAP) that needs to be aligned to the strategic goals which have been determined in the MASP, building upon the COSPOL framework as the multilateral cooperation platform to address the prioritized threats;
- 4. At the end of the policy cycle a thorough evaluation needs to be conducted and will serve as an input for the next policy cycle.

CEPOL's efforts to promote joint intelligence training bringing professionals across Europe together has the following aims: foster a genuine European law enforcement culture by offering European training to authorities of all EU Member States, encourage the understanding of European dimensions and the complexities of law enforcement cooperation; enhance specific skills, knowledge and experience in developing joint intelligence-led operations, and encourage the sharing of data, information and intelligence; share best practices, working methods and create compatibility among national authorities, EU agencies and other international partners such as Interpol; build confidence and trust among law enforcement organizations and individual professionals; enhance networking between law enforcement organizations and individual professionals. To achieve this, CEPOL offers a broad range of seminars, courses, and conferences on 16 thematic areas. The activities related to intelligence are the following: Stockholm Programme; Policing in Europe: the operational and academic aspects of law enforcement cooperation; crime intelligence; risk assessment and intelligenceled policing; undercover operations; Joint Investigation Teams; South-east European OC organizations; North-east European OC organizations; counter-terrorism; police cooperation with EUROPOL; fight against drugs; high-tech & cyber crime; Erasmus -Style European Police Exchange Programme.

However, we must be able to look ahead and build upon the achievements of today. Looking forward to a workable European Law Enforcement Training System, I would identify various challenges.

A comprehensive European law enforcement training policy needs to be developed as a crucial element of the Internal Security Strategy (ISS). In order to deliver the objectives

listed in the Stockholm Programme and to achieve the ambitious goals stipulated in the ISS, a well-tailored European Training Scheme must be put in place. As a consequence the European Union should invest more in to the law enforcement training and to build further its Police College. The EU should be able to maintain its world-class law enforcement training institute that is competitive on the global security market.

The challenges law enforcement faces are increasingly a mix of a national, EU and broader international phenomena that need to be tackled in an integrated manner. A more comprehensive approach must be adopted, moving away from purely police training to a European law enforcement training function which recognizes to the fullest extent the increasing importance of inter-agency cooperation. This is a step which cannot be avoided.

CEPOL's intervention logic must reflect the newly emerged challenges and shall focus on the legitimate expectations of its stakeholders – the Member States as providers of security for the citizens of the European Union.

The efficient and effective realization of the Internal Security Strategy and the Stockholm Programme require a new security culture, and requires changes in the attitudes among law enforcement officials. A new generation of EU Law Enforcement Professionals will not spring up overnight but will develop as a result of renewed attention towards law enforcement training and education.

To foster this new law enforcement culture, maintaining a healthy level of segregation of tasks among EU agencies is of paramount importance. This will ensure the correct balance between the need to strengthen crime reduction by the effective use of the criminal intelligence process on the one hand and the respect for fundamental rights and democratic oversight on the other hand. Far from being an expensive "caprice bureaucratique", a well-conceived segregation of tasks between EU agencies can actually enhance the cost effectiveness of organizations with compatible mandates, avoid overlap and maximize impact.

CEPOL's five year evaluation is ongoing. The report which includes an external audit and seven recommendations has been drafted and could serve as a solid base for the further development of the agency. It is expected to be presented to the Council of Ministers in June 2011.

The European Commission is also active in supporting CEPOL's reform process, with a view to propose a new Council Decision on CEPOL by 2013. On 18 May 2011 a high level conference on the future of European law enforcement training and CEPOL's future will be held in Brussels. 2012 will be a key year for CEPOL, as the results of the High Level Conference and the five year evaluation will, among others, be instrumental in reshaping CEPOL as a key actor capable of best serving the needs of the Member States and be a catalyst for innovation in the field of law enforcement training and education.

#### Olivier LUYCKX, Head of Unit, Crisis Management and Fight against terrorism, DG Home, European Commission

Madam Chair, Ladies and Gentlemen, Dear Colleagues, I wish to express my gratitude to the organizers for inviting the Commission to participate in this hearing. This event comes very timely, just a few days after the Council endorsed the Internal Security Strategy (ISS) proposed by the Commission. I will share with you some thoughts on information-sharing in the wider context of this recently adopted policy document.

As a preamble, let me first stress that, under the Lisbon Treaty as in the past, national security is and will remain a competence belonging to the Member States who are the prime responsible for designing the appropriate policies and for implementing the necessary law enforcement measures. The role of EU institutions is therefore complementary to that of the Member States, and we have to carefully identify the areas where we can add value. Bearing this important reservation in mind, I would like to make three remarks on the nexus between internal and external security; on the present practices of information-sharing; and on strengthening Europe's resilience to crises, including terrorism.

External and internal aspects of security are the two faces of the same coin. The links between internal and external security are obvious and examples are many. There is no need to be a security expert to understand that a state failure in West-Africa can have a huge impact on our internal security. For example, it is a well-known fact that criminals try to smuggle drugs into Europe via countries in West-Africa where the state apparatus is weak; it is also a public fact that certain desert areas in the Sahel-region are used by criminal networks to land planes loaded with drugs from Latin- America. Members of Al Qaeda in the Islamic Maghreb (AQMI) have publicly stated their intention to target European interest within the territory of the EU. The press has widely echoed those threats on EU internal security coming outside of Europe.

But beyond those facts we have to envisage these links between external and internal dimensions of security from an institutional and organizational angle. Let us consider these elements in the present context, under the Lisbon Treaty. From an external action point of view, the post-Lisbon landscape has changed drastically: there is a new treaty providing for new competences. The EU now enjoys full legal personality and the rules of external representation of the EU have changed; there is a new policy framework (the External Security Strategy from 2003, regularly updated since); there are new actors such as the figure of the High Representative/Vice President; and there is a new service - the EEAS, including the network of EU Delegations. As far as external security and crisis management are concerned, new working arrangements and procedures are being prepared in order to better prevent and respond to crises, including security threats. The challenge is to better organize and coordinate the action of a wide range of actors, both at EU and national level: the High Representative, the EEAS including the EU Military Staff, the EU delegations, relevant Council channels such as the Political and Security Committee (PSC) and the Committee of Permanent Representatives (COREPER), the Humanitarian Aid department of the European Commission (ECHO), Committee on Developing Countries Matters (DEVCO), not to mention the many actors and mechanisms at the national level.

So the name of the game is "coordination". Our EEAS colleagues are currently working on such a new coordination mechanism: various crisis scenarios are defined, based on different levels of intensity and gravity of crises; depending on each crisis scenario, a number of actors are called into play and different mechanisms are triggered to share information, to inform the decision-makers and to activate the available instruments. It works as a hub or as a platform for information-sharing with a view to inform the decisions to be taken during an external security crisis.

On the internal security front, the landscape is quite similar: the Lisbon treaty abolishes the so-called "pillar structure", new competences now exist for security and terrorism related issues, a new policy framework has been defined (the Internal Security Strategy, recently endorsed by the Council), new actors were created (like the Standing Committee on Operational Cooperation on Internal Security (COSI) tasked with operational coordination; a new Directorate General has been created within the Commission (DG HOME); a number of agencies or offices operate in the remit of internal security (such as Frontex, Europol, Eurojust, Cepol)...

Again, coordination is of the essence. The challenge is to maximize our impact and relevance vis-à-vis threats to our internal security. In this context, COSI and the EU Counter-Terrorism Coordinator (CTC) have an important role to play, given their mandate. Today, information-sharing remains informal; it happens on a voluntary basis among a restricted number of players. The Internal Security Strategy underlines the need for a more systematic and better organised cooperation in this field: "An effective and coordinated response to crises depends on being able to quickly pull together a comprehensive and accurate overview of the situation. Information on a situation inside or outside the EU must be drawn from all relevant sources, analysed, assessed and shared with Member States and the operational and policy branches in EU institutions. With fully networked secure facilities, the right equipment and properly trained staff, the EU can develop an integrated approach based on a common and shared appreciation in a crisis situation. Based on existing capabilities and expertise, the Commission will, by 2012, reinforce the links between sector-specific early warning and crisis cooperation functions, including those for health, civil protection, nuclear risk monitoring and terrorism, and make use of EU-led operational programmes. These arrangements will help improve links with EU agencies and the European External Action Service, including the Situation Centre, and enable better information-sharing and, where required, joint EU threat and risk assessment reports. Effective coordination between the EU institutions, bodies and agencies requires a coherent general framework to protect classified information. The Commission intends therefore to come forward with a proposal to address this in 2011." Information exchange is present in current policies and practices. My second remark is that information is already being shared among players on internal security matters although in a quite limited way; this is true also in the field of counter-terrorism. The EU Counter-Terrorism Strategy adopted in 2005 and still fully valid today, constitutes the policy framework governing policy and action at the EU level. The Strategy revolves around four main axes: prevent, protect, pursue and respond. In pursuing those four

<sup>&</sup>lt;sup>1</sup> The Commission will continue to use and further develop ARGUS - see COM(2005) 662 - and related procedures for cross-hazard multi-sectoral crises as well as for coordination across all Commission services.

goals, Member States, EU institutions, and law enforcement agencies already share some information.

On the prevention side priority actions relate notably to the prevention of radicalization and the dismantling of recruitment chains; the disruption of terrorist finance networks, the prevention of using the internet for training and propaganda purposes. The sharing of information is a part of those activities, let's consider for example the collection and sharing among practitioners of de-radicalization practices or the identification of fund raising activities and networks. To be successful, these activities necessarily imply a degree of information-sharing.

The same is true for protection: the EU Critical Infrastructure Protection system is based on the identification of key infrastructures and their communication to other players. On CBRN (chemical, biological, radiological and nuclear) threats and explosives too, information-sharing is at the heart of what we do: studies are being conducted on the feasibility of a number of measures, best practices are being identified and research is ongoing on new detection technologies. The Commission has been requested to ensure the appropriate dissemination of results and best practices. As far as prosecution is concerned, police and judicial cooperation are partly based on information-sharing between Member States law enforcement authorities, Europol and Eurojust.

Crisis management and response constitute the fifth objective of the Internal Security Strategy. This leads me to my third remark: we need to build a common understanding on the threats and risks we face. The Internal Security Strategy referred to above sheds a new light on this issue and invites all actors involved to take additional steps.

The stated objective is to increase Europe's resilience to crisis and disasters: "The EU is exposed to an array of potential crises and disasters such as those associated with climate change and those caused by terrorist and cyber attacks on critical infrastructure, hostile or accidental releases of disease agents and pathogens, sudden flu outbreaks and failures in infrastructure. These cross-sectorial threats call for improvements to long-standing crisis and disaster management practices in terms of efficiency and coherence. They require both solidarity in response, and responsibility in prevention and preparedness with an emphasis on better risk assessment and risk management at EU level of all potential hazards."

