Abstract

The context in which this paper is written relates to an international threat which in the recent years grew in amplitude and received more and more attention from the political elites, namely the concept of terrorism. This paper puts the concept in the territory of the European Union likewise establishing the boundaries of the research. In completion of the context, the internal security dimension of the European Union will be focused on along with terrorism, which will be referred throughout the paper, while other threats such as cross-border crime will be briefly mentioned.

The phenomenon of terrorist attacks grew in density within the European Union in the last two years. Thus, the objective of this paper is to identify some of the gaps in the internal security of the Union which cumbersome the implementation of countering measures. In doing so, the research will start from the premise that more focus should be given to information sharing and cooperation between national security services of the member states and the Union's security related agencies (e.g. Europol, INTCEN) in order to manage the internal security and tackle terrorism. The base of the latter is rooted in official documents or pieces of communication released by European Union bodies, such as *The European Agenda on Security* or *The Renewed European Union Internal Security Strategy 2015-2020.* Then, to contrast, the paper will also bring into discussion an alternative for managing the information flow and internal security by presenting and analyzing some of the proposals for a supranational security body, a European secret service. This idea is rooted in a few statements given by figures part of Union's political elite. All the above have to be viewed in the bigger picture of a healthy European security environment with the main task of tackling terrorism.

For accomplishing a thorough research various academic sources were used but also first-hand data released by EU bodies. After building the theoretical framework the analysis will make use of two theories of European integration, namely Intergovernmentalism and Neo-functionalism in trying to answer the problem statement. One result of the analysis identified as main issue for the current level of information sharing and cooperation the element of trust between the actors involved. As for the alternative of having a European secret service, based on the proposals analyzed the paper managed to build a criteria pattern revealing an ideal form of the service.

In conclusion the findings of this research embody firstly an assumption or a hypothesis revealing that the level of information sharing and cooperation is influenced by trust relationships between the actors and by the element of national sovereignty. Secondly, the criteria pattern emerged can be used as an assessment tool to determine how realistic the idea of a European secret service is. By pointing out to the attributes and capabilities of such an organization, whoever might initiate such a project can realise which capabilities are achievable at the given time and which not, likewise influencing if the establishing is possible or not.

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Introduction

It all started in September 11 2001, date after which the concept of terrorism moved to the international central stage. Since then the European Union came a long way in the attempt to protect its citizens by continuously working upon the development of its security capabilities to prevent, protect and respond to threats like terrorism and cross-border crime. The topic presented in this thesis relates to the current wave of terrorist attacks that struck EU territory. Starting with the events in Madrid in 2004 and the London bombings in 2005 the feeling of a secure Union accentuated among the member states. Although policy developments were initiated in the coming years they could not prevent or foresee the density of terrorism attacks/incidents that was about to come with the year 2015. Thus, January 2015 - Paris, February 2015 - Copenhagen, November 2015 – Paris, November 2015 – Hannover (prevented), March 2016 – Brussels, July 2016 – Nice, July 2016 – Germany (Munich and Wuerzburg) is too short period of a time not to raise questions about the effectiveness of EU's efforts to counter the phenomena of terrorism.

More specifically the research seeks to present the developments made by EU in the security sector and investigate some of the issues related to implementation, by having as central reference points the cooperation and the information sharing existent at EU and national levels. The premises is that these are the areas on which EU has to focus to further increase the dynamics of the security sector and prevent terrorist acts. These points are also reflected many times in official documents released by the EU, stating the need of improvement hence this point of departure is valid.

As a personal note, the motivation for starting this research is my sympathy for intelligence services and an article with the title "*Juncker demands secret service for Europe*" (May 2015, The Times UK) triggered my interest to research more about EU's internal security and mechanisms. The level of curiosity grew gradually when I saw other proposals like this, and when, after the terrorist attacks in Paris EU's responses were suggesting more cooperation and information exchange.

Considering the pace with which the counter-terrorism notion evolved and the density of the attacks, I consider my research to be one of hopefully the many to bring a small contribution in raising the awareness of the unfortunate phenomenon. Moreover, the argument of actuality can be invoked as relevant due to the growing attention terrorism receives on the international

stage. Thus I hope the efforts of doing this research will inspire others to dissect even more the security EU needs and the fight against terrorism, leading to implementable solutions and a safer Union.

Problem formulation

Why is a better cooperation necessary between member states secret services and EU agencies in the field of information and intelligence sharing regarding terrorism and is the creation of a supranational body a realistic alternative? In order to help answering the latter the following sub question has been formulated: *What issues influence the current level of cooperation?*

Methodological considerations

Ontology-Epistemology

Ontology is concerned with the nature of reality. It questions whether what is examined is a result of continuously changing social constructions or an external reality 'out there', and whether the researcher should be subjective or objective[1]. To settle this, for or this paper I chose to adopt the ontological position of constructionism asserting that the reality touched upon in this paper is a constructed one and has not been pre-given.