The ISS calls for a number of improvements, I would like to stress the two of them. First, we have to exploit the potential of the Solidarity Clause to the full. The Solidarity Clause in the Lisbon Treaty (Article 222 TFEU) introduces a legal obligation on the EU and its Member States to assist each other when a Member State is the object of a terrorist attack, a natural or man-made disaster. Work is ongoing on this issue with a view to a joint proposal by the Commission and the High Representative on how to put the Solidarity Clause in practice.

Secondly, we have to build an all-hazard approach to threat and risk assessment. The ISS foresees that by the end of 2010 the Commission will develop, together with Member States, EU risk assessment and mapping guidelines for disaster management, based on a multi-hazard and multi-risk approach, covering in principle all natural and man-made disasters. By the end of 2011 Member States should develop national approaches to risk management including risk analyses. On this basis, the Commission will prepare, by the end of 2012, a cross-sectorial overview of the major natural and man-made risks that the

EU may face in the future (Council Conclusions on a Community framework on disaster prevention within the EU, November 2009). On threat assessment, the Commission will support efforts to improve mutual understanding of the various definitions of threat levels and to improve communication when these levels are subject to change. In 2012 Member States are invited to produce their own threat assessments on terrorism and other malicious threats. From 2013 the Commission will prepare in liaison with the EU Counter-Terrorism Coordinator and Member States regular overviews of current threats based on national assessments. The EU should establish by 2014 a coherent risk management policy linking threat and risk assessments to decision making.

In conclusion, this is all about forging a common security culture at EU level, built on a shared perception and understanding of threats and risks with a view to inform the policy level. In other words the objective is to ground our policies on sound evidence and facts as well as on a proper assessment of those facts. This is not about conducting intelligence work or about creating a central intelligence unit at EU level. We have no mandate, no capacity and no appetite to do this. Yet, as the ISS clearly states, there is ample room for improvement and the Commission is determined to take up these new challenges.

### Dr. Patryk PAWŁAK, Research Fellow at European Union Institute for Security Studies (EUISS)

I appreciate the opportunity and the invitation to be present here in the Parliament to share my views on the development of the European Union's internal security. Contrary to previous speakers my knowledge of the European Union security policies stems mostly from years of research and analysis of this policy area – both in terms of the legislative process and practices.

In my presentation I would like to address one major question: Is the European Union's institutional architecture suitable for addressing the security challenges outlined in EU's major security documents: the EU Internal Security Strategy of 2010 and the EU Security Strategy of 2003? In answering this question, I will first focus on defining the existing security threats which increasingly spread across numerous policy areas and hence require a comprehensive approach. I will then discuss two possible solutions: one being maintaining the status quo and the other assuming further integration of European Union security services and creation of the EU Security Service. Whichever solution will eventually prevail, I argue that increasing cooperation in the field of security cannot take place without a simultaneous strengthening of the justice and liberty dimension of this policy area.

Let me focus first on describing briefly the security context in which the EU Internal Security Strategy (ISS) needs to be considered. As the ISS rightly states "the concept of security must be understood as wide and comprehensive concept which straddles multiple sectors in order to address major threats and others which have direct impact on lives, safety and well-being of citizens". This implies that resources for meeting security objectives are diffused across several policy fields and a large number of organisational units which often operate in separation from each other, including border security, immigration, aviation security, surface transportation security, maritime security, critical infrastructure protection, science and technology. What emerges are informational imbalances leading consequently to incoherent and rarely comprehensive security approaches.

In addition, one needs to keep in mind that there are multiple understandings of what appears to be a single concept and that those understandings can be manipulated as a part of political strategy. It is predominantly about generating understanding of what constitutes appropriate concerns, why they are appropriate and what are appropriate responses. Policy in this context becomes a battlefield about the dominance of particular definition which consequently consolidates the institutional identities. The process itself features a wide range of participants, with diverse agendas and values, who are thrown together in various ways to produce ambiguous and provisional outcome. This means that hardly any policy is in practice a purely strategic exercise but rather results from an inherently political process.

The field of security is not immune to these processes. In line with the stance outlined above, security is about daily political interactions coloured by distinct institutional identities. Here policy design and implementation can hardly be conceived as outcomes of lucidly planned strategies. Instead, security policies emerge out of the politics of

security performed at different levels. Let us take as an example the Integrated Border Management. The number of tools in border management has substantially expanded over years and includes sophisticated optical and electro-optical sensors, IT intrusion detection systems, biometrical and patterns sensors and systems, manned and unmanned aircrafts as well as intelligent surveillance means.

In addition, a multitude of 'stakeholders' has largely expanded to include not only traditional border management actors (for example, DG Home, Interpol, Europol or Customs Cooperation Working Party) but also the European Union Anti-Fraud Office, Fundamental Rights Agency, GMES (Global Monitoring for Environment and Security), Joint Research Centres, European Union Satellite Centre, European Defence Agency or the European Security Research and Innovation Forum. The operational cooperation on border management is mostly structured around the Frontex activities, like joint operations, Focal Points, Rapid Border Intervention Teams, risk analysis and training or the technical assistance to Member States, including Centralised Record of Available Technical Equipment. The implementation of those measures is supported with burdensharing tools like the Schengen Facility or the External Border Fund. Several new legislative proposals are already in the loop, including the amendment of the Schengen Borders Code, setting up Entry Exit System and Registered Traveller Programme as well as the start of operations of the Agency for the operational management of large-scale IT systems in Area of Freedom, Security and Justice.

Let me know turn to the implications that such complicated institutional arrangements carry. In the policy universe which functions as one big network, being part of a network and having as central position as possible becomes a crucial element. Therefore, politics within networks becomes increasingly omnipresent, leading to exclusion of some actors from the process and limiting the inclusion of different voices in the debate and consequently stimulating conflicts. The case of international agreements in the field of data protection comes to mind automatically. Despite several years of experience with negotiations of agreements like the PNR (Passenger Name Records) or the SWIFT with the United States (Terrorist Finance Tracking Program), the same issues seem to re-surface whenever an agreement needs to be negotiated or renegotiated: the involvement of the European Parliament or the division of competence between DG Justice and DG Home. Even though the entrance into force of the Lisbon Treaty has remedied at least some of the problems – it increased the accountability by strengthening the role of the European Parliament and the Court of Justice – the situation has not changed in terms of practice. The increasing reliance of the European Union on technology and personal information for the security purposes will only strengthen these trends, especially since in the domestic EU context the universe of actors involved is even more ample and included Fundamental Rights Agency, European Data Protection Supervisor and several agencies like Europol, Eurojust or Frontex. Such diffusion of tasks leads to diffusion of responsibility and substantially limits the transparency of the process. In addition it does not always encourage the culture of cooperation resulting in the situation where most of these institutions operate 'next to each other' rather than 'with each other'. As a consequence, the incentives to take into account divergent opinions and to work out differences before making concrete proposals are rather low. This trend became even stronger with the separation of DG JLS into DG Home and DG Justice. This leads me to the conclusion that both comprehensive approach to security and limiting the amount of politics within networks can be achieved (if not fully than at least partly) by the institutional integration of currently dispersed security tasks into a European Union Security Service. Such a Service would bring together relevant security and freedoms components of the Council (COSI or the JHA-Relex ad hoc support group, JAIEX), Commission directorates, including not only justice or home affairs but also environment, health or transportation. The EU agencies and special bodies like Frontex, Europol and Eurojust should be also attached to such a structure. A similar solution has been adopted already in the case of foreign policy, where the European External Action Service is established. In my view, the creation of such a service in the field of security is even more justified given the strong interconnectedness of internal policies between Member States of the European Union and their already advanced cooperation in this area. At the same time, I need to strongly underline that creation of such a security body should be accompanied by a simultaneous strengthening of the justice and liberty dimension of this policy area in order to stimulate the debate and flow of ideas.

One needs to be aware that the field of security is very specific and often requires rapid actions. However, this should not come at the price of the EU's principles outlined in the Treaties and the Charter of Fundamental Rights. Contrary to what the opponents of close integration of security, liberty and justice experts may say, the cooperation of those experts could in long term contribute to the emergence of a genuine and balanced security model which the EU Internal Security Strategy aims to establish. It would also increase the accountability and transparency of the process.

This is just an outline of a diagnosis and one potential solution. I would therefore encourage the European Parliament to either establish an inter-institutional task force to study the possibility of establishing the EU Security Service, including the impact assessment or to commission a pilot study investigating this idea. The outcome could be useful before the next institutional cycle that will commence in 2014 and could be incorporated in the next Multi-annual justice and home affairs programme.

#### **Questions and Answers**

**Journalist:** When we talk about security, terrorism, violence, radicalism, we often mean the individual, people or groups. However, I would like to know how we can cover state terrorism? Does the EU know about groups in Belgium for instance intending to kill Kurdish politicians from Turkey with Turkish passports?

André Vandoren: The answer is very clear as from the moment when information is received from police or intelligence procedure opens. CUTA is not a unit collecting information thus it can only start investigations once the information was dealt with accordingly. First of all the case is forwarded to authorities to take protection measures, secondly to the Federal Prosecuting Office coordinating prosecution institutions in Belgium competent for terrorism. We are not fighting against ideologies but only against people not respecting the legal framework of Belgium.

Olivier Luyckx: From a Commission perspective I have two remarks. Firstly, the definition in Europe for terrorism does not distinguish between politically motivated, radical or state-sponsored terrorism. The definition that we proposed back in 2002 as part of a Framework Decision was precisely to make sure that the definition and conception of terrorism will be equivalent throughout Europe. Member States were asked to incorporate that definition into their legal national orders. The objective element of the definition is relating to criminal behavior and the subjective element being intentionality. That is the first point in terms of legal arsenal. From a political point of view HR/VP Ashton has the mandate and obligation to bring those issues in the political dialogue with third countries whoever they are. That is the way we divide competences between the Commission and the External Action Service which has the mandate now under the Lisbon Treaty to stand for official representation with third countries.

Andrew Rettmann, journalist, EuObserver: I wonder if the series of developments in North-Africa and the Middle East have changed at all the threat levels here in Belgium? How is the CUTA looking at potential threats on EU internal security triggered by refugees. In order to understand the Belgian threat level system I would like to know how the level fluctuated within the past 12 months?

André Vandoren: Once in my carrier we were obliged to pass from level 2 to 4 during Christmas and New Year of 2007/2008 when we received information from internal and foreign intelligence that there would be an attempt on Christmas festivities in Brussels. During the parcel bomb attempts the CUTA changed threat levels from 2 to 3 concerning the EU institutions and Belgian ministries until the case was closed and the parcels were sent back. Concerning the situation in North-Africa the CUTA is continuously doing follow ups on the situation and currently there are no indicators for increasing the threat levels in Brussels or in Belgium.

Martin Ehrenhauser, MEP: It is not a self-evident issue that the intelligence community gets together for a hearing in the European Parliament. Democratic control over intelligence is a truly important issue and that is a key question to be asked. Now that the European Parliament has co-decision powers the decisive question is when is a service operationally active and when can we say that the intelligence community can be involved in the External Action Service and satellite services? When it comes to democratic control of intelligence when is the Parliament set for control? Do we need parliamentary control even if the secret services are not operationally active on the European level?

Patryk Pawłak: I am not part of the intelligence community and thus not able to answer questions on operationality. Now that the External Action Service is operational, it is difficult to distinguish between competences because so many things are being implemented that it is difficult to see who is responsible and accountable. The kind of accountability I was proposing is to know at least who does what. In the field of foreign policy we can blame VP/HR Ashton if things go wrong in foreign policy. In terms of internal security it would be difficult to differentiate as mostly Member States are pointed at or Europol, Eurojust is in the spotlight. However I think under a new structure there could be one authority which could be held accountable. And the European Parliament under the Treaty of Lisbon would become increasingly active in the activities. There is a democratic oversight which is obviously extending now and that is how it works in each Member State, I assume.

Manfred Weber: I think in the EP it is our task to observe European activities, to assist and to evaluate. I would like to point out that once the European intelligence activities start, we will need to monitor them. For instance the European Council last week decided to introduce certain standards for the Euro and the European Parliament immediately said that we want to be involved and we want to report on what happens even if it is an intergovernmental activity which is the case with the IMF decision. We should not let ourselves be pushed back even if there is only coordination going on between security services, why should the EP not have a look and monitor, evaluate its European activity? Today in the European Parliament we need structured approaches. Responding to Mr Pawłak's suggestion on pulling all security service together under a new structure - as a German federalist I would regard that idea rather critically. In my homeland our experience is that police and related activities have to be organised on a federal basis and the decisive point is that the authorities working in different states of Germany work together in the spirit of mutual trust and confidence. If you want to have an overarching intelligence service with Europol, Frontex and other agencies this cooperation would not change. Decisive point would be the culture and the spirit that would be stimulating and developed among the personnel involved so that they work together willingly and well. So I do not think that this structural suggestion is the one that will fill in the intelligence deficit in Europe.

Patryk Pawłak: In case of oversight the Parliament has been very active on PNR, Swift and data protection even before having the extended mandate. This is how you exercise the oversight and participate in action even if the operational service is still on the way. When I mentioned security service I did not mean secret security service only. If you look at the situation right now, virtually each Directorate General has its own security unit and this situation is rather counter-productive as you cannot have a coherent approach to security if you have a DG in DG Environment working on environmental security and a unit in DG Health working on health security. All of them contribute to the security debate which is later reflected in the strategy but they do not really communicate with each other. This is the institutional closeness I had in mind. I agree that we need a certain culture of cooperation but the reason why the External Action Service was created exactly in order to stimulate these kinds of socialization processes which should be rather at the bottom instead of the top levels.

In security there is a different case as everyone has an interest to cooperate. Member States want to protect their citizens and thus the incentive is much bigger.

Olivier Luyckx: It should be very clear that such an EU security service does not exist today. The current legal environment provides for political control at national level. My fellow panelists ambitiously suggest the creation of such a community level service. Personally speaking - as I said before - minds and hearts are not ready for that. The Commission would be a natural proponent of such an initiative but we do not have competence in this field. Psychologically and politically this would be extremely complex but politically not acceptable at this point. Thus firstly we should build capacity, secondly the knowledge and thirdly the confidence. Our challenge is to create one hub within the Commission services to bring together agencies and Member States to share information in a different and new creative way. That I think is the first step.

Martin Ehrenhauser, MEP: These days there is an urge to push cooperation forward, the need to exchange information. I do not think there would be many people contradicting that. But I do not think the right way for that is the creation of a European secret service. What we need is to push forward cooperation and divide technical solutions for instance the defense agencies are working on a project which makes sense. Are these projects at the same time protecting or respecting the sovereignty of individual Member States?

Olivier Luyckx: Earlier I pointed at the internal security strategy which is precisely the embryo of a more systematic cooperation starting with exchange of information, a common culture and common understanding of what is threat and threat assessment and leading to common risk assessment with neutralizing those. And the task following objective 5 and Council conclusions from 2012 to start building a common EU-wide threat and risk assessment. That is next and we need to define steps to get there. The Parliament is being consulted on this issue and thus this is the first chance to exercise control over this topic.

**Panel 2: The Future of Multilateral Intelligence Cooperation** 

### Mag. Peter GRIDLING, Director Austrian Federal Agency for State Protection and Counter Terrorism (BVT)

Ladies and Gentlemen, it is a pleasure for me to be here. When I was invited to speak here about the contribution of the security services deliver to EU internal security, I thought this was a good opportunity to draw the attention to the contribution of the services which is not always so visible but it is an important one. From our point of view it is to be welcomed that the European Parliament and in particular the European Peoples' Party dedicates itself to this important security issue and thus helps support the efforts made in this field on a European scale.

There is no doubt about the legitimacy of these questions since the security interests of the European Union probably go well beyond the national security interests of the Member States. This is clearly demonstrated by the existence of organizations, security agencies and institutions such as Europol, Frontex, SitCen and Eurojust. On the other hand, the security interests of the EU are, without doubt, also part of the national security interests of the Member States. In the light of the turbulent developments of the last decade and the emergence of new security structures within both the EU and the Member States, the question whether our authorities and institutions are appropriately linked to safeguard the security of our citizens through the early identification of threats and the taking of appropriate measures is also legitimate. In this context as I said at the very beginning the security services play a crucial role.

As established in the invitation, the protection of national security interests and, closely linked to that, the cooperation between the Member States, whose development the Member States have been pursuing for years at different speed and with different degrees of success, is of major importance. The cooperation between law enforcement and security services in Europe in most of the cases runs smoothly, however it continues to be a subject to permanent enhancements.

Regarding the subject of this discussion today, the following points are, at least from my point of view, of relevance. First of all it needs to be clearly stated that the Lisbon Treaty clearly defines that national security remains the sole responsibility of each Member State. Security services in Europe are instruments of the governments of respective Member States and are subject to numerous controls at the national level – including political control through the national parliaments.

It was in the 1970's that European police and security services clearly recognised the increased need for cooperation and started developing forms of cooperation on a voluntary basis. Some of the cooperation forms were mentioned by the speakers in the first panel, for example the Police Working Group on Terrorism and also the Club de Berne for instance. The Europol Convention and the Schengen Treaty were major steps forward in the development of police cooperation. These were subsequently completed with the political objectives set forth in both the Hague Programme and the Stockholm Programme as well as in the Prüm Treaty. In addition to this progress also Member States further enhanced transnational cooperation by signing bilateral police cooperation agreements. Both the Member States and the EU support regional initiatives in regions adjacent or close to Europe with the aim of assisting the authorities of these regions in their efforts to guarantee security and of thus bringing more security to Europe's population.

The security services are aware of their responsibilities and have developed their cooperation on the basis of their legal possibilities. The interests of the European Union and its institutions have, in this context, also been taken into account. However, the cooperation between security services is not governed by the same rules as police cooperation. While the principles of transparency and publicity prevail in police and judicial procedures, confidentiality and the protection of sources are the dominant factors in the field of security service work. That does not mean that the security services would not like to be controlled or are not controlled. It is the opposite. I think on the national level they are the most controlled institutions.

Further important principles to be considered are the principle of originator control, the third party rule, the "need to know" and "need to access information" principle. The often demanded "need to share" principle requires intelligence consumers that have been appropriately sensitised to the nature of the information and clear rules for the recipients for handling and protecting intelligence properly. The awareness of how to handle intelligence sometimes is a problem even on the national level. I, for my part, think that a proactive interpretation of the "need to know" principle currently is to be preferred to the "need to share" principle. Because "need to know" means a careful consideration of who needs to know and not who needs to be excluded from this knowledge.

The cooperation between the security services in Europe has been established on a voluntary basis within the framework of the Club de Berne. Due to the incidents of 9/11, the security services have intensified their cooperation in the fight against terrorism and created the Counter Terrorism Group (CTG) based on the Council decision of 20 September 2001. The CTG nowadays is the interface between the Club de Berne and the EU on issues concerning terrorism. It is via the CTG that analyses and assessments of the terrorist threats to the Union are forwarded to the EU. These analyses and assessments are based on information of the services of the Member States that have access to relevant intelligence. Furthermore, the CTG represents a platform of experts for the exchange of information and the practical cooperation between its members. All Member State security services are CTG members. The SitCen has been invited to and has been attending CTG meetings for years. It also serves as a gateway for the CTG to the institutions of the European Union and hence plays a major role in the distribution of information produced by the services.

However, the security services of the Member States have also further developed their bilateral relationships with non-EU member states on the basis of their national security interests. This is why regional differences may be considerable. Why do I emphasise this? Because in the invitation some very interesting questions were raised, for example if the exchange of information is sufficient and efficient enough. Here one could clearly have different opinions but in general the exchange of information works well and if it is focused on a certain topic and does not become just an activity on its own, it is also sufficient. Are we connecting the dots? Yes, of course we are. And some of the dots are even strongly connected by various communities, like law enforcement, intelligence or security services. Are we doing everything to take preventive measures against threats affecting the European way of life? I think that law enforcement and the intelligence community is doing its utmost to guarantee and safeguard the interests of the citizens of the EU.

To see clearly and without doubts the borderline between the internal dimension of external security and the external dimension of internal security might be a bit of a philosophical question. The broader you make a thing, the more complicated it might get. Therefore it is discussed by political think tanks up and down, back and forth but I do not think there is a very good answer for it. It is clear that some of the problems we face within the Member States have the roots abroad and therefore need the contacts and need to build relationships with the services in the region or in the country where the threat comes from. This is developed further by bilateral cooperation agreements by bringing new partners into our networks.

The question I struggled most with while planning my presentation was regarding the methodology of task sharing in practice. Which task should be shared if there is no European tasker? So we are doing what is considered to be necessary, we are trying to anticipate threats, we are trying to see it with not only our national, but also with our European view. Nevertheless, I think that EU tasking for the security services does not really exist and therefore it is difficult to talk about the control of security services by the European Parliament for instance.