Constructionism asserts that social phenomena and their meanings are continually being accomplished by social actors. It also implies that social phenomena and categories are not only produced through social interaction but they are in a constant state of revision. Thus the reality presented cannot be viewed as definitive[2]. Therefore, in the case of this research paper I will present a specific version of the reality of the European security dimension, a social construction, which is under constant development due to multiple factors.

Epistemology is concerned with what is or should be regarded as acceptable knowledge in a discipline[3]. For this research I will consider the information/knowledge presented subjective and interpreted in a way to fit the research design and problem formulation. So, the epistemological stance taken will be the one of interpretivism of course with a subjectivity dose attached. It is hardly possible as a researcher to remain objective and impartial while doing a study, since is in command of the research in multiple ways; the selection data process, building the structure of arguments and select the appropriate method for the analysis. Furthermore, as the researcher carries his own knowledge and values it can influence the research process.

Research design, strategy and data

The approach to this research is a qualitative one, as it involves sources and data which are composed from words rather than numbers. This type of research will enable me, the researcher, to gain a deeper understanding of a particular case. Thus the research itself is imagined as an exploratory case of study with the region of focus being the European Union. Within, the research will be focused on the internal security of the EU, namely upon the two

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[1] Alan Bryman, *Social Research Methods*, Oxford University Press, 4th edition, 2012, pp.32-33.
[2] *Ibid*, p. 33.
[3] *Ibid*, p. 27.

ways of managing EU's security and information flow in the context of terrorism. As noticeable in the problem formulation the central points for the research will be the information\intelligence sharing and cooperation between national security services of the member states and EU agencies, and an alternative to the latter by managing security through a supranational body. Therefore the dedicated analysis chapter will have two parts.

The first part of the chapter will analyse the challenges EU is facing in its internal security, concerning the intelligence exchange and cooperation. In this regard primary sources are going to be used which reveal directly or indirectly the issues mentioned. The selection of the primary sources was made based on their release date, the more recent the better, and of course on their connection with the internal security of the EU and intelligence exchange field. Namely, two pieces of communication released by the Council of the EU and one by the European Commission: *Draft Council Conclusions on the Renewed European Union Internal Security Strategy 2015-2020* (June 10, 2015), *Roadmap to enhance information exchange and information management including interoperability solutions in the Justice and Home Affairs area* (June 6, 2016) and *The European Agenda on Security* (April 28, 2015). Important to mention, these documents were used as means to identify the current internal security cooperation status, likewise reflecting the issues by pointing out towards where improvements are needed. Hence, the focus was only on the sections of the documents which were found relevant. Additionally, the part will include a section with arguments for poor cooperation and information exchange identified by different scholars of European studies, political sciences, security and integration studies.

The second part of the analysis chapter will analyse the possibility of an alternative in managing the internal security of the EU, the so called idea of a European secret service. In this quest proposals coming from EU high ranking figures such as Viviane Reding-former European Commissioner for Justice, Fundamental Rights and Citizenship; President of the European Commission Jean-Claude Juncker and former Austrian Minister of Interior Ernst Strasser will be explored and analysed from a neo-functionalist perspective, these representing primary sources. Important to mention is that these pieces of communication were taken from online newspapers or editorials word by word, spoke by the three representatives. Second in line it must be considered that the proposals launched by them had a different angle of approach and context.

Then the historical root of the idea and an academic approach towards it will contrast the section. Secondly, after presenting the approaches and their analysis a step further will be taken in trying to establish what characteristics a service like this should embody for an ideal form. Bear in mind that is not in the intention of this paper in some way to test the viability or feasibility of such an idea.

Among the primary sources mentioned above, valuable data was also collected from specialised articles and journals written by scholars of European security studies. In the completion of these the most recent academic literature available in the form of textbooks on the topic was consulted and used. All these sources were primarily used for the theoretical framework structuring the chapters towards the analysis.

Choice of theory

The theories chosen are representative for the field of European integration studies, namely Intergovernmentalism and Neo-functionalism.

I chose to go with an inductive approach and explore the first part of the problem statement, concerned with information sharing and cooperation, step by step based on observations and findings. However, I do not expect the results of this part of analysis to be catalogued as a general theory but at most an assumption or an incipient stage hypothesis for helping with the assessment of the level of security cooperation. Here the theory of Intergovernmentalism was used only as a method for helping me determine the processes that stay at the core of the European integration in terms of security and guide me through the findings.