Finally one question which is really relevant: is it realistic to start thinking about the foundations of a future common EU intelligence? I think it is indeed realistic to start thinking about it but first of all it needs a clear task, a clear framework to continue with this discussion. I am quite convinced that what sounds at the beginning a very easy subject might become rather complicated when we go in depth on these questions.

Nevertheless, I am convinced that our cooperation needs to be focused on the problems we face and thus we need to involve the right partners. I do not think that we need much intelligence on topics which are not interesting and thus we waste our resources with administration and bureaucratic hurdles. If we start a discussion on a common future EU intelligence, we should also ask ourselves where and who are the users, the consumers of this intelligence? Are they conscious enough to understand the principles and the importance of information security and to protect the information? With regard to the cooperation between national security services and the European Union it will also be necessary to identify the consumers of intelligence and to take all precautions to protect the information and its sources. These are very important issues prior to starting a discussion but this should not happen by ignoring the past or the current situation.

I would like to end with some remarks regarding a comparison between law enforcement and security services over the last 25 years. On these fields voluntariness was the dominating principle at the beginning. Law enforcement cooperation was developed further by important legal frameworks and nowadays the law enforcement cooperation on EU level is clearly better developed than the cooperation of security services. For example with the Europol Convention we have a clear legal basis for setting up pan-European databases. There are clear rules to deal with it and this could be an example when discussing the future.

In my view it is important to highlight that in the field of intelligence the EU does not have such a big tradition. Compared to police cooperation in Europe, the legal provisions for the cooperation between the security services are hardly defined. One of the reasons is that the European Union, with regard to its internal security, currently does not have appropriate structures and the cooperation between the institutions' security departments

is widely unknown to Member State law enforcement agencies and security services. It remains to be seen whether more rapid progress can be achieved through the Committee on Internal Security (COSI). SitCen as one future element does not have a long history and it has dealt with analyses, however it is not operational. I remember very well the discussion whether Europol is operational or not. Thus if a service is operational or not - as one of the gentlemen pointed to it earlier - is a matter of discussion as well. These are the points able to generate heated debates sometimes.

Nevertheless, it will be interesting for me to see how the European Union will develop its structures further and how the structures like the Committee on Internal Security will see and interpret their role especially by implementation of the objectives of internal security strategy. It is an interesting point to see how COSI will finally succeed on these numerous and wide-ranging subjects Mr Pawlak also mentioned before. I think it is time to ask ourselves the question: is it realistic to start thinking about a future EU intelligence? Yes, it makes sense.

Can we expect anything in the next two or three years? Based on my assessment the answer is a clear no because it needs careful consideration and I am quite convinced that Member States have rather different positions on that.

# Gabriel FUENTES GONZÁLES, former General Superintendant for Information, Spain

Members of the Parliament, Ladies and Gentlemen. First of all, please allow me to express how grateful I am for having been invited to this hearing on an issue with such an impact on the wellbeing of citizens. I would like to start my speech with a brief introduction explaining why I consider that intelligence, intelligence systems, are so important in order to achieve one of the goals of the European Union: an area of freedom, security and justice without inner borders.

Threats to security were traditionally handled by law enforcement officers in their wider sense, in a symptomatic way, as phenomena revealing the existence of a problem without getting an insight into their etiology, or in other words the causes behind the phenomena. The final result of this type of proceeding has been the restraint of the threat and its remaining as a chronic social illness. In most cases the only thing known about the threat is the fact that it represents a risk and a potential danger for society and that it is therefore necessary to build up barriers against it or at least to develop the appropriate devices to minimize the threat's capacity in generating risk. Therefore knowledge-based security is the first element for intelligent security.

This concept of security based on reaction has left the way clear to a new proactivity-based conception which will unavoidably lead security organizations to develop prospective techniques allowing them not only to get an insight into the threats but also to prevent them from emerging. The most important conceptual turn in global security is its directioning towards anticipation-based prevention instead of deterrence-based prevention.

Various kinds of organised crime and terrorism networks manage to expand in our societies thanks to their ability to adapt to hostile environments made up of regulations and security mechanisms. This criminal adaptability forces us to be equally dynamic and innovative, at least in terms of our capacity to proactively implement security schemes. New security must respond to flexible schemes. In order to achieve the adaptability of security systems it is essential to provide security agencies with intelligence resources granting them an informative superiority and allowing them to anticipate the threat in order to reduce the risk. Informative superiority allows security organizations to have, share and manage exact knowledge of situations, learn behaviours and build patterns, gain strategic and operational surprise, have power of action, have implementation capacity.

Intelligence is the territory where most of the tension derived from the evolution of traditional security towards global security becomes evident. Due to its own nature as an instrument and a process to know, understand and change reality, security intelligence involves, on the one hand, the need to develop a new vision before global threats and, on the other hand, organizational and cultural resistance to change.

The conceptual document for this hearing tackles several questions that have already been dealt with. In order to handle multilateral cooperation in intelligence, it is necessary to analyse some problems which, in my opinion, should be solved either before or least at the same time that multilateral instruments are developed.

Since the setting up of the Trevi Group in 1976, advance in multilateral cooperation has been constant. Today security cooperation is developing more advanced mechanisms based on the principle of availability, whose pillars are based on the Swedish initiative that prompted the Framework Decision 2006/960/JAI. In Spain, this decision has been integrated in the legal order through Law 31/2010 of July 27th, which simplifies the exchange of information and intelligence among security services in EU Member States. In order to warrant an area of freedom, security and justice, security services need more and more information and need to be able to access it as quickly as possible, without their availability being affected by the different responsibilities of authorities in the field of information, judicial police, customs or justice in each Member State. The above mentioned Framework Decision already warned against the serious limits in terms of a swift and efficient exchange of information among security services, describing the situation as unacceptable for EU citizens. The multilateral conception of security is first of all determined by the national security services themselves. Previous consideration should be given to their suitability in terms of their own organization in order to fight the threats faced by the European Union.

In some countries including Spain there are several agencies having responsibilities in the fight against terrorism, organised crime and other crimes affecting the security perception of citizens all of them acting on the same time and space. Apart from these agencies which depend on different authorities and which operate on different levels (state, federal, autonomic or regional), there are also local police units whose field of action is one single city or town. This situation triggers some problems which, in a brief and summarized way, have to do with the impact on information collection, the first element in the intelligence cycle and the base on which the other elements lie, different threat assessments, distrust among the different agencies, availability of information, the need to create coordination bodies, adding new players to the process, and carrying out complementary intelligence analysis.

This scenario where the complex structuring of security services is deployed is complemented with the performance of the so-called "intelligence services". In the past security services, most of which having military origins and made up of military personnel, used to have their own action field and their activity with hardly ever overlapped with that of the security services. Today both fields of action are approaching and in some cases there is an overlap of functions and interests between intelligence services and police information services. This is a consequence of the new focus of intelligence services towards threats of criminal nature while police information services are adopting cooperation intelligence and internationalization techniques. Furthermore this takes place at the same time when non-military staff integrates into intelligence services. This situation leads us to two types of scenarios. First possibility is when the information is neither centralized nor immediately available for some of the authorities. Second scenario is when the different services try to fill their information gaps through the development of information collection systems which - unavoidably - end up producing overlaps and in the majority of the cases undesired interference. The final outcome leads mostly to the inefficiency of the system. It is worth reminding that most, if not all, of the elements mentioned above have made it easier for terrorists to reach their targets, 9/11 being the recurring example for this.

It is also necessary to point that the threats endangering internal security in the European Union are absolutely asymmetric and this asymmetry has been defined and is likely to continue determining effective cooperation among Member States while these remain unable to set non-shared goals or to request other resources but the voluntary ones. Neither terrorism nor organised crime affect Member States equally in any of its most significant expressions, such as drug trafficking or violence related to sport events. This is translated into different threat assessments affecting cooperation at least in the operational police field.

Both the organization of security services at domestic level and the asymmetric perception of threats at union level represent two key factors which determine and make it harder to reach wider multilateral cooperation. In the case of Spain the first one of these factors, the organisation of services has been an ongoing concern. The Spanish Parliament has set up sub-committees for the study of the police model several times and in different terms and has carried out in-depth analysis in order to pool the opinion of experts in the police, judicial academic and political fields. So far efforts have failed to reach the necessary consensus required to modify the model, we still keep the one established in 1986 which has been subject to changes. This however in my opinion, has not contributed to improvements.

In spite of this some instruments have been adopted that have allowed minimizing the undesired effects of our model in the case of the most serious threats. Regarding terrorism, the CNCA (National Centre for Anti-Terrorist Coordination) centralizes all the information related to anti-terrorists operations with the help of a computer system called SICOA (Information and Control System for Anti-Terrorist Operations) aimed at detecting duplications in investigations, assigning responsibilities and solving any conflict that may arise in the operative field among the different security services. In the same way, the CICO (Intelligence Centre for Organised Crime) operates in the field of organized crime through a computer system for information management: the Investigation Registry System (SRI). Both centres also count on analysis capacities in relation to the threats under their scope.

In my opinion, just as excessive complexity in some national systems does not contribute to higher efficiency in the security system, nor does the proliferation of cooperation instruments, agencies and information systems contribute to the efficiency of the system at EU level. In its Communication of July 20th 2010, the Commission already highlighted a potential overlap of functions, identifying up to fourteen instruments (files, decisions, agencies, etc.) competent to deal with biographical data.

As I have already said, different perceptions of threats in different EU member States also determine multilateral cooperation in its heart. Not all the threats affect all countries and those which do affect all do not do it with the same intensity. Terrorism, organised crime as well as illegal migration and its use by criminals and terrorists to access the Union exert unequal pressure over Member States. Therefore, for example, it is no surprise that the assessment of the use of PNR or TFTP is not only different but also distant among different security services or among the Member States. Similarly, the premises on which the analysts of the agencies base their threat assessments may also substantially differ from the vision of the threat that directly affected Member States have. This unavoidably leads to distrust and loss of interest.

In this sense it is necessary to remind everyone that security as such is continuous, for instance there are only quantitative differences between security and insecurity such as differences regarding the degree of tolerance. This way, with the same criminal reality and similar crime rates, a group or community may feel more secure or insecure than others depending on variables such as age, gender, education level, status.

The debate on the Europol Convention is one of the most relevant examples of differences concerning the perception of threats. On that occasion, some Member States considered it was not the right timing to include the fight against terrorism in Europol's responsibilities. Although it was finally included in the Convention, a period of two years was given for Europol to actually take charge of the issue.

The Union has constantly worked to improve citizens' security. Almost all work instruments developed in this field recognize the countless actions approved and many of them are pleased with the progress achieved. Today we are suggested to take stock and many questions are on the table. Twenty years ago we could not even think of some of the instruments on which our cooperation is based today. On some occasions, particular initiatives were immediately rejected. However, as time went by, we have managed to approach our positions, in some cases because threats have become so evident that it has been impossible to keep ignoring them and, in most cases, because of increasing levels of mutual trust.

Most of the multilateral actions that we have taken were preceded by bilateral good practices. An example of this is the Prüm Treaty which was no doubt inspired by the agreements signed by Germany with its neighbour countries and which facilitated cooperation between French and Spanish authorities in the fight against terrorism, which has been highly valued by our security services and which has finally turned into an EU decision. Security services have managed to increase cooperation based on mutual trust and specialization. Frequent meetings of the services' members facilitated the sharing of analysis or rendering assistance in the development of investigations while developing the joint use of investigation techniques requiring high coordination and specialization These forms of cooperation were developed at bilateral level or among several states facing a common problem by conducting joint exercises for specialized units and training activities. Cooperation programs between Member States are definitely key factors towards building the trust.

The question now is what the future of multilateral cooperation in intelligence is. In my speech I have referred to both shortcomings of cooperation among security services and its achievements. Some may think that the question at hand only affects police cooperation. This is not true. An essential and critical part of intelligence is the collection of information. I believe that security services are the ones with best access to the best information sources possible, the human source. They have close and reliable information of threats and particular contacts to those who cause them, No matter what rate of signal-based or image-based intelligence we may have, we will never be able to replace the human factor. The analysts responsible for producing intelligence, assessing, analyzing, integrating and spreading information, need the best sources we may obtain to provide us with intelligence allowing us to make the best preventive decisions. This way all we must be concerned with is how cooperation among security services can be improved and how we can improve cooperation among security services and intelligence services.

## Prof. Dipl. VwW. Klaus Ehrenfried SCHMIDT, former Director of Criminal Investigations, Germany

Ladies and Gentlemen, I am very pleased to be able to speak to you this afternoon at this hearing. May I first of all make some preliminary comments. I am quite certain that I will not be able to cover all the topics previous speakers have covered nor will I be able to satisfy all the political representatives here in the room. The possession of intelligence has always been extremely important throughout the history of mankind given that information is frequently power. Obtaining information is a certain power to influence and understand events. This is something we know the Chinese military experts were aware of more than 2000 years ago. The concept developed in China 2000 years ago is still applicable. The Chinese believed that if one has the necessary information, mistakes can be avoided, threats prevented and there will be a shift towards a situation in which to sustain peace. I have linked the experience with acquiring police information especially in the area of organised crime. I have been head of a department in two major EU committees of multilingual cooperation on intelligence. I have worked with the FBI in Queensland in the USA, I worked with MI6 in the United Kingdom and the Bavarian Intelligence Service. I have contributed to the work of the George Marshall Center in Garmish and the Commission concerning a strategy to develop internal security in order to protect EU citizens from external threats.

We need an EU-wide common strategy without which will not be able to master threats in a wider range or at national level. I would like to quote a strategic objective set by the EU. This is very important for you in this room, many of you will be familiar with these concepts. First of all the EU needs to fight organised crime, secondly to counter the terrorist threat, thirdly to develop and implement an enhanced security in cyberspace, we also need to enhance our security situation on cross-border cooperation and also to have a specific border management reaction scheme. I would like to deliver my presentation in the following way. First of all I will touch upon the methods of organizations I am familiar with and then talk about the need for a European intelligence service and thirdly I will mention intelligence methods, fourthly data security and finally the public private partnership connected these activities. I have a presentation which I will show to you if we still have time illustrating the modern ways of gathering, pooling and analysing intelligence.

We still apply technologies and techniques originating from the 20th century not actually corresponding to current needs. Our political leaders have understood the need to modernisation. Unfortunately intelligence services are sometime resisting change, they are defending their own territories and continue to use out of date software which shows out-of-date images on screens quite literally designed to impress superiors. They are doing this in spite of limited budgets. On the other hand intelligence services are quite fragmented, so basically what we see is a patchwork of intelligence systems in the European Union without any rational links between our services. Intelligence products reflect this patchwork system and this of course means that the quality of intelligence overall is not good enough so we are not going to achieve the objective for seeking the reasons for these shortcomings on numerous tools. I think a specific research is needed

to detect the shortcomings of security and intelligence around Europe and to see how the gaps can be filled in.

What happens on the other side of the Atlantic? If you look at the way things are structured, there are 16 intelligence services in the USA which together achieve better results than what we achieve here in Europe. From the outside these agencies look extremely impressive although territorial struggles are frequent. Sometimes there are huge walls between the different intelligence agencies in the USA and there are problems in communication and therefore shortcomings and overall performance is also due to everyone fighting for himself in different agencies as well as due to inadequate budgets. In order to counter these shortcomings here in Europe and in the USA we need to be able to do better forecasting for enhanced anticipation of all needs, for the production of intelligence in greater quantity and in better quality. The context we are working in is the increasing threat from organised crime and terrorist groups meaning that it is all the more necessary to have integrated systems of intelligence. We do not want analysts sitting in different corners performing the analysis without joining up the results of their work.

As a matter of fact, let me express my honest point of view. I am not afraid to bite the hand that feeds me. That means that in my mind there is no doubt that the political arm of the European Union will only be able to work effectively in the future in our area if it has integrated and up-to-date analytical operators. I quote Sun Tzu again on his principles on war in China 2000 years ago, I recommend reading him as a number of different things are still applicable today. Let me tell you what else he said. He said that fundamental information followed by in-depth analysis will make it possible for good commanders and good governors to win and to make the necessary progress. In this increasingly globalized world the increased number of threats of course to Europe and other countries is highly diffused. That means that good analysis is a precondition particularly on the fight against organised crime and terrorism and we need to fully comprehend the threats to society and Europe being asymmetrical and we have to compensate for that. There are all kinds of threats to the EU at different points around our borders be it arms trafficking, human trafficking, drug trafficking, money laundering and so on and so forth. Threats exist in different volumes in different places throughout the European Union. So we have to gather intelligence, pool it, then analyse it. Are we ready to acquire this intelligence, do we know who gets it and what information is necessary for different security agencies?

Organisations and embassies, different services including coastal services, signals and missions use human information intelligence (HUMINT) to correspond to challenges on high powered websites where flow management models, language analysis and textual analysis, wi-fi identification, language identification are useful tools for detection, automated translation database, term substitution, optical character recognition, signals analysis, content and data analysis, geographical information and wording. The products resulting from that set of tools depend on the political requirements.

Other key issues are the deepened analysis and research for advanced data-processing, cloud-computing and particularly multilingual processing and separable classification of data. We call for more specific support from the EU for research. In 1999 and 2000 the EU had two research projects and led the world on multilingual information processing

and the statement of the specialists about the projects were made available by bodies such as state organisations, intelligence services whereby American companies were trying to be involved in as well. Then the financial subsidy was cut resulting in a slowing cooperation but particularly notable was the fact that a decision from non-EU decision makers was taken without the conclusion and completion of knowledge about the project. Decision-making authorities in Luxembourg were told that the conclusive section was overambitious so a wrong decision led to a waste of time and resources. The relevant body then was obliged to readdress the futuristic type of decision. Data protection through a specific body to be determined by the European Parliament? Practically those databanks would have to be arranged in a way to stop any entry from outside.

I would like to address the public-private partnerships. Taking a look at the huge increase in risk factors like cyberspace attacks, it becomes increasingly important to understand the type of thought of the NATO Secretary General stating that in case of future cyber attacks the Alliance forces will be mobilized. Cybersecurity is not guaranteed neither in the EU nor in the USA for the future. With cloud computing it is vital for the intelligence community to cooperate much more with private partners to have the vital intelligence information available but without any possible leaks or errors. The further opening of sources is probably not needed if one assumes that more than 90% of all useful information is openly available in a large number of languages.

In the invitation there were six points for us to address and because of time I cannot touch upon all of them. An integrated process would contribute to supporting the political life of the EU in the future. There are scenarios that could be dangerous, asymmetric threats, attacks on infrastructure, organised crime, illegal smuggling, arms trade and so on are among some scenarios for combating threats and detailing what is needed in operative information at the same time. This has to be available for authorities taking political decisions in order to supply them with the relevant information. With a number of elements of information required for analysis resulting from different emitters, different sensors not only from signal intelligence (SIGINT) but a number of information suppliers, bits of information can be analysed to the extent required. Where should the information come from? As the police we are not alone, we need a number of organisations supplying information to us and military security services, police, coast guard, communications and signal intelligence, open source and human intelligence. It is all required to get a proper picture required by political decision makers. It is indeed possible that information will come from 27 Member States, it might take up capacities requiring high-capacity computers in addition to the human resources. Inclusion of military information is crucial for the future. To prepare information processing, a number of tools are required for the transmitter. We have two major problems, namely that a lot of information is there in foreign languages which cannot be read or recognized but proving to be extremely useful for our analysis. Thus tools have to be developed to do this automatically. Then there is the question if the language is not understandable it is resource intensive to create a product of quality. This is where I usually say that the product does not meet the expectations.

#### Prof. Dr. Jürgen STOCK, Vice President of the German Federal Criminal Police Office

I would like to thank you for inviting me here today. As a representative of one of

German's security services, the Federal Criminal Police Office (BKA), I wish to outline, from a policing point of view, the challenges we currently have to meet as we work alongside the other Member States to create an area of freedom, security and justice in the European Union. Global integration is creating worldwide dependencies and vulnerabilities and this has an impact on the priorities facing the security services. One of the consequences of this development has been that criminality has to a large degree reinvented itself. The typology of the crimes and offenders has fundamentally changed and new crime phenomena are increasingly adding to or replacing the conventional types of offence. The quality of the crimes and the way they are perpetrated is changing – they are becoming more complex, more international and technically more sophisticated. In 2009 about 90% of the offences identified as part of organised crime in Germany had international links. Terrorist activities, too, are often found to have an international angle in the form of network connections or the movement of persons across the borders of Germany. As has already been stated, national strategies alone will not be enough to combat these crime structures effectively and in a sustainable way. Today our efforts in this area must be based far more on close international and – particularly – European cooperation. The new decision-making and cooperation structures for public security that are associated with the Treaty of Lisbon will also have an impact on police operations because of the disappearance of the pillar structure. For example, one of the regulations adopted with the participation of the European Parliament will replace the current Council Decision on the European police body Europol and lay new foundations for the agency. The Treaty of Lisbon seeks to achieve a better coordinated set of procedural structures for the different policy fields. The networking of the various policy areas is to be made simpler. This will also mean a better interlinking of internal and external security policy, including the increasingly important foreign missions. Paradigm shift: The principle of unanimity no longer applies. The European Parliament has, apart from a few exceptions, become a co-legislator alongside the Council of the European Union. One of the key changes, from a political perspective, that Lisbon has made to the European security architecture has without doubt been the setting-up of an EU Standing Committee on Internal Security (COSI). This particularly affects the coordination of actions that come under Comprehensive Operational Strategic Planning for the Police (COSPOL projects), which were put in place some time ago by the Dutch Presidency. The purpose of these projects is to coordinate operational, phenomenon-based policing measures between the respective security services of the member states with the close collaboration and supervision of Europol.

Along with the German Ministry of the Interior, which acts as the head of delegation in COSI, the Federal Criminal Police Office is involved in all kinds of ways in the Committee's work as it seeks to further strengthen the links between internal and external security operations. Identifying potential weaknesses in cross-border operational police cooperation is also part of this remit. This 'external dimension', as it is referred to, has

not only been incorporated into key strategy papers at EU level. The Federal Criminal Police Office, which acts as Germany's criminal policing coordination point between the national and international security services, also attaches great importance to this particular approach. For the BKA one essential feature of the networked security concept is the so-called 'forward shifting' strategy, whereby criminal offences are not just dealt with on the domestic front but are tackled in the transit and origin countries with the support of the respective national security services. As part of this strategy we have established a worldwide network of BKA liaison officers.

A total of 66 liaison officers have already been sent out to 54 locations in 50 different countries around the world. This operation allows us to carry out both strategic and tactical observations of the level of criminal activity in the regions concerned and to provide extensive support for preliminary investigations and abduction cases. The forward shifting strategy includes aspects of equipment and training support for police authorities in third countries. Greater importance will be given in this respect to establishing greater coordination and harmonisation at European donor country level in terms of the sustainability of measures for equipment and training assistance. The forward shifting strategy is therefore being developed further by the BKA at European level. The Fontanot Group is another interesting initiative in this area: This informal coalition of eight European states helps us to coordinate more efficiently the training and equipment aid that is provided in order to fight crime in West Africa. In addition to this, the Federal Criminal Police Office is currently setting up a similar coordination network to provide support to countries in the Western Balkans region.

Further development of police cooperation in Europe means that Europol will have a central role to play. With Europe increasingly being seen as a unified crime-geographic area greater efforts will be needed to pool our resources under the umbrella of Europol and to promote the exchange of information based on mutual trust. The Terrorism Situation and Trend Report (TE-SAT), the Organised Crime Threat Assessment (OCTA), case analysis files and the aforementioned COSPOL project are all examples of how Europol is providing effective support to member states in the fight against crime. The Federal Criminal Police Office is very much in favour of strengthening the Europol organisation. In our view, an extension of the Europol mandate to include cases of nonorganised crime would represent an important milestone. It can be assumed that Europol would provide valuable support to the national authorities by carrying out investigative work in a whole range of additional cases. Europol should in future also play a key role in the continuation of the 'Swedish initiative'. This relates to the development of a universal information format for the exchange of criminal intelligence between the different European police authorities. In order to be able to make practical use of a universal information format on a Europe-wide basis we need to draw up and put in place a unified information model (EU-IMP).

Europol's Secure Information Exchange Network Application, or SIENA, could then be used as an existing interoperable technical communications platform between Europol and the national police bodies in order to facilitate a direct line of communication between all the national police forces — which would in a sense open up a new dimension in the exchange of European police information. In adopting the latest five-year plan (the Stockholm programme), the Council has now agreed to an information management

strategy that lays down the procedures that will be put in place for 2011. This mandate will therefore be used to take stock of the specific legal instruments, information channels and technical solutions currently available as a basis for a fundamental evaluation procedure. The principle of information availability, which is part of the Swedish initiative, should also play a key role here in the years ahead. The central idea of this principle is that information relevant for the purpose of criminal prosecution should be exchanged under the same conditions throughout the European Union. A law enforcement officer who as part of his work needs to access information within the framework of the law should essentially be able to obtain this intelligence from the member state that is in possession of it; this constitutes a significant step forwards from an operational viewpoint. This is an area in which we have to keep data protection very much in mind.

In contrast to the introduction of the Schengen cooperation measures, where crossborder observation and pursuit were the central themes, information exchange has now become the dominant instrument in the joint fight against crime. Alongside this increased significance of this role, we also have to give data protection the status it merits – for that is also in the interests of the police authorities. On one hand, in extending the scope of the data exchange process we should not undermine the public trust in the security services. On the other, careful handling of sensitive police information is indispensable for maintaining trust between the different authorities. This is why the collaborative aspects of police work demand high and, as far as possible, uniform standards for the basic arrangements applying within the EU; these would then be complemented as required by specific regulations governing the different types of relationship. The framework decision on data protection for areas that were previously covered by the third pillar – insofar as its provisions relate to data protection in the field of cooperation - is indeed a real milestone in this respect. At this point, however, I should also like to refer to the direct regional cooperation that is just as vital from our viewpoint. By this I specifically mean the cross-border cooperation that takes place via the joint centres and offices set up at the internal borders of the EU. More than 30 such facilities have now been created in Europe in order to support those services that are situated in the border areas.

This initiative highlights the advantages of having non-bureaucratic, direct contact with no language barriers. If we did not have these centres, the different legal systems, policing methods and customs and administrative practices alone would seriously impair any rapid cross-border collaboration between the police authorities. Competent police and customs officials from neighbouring states now practically sit face-to-face in offices manned around the clock as they convert requests and enquiries into their own respective system so that cases can then be passed on to the appropriate services. The German-French cooperation centre in Kehl processes about 17 000 such police enquiries every year. The formation of Joint Investigation Teams (JIT) is another important instrument of police cooperation at European level when it comes to preliminary investigations. JITs constitute a special form of judicial cooperation that provides all involved with common access to the information that has been acquired and simplifies requests for mutual legal assistance. The establishment of some 60 JITs to date – five with German participation – shows that this instrument is finding increasing acceptance among the European police authorities.

The European Anti-Fraud Office, OLAF, can also participate in Joint Investigation Teams on behalf of the European Commission. Search operations constitute another major part of cross-border cooperation from a police point of view. Without police searches and investigations, it would not be possible to undertake criminal prosecutions and threat prevention measures at national and international level. Rapid information exchange often means that crimes can be solved much more quickly. The hunt for offenders who operate across national boundaries can therefore only be successful if we succeed in linking our search systems as closely as our information systems. The INPOL police information system is a key element in the German search and investigation setup. It gives the police services the interfaces they need with INTERPOL or the Schengen Information System (SIS). Our national search network is substantially enhanced at European level by the SIS, which can be accessed online in 25 Schengen member countries from thousands of data terminals 24 hours a day, seven days a week.

A look at the current database and number of hits gives some idea of how important the SIS is within the international network. There are currently about 37 million searches registered in the SIS, of which 36 million are property searches and about 1.2 million searches for missing or wanted persons. Germany presently makes up about one sixth of the total search portfolio. In 2010 there were some 18 000 successful searches for missing or wanted persons with German connections, which equates to about 50 hits each day of the year. Given such a success rate our objective must be to open up the national databases for our partner authorities in the EU Member States. Only by this means can we prevent offenders evading the law and escaping to another country. The aforementioned Prüm Treaty, which was initially concluded between seven EU states on 27 May 2005, can be considered as another milestone in European collaboration and a forward-looking initiative in police cooperation at European level. The core objective is to establish a system for matching data held in the national DNA, fingerprint and vehicle registration databases of the partner states. Provisions have also been laid down for the exchange of data aimed at consolidating cross-border cooperation, particularly as a means of combating terrorism and cross-border crime, which includes the apprehension of travelling violent offenders (e.g. hooligans). With the incorporation of these provisions into EU legislation, large parts of the Prüm Treaty now apply to all EU Member States. Efforts up to mid-2011 have focused on achieving the ambitious objective of extending the system so as to give all 27 EU Member States mutual access to the national DNA, fingerprint and vehicle registration databases. Here, too, the German results show how successful this initiative has been: Electronic matching of some 180 000 German DNA traces with Austrian, Spanish, Luxembourgish, Slovenian and Dutch DNA samples has so far resulted in about 6 600 hits in other countries. This system has been able to clear up very serious crimes that in some cases have lain unsolved for years.

Ladies and gentlemen, I will summarise by saying that networking is an important tool – and perhaps the most effective one currently at our disposal. Expressed in simple terms this means the following: We have to combat terrorist networks and organised crime organisations with our own network of security services and information exchange systems. The German response to the terrorist threat following the attacks in the US and Spain was to set up a Joint Counter-Terrorism Centre (GTAZ) comprising some 40

even security authorities at federal and state level. The GTAZ in Germany can be regarded as a model for the network approach and is based on the same thinking that is at the centre of this hearing: we have to build trust between the various players. The GTAZ pools the competences of the police authorities and intelligence departments without undermining the principle that applies in Germany of the strict organisational separation of the police and intelligence services. This cooperative effort, which we regard as being extremely effective, respects the federal structure of our country and the responsibilities of the different players without creating a completely new organisation. Each authority brings its own expertise and capabilities to the table on a voluntary basis. Personnel from the police authorities and intelligence services, along with staff from the Federal Prosecutors Office or Federal Office for Migration and Refugees (BAMF), meet on a daily basis in different cooperation forums. Many foreign visitors are amazed that this voluntary cooperation framework is able to operate without a joint management structure. Ladies and gentlemen, the ideas that I have presented to this public hearing are given from a police perspective. I would like to conclude by pointing out that police cooperation is in fact taking place every day in countless law enforcement offices and agencies in every corner of the European Union. In the final analysis, initiatives at EU level must also be measured by whether the investigators on the ground are able to say: 'Yes, Brussels has made us more successful and more effective in the fight against crime.' Thank you for your attention.

#### **Questions and Answers**

Andrew Rettman, journalist, EuObserver: Another question about the events in North-Africa and the Middle-East as it surprised the media and the people, did it also surprise the intelligence community? What kind of threats do these carry in terms of security in Europe? Mr Gridling, you mentioned the Club de Berne but you said very little about it. What else can you tell us? Did it meet this year? If so, where? What was on the agenda? Which European countries attend these meetings and on what level?

**Peter Gridling:** The Club de Berne should not be surrounded by such a mystic cloud because in 2004 it issued a press statement about its structures and its relations to the Counter Terrorism Group. New Member States have since joined the ranks. It is not a secret as it was publicly announced by heads of services at that time via a press statement. It is an institution which is based on voluntariness: the members voluntarily come together and speak about problems, exchange their views and also decide on how to exchange experience, information and these meetings on the level of heads of service take place frequently. The agenda of course is kept secret and that is what intelligence services are about - not to discuss everything in the public. I hope this answers your question.

**Agustín Díaz de Mera Garcia Consuegra, MEP:** I must say I am very sceptical when it comes to debating the future of a joint European intelligence and I think the problems became apparent during both panels. Truth is that we have obstacles to overcome just like in other policy areas, for example achieving cooperation, harmonization and finally an overall community effort. Unlike in other policy areas in intelligence the problems are practically insuperable and enormous. I do not have a question and that is my comment. I would like to thank the experts for approaching this subject in such an intelligent way and thank you Ágnes for organizing this hearing.

A second point is just a detail for Mr. Stock. I do not know if I understood you properly but you said that we had a Europol regulation. We do not have such a regulation, all we have at the moment is a Council decision replacing the old convention and its associated protocols. A regulation is something mentioned in the Stockholm Programme and its Action Plan as a future possible ambition perhaps for 2013.

Another point to think carefully about is about specialised services in the Member States. To name some key ones: Europol, the Counter-terrorism Coordinator of Europe, the Situation Centre, Frontex, Schengen, Eurojust, Cepol, the Fundamental Rights Agency and the Data Protection Supervisor all need to face the question of finding the balance between the protection of public interest and security on European level. When it comes to data protection even with our natural allies on the other side of the Atlantic we have quite different approaches, different perceptions. We have TFTP, SWIFT, there is some difference with the Americans on PNR and different approaches towards protecting personal data. At the same time common investigation and preventive action is developing in the fight against terrorism, we have structures towards turning acquisited information into intelligence. I mean that we have instruments of which there will be

more and we are talking about multilateral cooperation embracing all these tools. We have heard from Austrian, Spanish colleagues about what they think about these things for the future. To make all these European in nature will be extremely complicated step forward. It could be made a step shorter if we look at bilateral cooperation and multilateral arrangements as an example. Mutual trust and confidence are other key preconditions but there are some more things you need on top of that: specialization, effectiveness and efficiency. We need to reach trust and confidence in colleagues elsewhere in the European Union, we need to receive credible information. I would like to thank Ágnes again for organizing this hearing, it has been useful to name the challenges and to see how we can contemplate tasks unimaginable 20 years ago.

#### Closing remarks by Dr. Ágnes HANKISS, MEP

Ladies and Gentlemen, I would like to thank the speakers for their presentations and valuable contributions. I would like to thank everyone who helped organizing this hearing, fellow Members, the EPP Secretariat, the EPP advisors of the LIBE committee and my assistants. I would like to sum up the main conclusions of the exchange of ideas in three main points.

The first one is that in the European Parliament there are often sharp discussions about the questions and dilemmas of the balance between security and privacy. Today I was assured that many times the reason for biased opinions is the lack of knowledge and information. These kinds of meetings are useful for becoming acquainted with the professional side of security which would prevent one-sided views about privacy and data protection, forgetting or denying the fact that to live a safe and secure life is also a fundamental right for citizens, which is not without a price.

Secondly, I think that the focus of the exchange of views was that we need a coherent and cooperative common policy in the field of security which is based on the realization that the security interest of the EU is more than the sum of the interests of all the Member States. So we feel that we need some kind of integrated management replacing the "patchwork" situation. As more of us had put it, internal and external security agencies should have a clearer share of work. One of the central ideas of the hearing was the idea of cooperation on multilateral levels between the Member States and the EU's agencies. However, there is a contradiction between the greater need for cooperation and fusion mechanisms on the one hand and the article of the Lisbon Treaty on subsidiarity of the security services on the other hand. One of the conclusions today was that the contradiction must be transcended in the interest for the security of all of us. A bridge needs to be built between the "need to know" and the "need to share" ideas which would point to a common security culture and new forms of trust.

The third point is the question of harmonisation, as all panellists highlighted it. This includes the estimation of threats and risks and this is where we need common norms and standards, policies and common training as well. The national security systems should be more open to the facilitation of the continuous and effective exchange of criminal data.

I think that these are the main questions that could be highlighted as the focal points of our hearing of today. Thank you very much for attending this meeting.

Curriculum Vitae of Speakers

#### Dr. Ágnes HANKISS, Member of the European Parliament

Ágnes Hankiss is a writer, clinical psychologist and Member of the European Parliament since 2009. She has had a number of television programmes on political analysis and debates in the recent years. Following the fall of the Hungarian uprising and revolution in 1956, as a child, together with her mother and the families of the executed Prime Minister, Imre Nagy and others, she was deported to Snagov, Romania and was kept in custody for more than 2 years.

She earned her university degree at the Faculty of Humanities of Eötvös Loránd University (ELTE) in Budapest, Hungary. Later on she earned her PhD degree in Social Psychology. From 1974 to 1985 Hankiss worked as a distinguished professor of Social Psychology at the Faculty of Law of ELTE. After the fall of communism she was a deputy of FIDESZ (Alliance of Young Democrats) for the Budapest city assembly between 1990 and 1994. After that, between 1994 and 1998 she served as political advisor for the leader of FIDESZ parliamentary group, József Szájer, now president of the FIDESZ delegation in the European Parliament and EPP Group Vice-Chairman.

In 1998 she was appointed Governmental Commissioner of the Europalia Hungaria, the year-long series of events presenting Hungary's rich cultural heritage in Brussels.

Since 2000 she has been the director of the Hamvas Béla Cultural Research Institute, which she founded. Main research areas of the institute range from pressure mechanism of the communist system and the functioning of the communist state security to its heritage and afterlife in democracy today.

Ágnes Hankiss has been rewarded with several prizes in recognition of her literary achievements: "Future of Literature" Prize (1989); József Attila Prize (1992).

She is the author of more than hundred essays and several books, among others: Anatomy of Trust (essays), Sad Farewell from the Prince (novel and film), Tightrope Dance (essays), Scientia Profana (short stories), A Hungarian Romance (novel published in the USA, Canada and the United Kingdom), The Map of the Soul (short stories).

As an MEP, she is a member of the Committee on Civil Liberties, Justice and Home Affairs (LIBE), the Subcommittee on Security and Defence (SEDE) and the Committee on Petitions (PETI), for which she also serves as Vice-Chair.

### Manfred WEBER, EPP Group Vice-Chairman in charge of Justice and Home Affairs

Mr. Manfred Weber is the EPP Group Vice-Chairman in charge of Justice and Home Affairs. As a Member of the European Parliament he is acting in several committees and delegations: Committee on Civil Liberties, Justice and Home Affairs, Delegation for relations with India. He is a substitute member in the Committee on Regional Development, Subcommittee on Human Rights and in the Delegation for relations with the countries of the Andean Community.

Mr. Weber is a Graduate engineer (polytechnic) (1996). He founded DG Beratung GmbH consultants (1996) and G+U GbR (1998).

Acting as a politician, he was the Regional Chairman of the Bavarian Youth Section, CSU (2003-2007), Member of CSU Executive. Since 2008 he is a CSU District Chair, Lower Bavaria and Member of the CSU Bureau and executive and Vice-chair of CSU Policy Commission.

## André VANDOREN, Head of Belgian Coordination Unit for Threat Assessment (OCAM/ OCAD/CUTA)

Mr. Vandoren started his career as a lawyer, member of the Bar in Brussels in 1973 after having graduated in law studies, disaster medicine and disaster management. In 1977 he became Deputy Crown prosecutor in Brussels and in 1985 Senior Deputy Crown prosecutor.

In November 1985 he was appointed by the College of the Anti-terrorist Group (A.G.G. – G.I.A.) as magistrate of the Crown prosecutor's office of Brussels in charge of leading the mixed Anti-terrorist Group (A.G.G. – G.I.A.) and in 1988 by the College of prosecutor generals to lead the special team for suppressing serious crime and terrorism (named the 23rd brigade or the national brigade of the Criminal Investigation Department).

In May 1990 Mr. Vandoren became delegated deputy prosecutor general in Brussels. From 1990 to 1999 he served as "national magistrate" (national coordinating prosecutor on terrorism and organised crime matters) put forward by the Minister of Justice on the recommendation of the College of prosecutor generals.

Another appointment followed in February 1992 as deputy prosecutor general in Brussels and in December 1993 as senior deputy prosecutor general (avocat général) in Brussels. He became Chairman of the Standing Police Monitoring Committee by vote in the Parliament on 26 November 1999 and was re-elected in 2005. In July 2008, he was appointed by Kings Decree as Director-head of the Coordination Unit for Threat Analysis. Mr. Vandoren has visited a number of international institutions (in prosecutor's offices, academic institutions, law enforcement agencies and police forces) in more than 25 countries in the scope of the fight against terrorism, organized crime, corruption, international judicial cooperation and drug trafficking.

He is also an expert of the Council of Europe in the framework of training programmes dealing with the fight against organized crime and corruption on missions in Ukraine, Azerbaijan, the Federation of Russia and a national expert in the context of the joint action by the Council of the European Union "setting up a mechanism for evaluation and applying nationally the international undertakings concerning the fight against organized crime" - Mission in Spain.

#### Dr. Ferenc BÁNFI, Director of the European Police College (CEPOL)

Prior to becoming Director of the European Police College (CEPOL) in February 2010, Dr. Ferenc Bánfi participated in several international law enforcement cooperation and civilian crises management missions.

He has more than 27 years of experience on leadership and management. Dr. Ferenc Bánfi started his profession in the field level at the Hungarian Police and was promoted step by step up to the most senior level such as the Deputy Chief Commissioner of the National Police. His experience rises up to 15 years senior level leadership out of which 8 years in international environment.

In 1999 he was appointed Head of Department for South-East European Cooperation of the Ministry of Interior and from 2000 to 2004 he served as Director, Deputy Director and Head of Operations of South-East European Cooperative Initiative Regional Center for Combating Trans-border Crime (SECI Center) HQ located in Bucharest, Romania. In March 2004 he was appointed Chief Police Commissioner in Veszprém County, Hungary where he held the leadership over the Service for Prevention and Combating Crime, Organised Crime, the Public Order Service and Traffic Police, the Financial and Logistics, Human Resources and Public Relation Departments and over staff education, training and personal development. In parallel with this position, under the Ministry of Interior of the Republic of Hungary, he was Chairman of the Joint Cooperation Committee (JCC) of the SECI Regional Center for Combating Trans-border Crime (Management Board).

Working with the European Commission, DG RELEX Brussels, EC Delegation in Kiev and UNDP Kiev, Ukraine and Chisinau, Moldova in 2005, he was Project Manager of the Euro—Atlantic Advisory Team in Georgia, Ukraine, Azerbaijan and Moldova (GUAM). From November 2005 to December 2009 he served as Head of European Union Border Assistance Mission to Moldova and Ukraine (EUBAM) and Senior Political Advisor to the EU Special Representative to Moldova.

Dr. Ferenc Bánfi is an expert of EU internal and external policy, home affairs, law enforcement cooperation and he was responsible for the implementation of its certain elements. He has experience in managing institutions with up to 16 000 personnel and budgets over 20 million euro.

### Dr. Patryk PAWŁAK, Research Fellow at European Union Institute for Security Studies (EUISS)

Dr. Patryk Pawłak is a Research Fellow at the European Union Institute for Security Studies (EUISS) in Paris. He holds a PhD degree in Political Science from the European University Institute in Florence.

Prior to joining the EUISS, Dr Pawłak was a visiting scholar at numerous research institutions including the Center for Transatlantic Relations (Washington, DC), the Center for International Relations (Warsaw), Center for Peace and Security Studies at Georgetown University (Washington, DC) and the Centre for European Policy Studies (Brussels). From September 2006 Dr. Pawłak is also a participant of the European Foreign Policy Studies Programme founded jointly by Compagnia di San Paolo, Volkswagen Stiftung and Riksbankens Jubileumsfond.

Dr. Pawłak has conducted extensive research in Europe and in the United States on a broadly defined field of transatlantic relations, foreign policies of the European Union and the external dimension of the EU's Justice and Home Affairs policies (in particular issues related to border protection, privacy and the use of personal information for security purposes). He has published in numerous peer-reviewed journals and contributed to several collective publication projects.

### Olivier LUYCKX, Head of Unit Crisis Management and Fight against terrorism, DG Home, European Commission

Mr. Luyckx has studied a wide range of subjects such as international legal studies, international relations and comparative politics, comparative law, organisations' administration, security and defense. He started his career in 1990 as a lawyer in the Barreau du Bruxelles. Between 1993 and 1994 he was a draftsman and coordinator of the "Legal and Practical Guide to the use of Ecu".

From 1994 Mr. Luyckx entered the European Commission working first in DG II, Economic and Financial Affairs, then, in 1995, for the cabinet of the Vice-President Commissioner Marin, having being in charge of the follow-up of policies in South and South-East Asia, the security, commercial and development issues concerning the ASEAN area.

In 1999 he moved to the general secretariat of the Commission as a desk officer in charge of international relations. From 2004 to 2008 he served as assistant to the General Director in DG Development and Relations with the ACP countries. He became Head of Unit in January 2008.

As of January 2011 he was appointed as Head of Unit in charge of Crisis Management and Fight against terrorism at DG HOME.

Mr. Luyckx published in 1994 "Clauses-valeur écu et clauses-écu en droit belge" in the ECU. Since 1999 he has participated at several conferences on the EU external actions of development policy.

### Mag. Peter GRIDLING, Director Austrian Federal Agency for State Protection and Counter Terrorism (BVT)

Mag. Peter Gridling entered the Austrian Federal Gendarmerie on 1 April 1977 and was assigned different functions until 1992.

From 1992 to 1995 he was the Head of Unit within the State Police Service (Staatspolizei) and in November 1995 he was appointed as Head of the Operational Department of the State Police Service (EBT). In these functions Mr. Gridling was the Austrian representative at different forums both at the EU level and on an international scale.

From 2002 to 2008 he was the Head of the Counter Terrorism Unit at Europol in The Hague and Europol representative in Brussels as well as at numerous international conferences.

He has been the Director of BVT since the 1st March 2008.

Mag. Peter Gridling is married with two children.

# Gabriel FUENTES GONZÁLES, former General Superintendant for Information, Spain

Mr. Fuentes Gonzales joined Spain's Cuerpo Nacional de Policía in September 1972. He held different positions implementing both operative tasks and support to the police function tasks. In June 1983 he joined the Anti Terrorist Squad of the Central Operating Service (Servicio Central Operativo) in the Comisaría General de Información (Police Information General Department), becoming Chief of Operating Group in 1987.

In January 1991 he was promoted as Superintendent and in November 1992 he was appointed Chief of the Interior Information Service of the Comisaría General de Información (Police Information General Department). Following the creation of the Cabinet for the Assessment of the National Anti-Drug Plan in April 1994 (and then in July 1996), he was appointed Director. In June 1994 he became Superintendent General for Information by the Minister of Justice and carried out a deep reform of its structures creating two new units: the Intelligence Central Unit and the Central Operating Support Unit.

During Spain's Presidency of the EU in 1995, Mr. Fuentes Gonzales chaired the Terrorism Group of the III Pillar of the European Union.

Mr. Fuentes Gonzales was responsible for designing the Plan of Urgent Measures for Drug Fighting, approved by the Government in 1997 as well as for identifying actions to be added to the National Strategy on Drugs 2000-2008 in the field of availability reduction. In 1999 he was appointed member of the National Anti-Drug Observatory in a personal capacity.

Between 2000 and 2002 he took part in the design of Romania's and Lithuania's National Antidrug Strategies, within the EU frame of Twinning.

On 17 October 2002 Mr. Fuentes Gonzales was appointed Vice Director General of the Technical Cabinet of the Police General Direction where he was responsible for elaborating regulation projects for the Direction Centre, relationships with the Parliament and for the development of convergence plans for the database of the National Police and the Civil Guard.

On 1st March 2006 he applied for voluntary redundancy at the Cuerpo Nacional de Policía, going into the so-called "second activity" status. Soon after that, he joined, as partner, the company In Situ Grupo Consultor holding responsibility for the operations of the company whose activity is framed within the field of Economic Intelligence.

Mr. Fuentes Gonzales has been conferred twelve decorations by the Government of Spain, Colombia, Costa Rica, Ecuador and Bolivia.

<sup>&</sup>lt;sup>2</sup>A modality in the administrative situation of active service by civil servants of the Police forces until entering retirement or another situation different from active service.

## Prof. Dipl. VwW. Klaus Ehrenfried SCHMIDT, former Director of Criminal Investigations, Germany

Prof. Dipl.VwW. Klaus Ehrenfried Schmidt had studied a wide range of subjects and had additional trainings in sociology and political sciences, international relations, security policy, ethnic conflict and peace operations, counterterrorism, project management, law enforcement executive leadership, West Point Command, Drug Unit Commander Supervisory (US Department of Justice, FBI) etc.

In 2005 he was appointed Professor for International Strategic Management and in 2006 at ACMI.

Mr. Schmidt is a former Member of a SWAT team, Combat diver/under water demolition, Bomb (IED) specialist, Bugging and De-bugging, Airport- and Atomic Plant Security, Negotiator in cases of Hostage taking. From 1973 to 1999 he was a trainer/instructor for SWAT teams, both national and international.

From 1995 to 2001 Mr. Schmidt was Head of Research & Development at Europol in Hague. He was Chairman of two European Commission's projects: the Language Engineering/Artificial Intelligence Research Project "Sensus" and the LE/ AI Research Project "Aventinus".

He took part in several International Police Advisory Missions. In 2001 he was Commander (Head of Mission) sent by the Multinational Advisory Police Element (MAPE) - WEU. In 2002, he was operations manager of ECPA-A HQ in Tirana. From December 2002, Mr. Schmidt was Deputy Head of Mission, PAMECA II (Police Assistance Mission of the European Community to Albania) and in December 2004 he became Head of Mission (until December 2007).

From January 2008 Prof. Dipl. Schmidt is the CEO of ProtoSecure GmbH, International Security Provider and Consultant for "Intelligence Systems".

Mr. Schmidt received several decorations, among them in 2000: West Point Leadership Award, in 2001: European Service Medal WEU, Golden Eagle Medal - Albania, Skanderbeg Medal - Albania, in 2002: Military Service Medal - Albania, in 2004: Medal of Gratitude - Albania and in 2007 Double Headed Golden Eagle Medal - Albania.

He published analysis on different topics in the domain of Organised Crime, Language Technology, Data mining and Retrieval, Artificial Intelligence, Criminal Intelligence and Peacekeeping Missions.

#### Prof. Dr. Jürgen STOCK, Vice President of the German Federal Criminal Police Office

Mr. Jürgen Stock is a doctor and professor of law. He started his career as a Police officer in Hesse and soon after he was appointed Professor and founding rector of the Police College for Higher Professional Training in Saxony-Anhalt (1998-2000). Since 2006 he is Honorary Professor of criminology at the School of Law of the Justus Liebig University in Giessen.

In 2000 he became Head of the Institute of Law Enforcement Studies and Training at the Bundeskriminalamt. He was also involved in the project management of the Federation/ State Law Enforcement Crime Prevention Program (ProPK). He was appointed as Vice President of the Bundeskriminalamt in 2009.

As additional duties, he held different positions such as Vice Chairman, Chairman and spokesman of the Conference of Rectors of Colleges for Higher Professional Training (1999-2000).

Since 2004 he is a board member of the "Kriminologische Gesellschaft (KrimG), Wissenschaftliche Vereinigung deutscher, österreichischer und schweizerischer Kriminologien e.V." (Criminological Society, scientific association of German, Austrian and Swiss criminologists).

From 2005 to 2007 Mr. Jürgen Stock was a Delegate of Europe in the Executive Committee of the International Criminal Police Organisation (ICPO-Interpol), Chairman of the Finance Subcommittee, Member of the European Security Research Advisory Board (ESRAB) and Member of the management board of the Central European Police College (MEPA).

Between 2007 and 2009 Prof. Dr. Jürgen Stock was Deputy Chairman of the European Research and Innovation Forum (ESRIF). He became Member of the Federal Government's scientific project committee on security research in 2007 and in 2009 Member of the "Corporate Compliance" working party of the Institute for European Affairs (INEA).

Prof. Dr. Jürgen Stock was also Vice President for Europe at the International Criminal Police Organisation (ICPO-Interpol), Chairman of the Strategic Development Subcommittee (2007-2010).

Since 2008 he is a Member of the advisory board from science and practice in the scope of the "Risk and security management" study course at the University of Applied Sciences in Public Administration in Bremen.

Since 2010 he is a member of the advisory body at the Federal Ministry of Economics and Technology on the "Industry political strategy for innovative and internationally successful security solutions".

#### **Pictures**



Olivier LUYCKX, Levente NAGY, Ágnes HANKISS, Manfred WEBER, Ferenc BÁNFI, André VANDOREN (From left to right)



Ágnes HANKISS, Manfred WEBER



Ferenc BÁNFI, André VANDOREN (left to right)



Patryk PAWŁAK, Olivier LUYCKX



Patryk PAWŁAK, Olivier LUYCKX, Ágnes HANKISS, Manfred WEBER, Ferenc BÁNFI (left to right)



**Peter GRIDLING** 



Klaus Ehrenfried SCHMIDT, Jürgen STOCK (left to right)



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