As for the part two of the analysis section, concerning the latter part of the problem statement with the autonomous security body, the approached used was also inductive and generated a pattern of characteristics that is applicable to supranational institutions. Here the theory of neo-functionalism was used as a tool to emphasize the centralized attribute and the institutionalization of the collective security concept. Thus, a slight nuance of deduction might be sensed here since the theory applied had much in common with the analysed proposals in terms of characteristics and it is arguable that the used data only confirms the theory. However, it can also be argued that a researcher cannot have a completely deductive or inductive relationship

to the data, because there will always be – however small – a movement back and forth between theory and observation[4].

Thus, for the first part of the analysis dealing with cooperation between national security services and EU agencies the theory chosen is Intergovernmentalism. At the base of the choice is its potential to reflect the integration by stressing out the links between the actors involved. This translates by emphasizing the processes that lead to cooperation, common understanding of the EU's security environment and the issues that come with it. By doing so, the reader will have an in depth view upon the complexity of the European integration process in terms of security. Concerning the second part of the analysis the chosen theory has tradition in the history of the European integration process, theory of Neo-functionalism. By applying neo-functionalism with some of its related concepts I sought to emphasize the centralized and institutionalized approach to regional integration in terms of security. Thus, the reader will get familiarized with the actions states have to take in order to favour the building centralized security body. Furthermore, the theory will encourage an emphasis on the special attributes a European supranational security body should have.

Thirdly, in order to give the reader a deeper understanding on the security threat mentioned in the problem statement and on the current efforts to fight it, a special section in the paper will be dedicated to the concept of terrorism and to the notion of counter-terrorism. Within the section, multiple definitions of terrorism coming from the academic environment, governmental agencies or international organizations will be contrasted in order to portray the 'versatility' of the term. Then, in relation to the geographical delimitations of this thesis a closer look will be taken upon the definition given by the European Union to the notion of terrorism or terrorist offence. It is important to have a precise definition because this will directly influence the measures taken to counter it. In this sense the same section of the paper will elaborate on the types of measures, some of them staying at the core of the European counter-terrorism efforts (elaborated in a later chapter), which embody the notion of counter-terrorism.

Lastly, touched in the problem formulated is the concept or the process of information and intelligence sharing which will receive special attention in a dedicated chapter. For the reader to have a better understanding of the process, the transition from actual information to

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[4] *Ibid*, pp.24-26.

intelligence is presented. Furthermore, the chapter will put the concept of intelligence in the context of globalization for explaining a natural process, namely a regionalization of intelligence within EU as part of the cooperation based security. Moreover, categories of functions, sources and the levels existent in the intelligence field will be elaborated upon.

Limitations

Probably one of the most obvious limitations of this research is the geographical one. Thus the boundaries of the paper are well established within the territory of the European Union. Furthermore, the research conducted in this paper limits itself at investigating only the internal security dimension and does not present in any way externalities such as the involvement/cooperation with outside actors or EU's foreign security policy focusing on counter-terrorism. However, a few times within the paper some references are mentioned concerning outside EU events, states or governmental and international organizations. Another limitation intervenes when talking about cooperation. The latter will be limited to the security field of the EU with a focus on information and intelligence sharing. In terms of legal developments, the ones presented in the paper will only concern the security and information sharing dimensions, although some of them are part of more general documents which include other sectors of interest for the EU. When it comes to the concept of terrorism the definition considered is only the official one given by EU. From here it can be argued of course that a subjective perspective is given to the counter-terrorist notion and measures presented later in the paper, but by having interpretivism as epistemological stance the limitation is valid.

Theory and theoretical framework

When talking about Europe as a political union all the decisions that led to its current status must be considered more or less as integrationist steps towards unity, solidarity and cooperation. Right from the very beginning of the Community and later Union two pillars that paved the way for a greater integration between the European countries were observable, the political and the economic ones. Likewise, schools of European integration theories were formed following the pillars.

Because this paper is concerned only with the political and institutional level of integration and cooperation in the EU, it is understandable that theories of European political integration will be used. Therefore, in analyzing the evolution of security and intelligence cooperation in the EU the choice will be the Intergovernmentalism theory of integration. Then, when analyzing and exploring the possible alternative in managing the European internal security and intelligence field the theory of choice is Neo-functionalism.

Intergovernmentalism

Intergovernmentalism first found expression in the 1960's due to the works of Stanley Hoffmann, who took a realistic view of the construction of Europe. Hoffmann, who taught at Harvard and Sciences Po in Paris, attempted to explain why states as nationalistic as France could bring themselves to give up certain sovereign powers in order to promote the common market, while at the same time opposing the strategies of the European Commission (EC)[5]. Although with roots in the early years of European cooperation, this was one of the first examples of sovereignty delegation, an intergovernmental characteristic encountered more in the recent history of the European Union.

Sabine Saurugger, professor of political sciences at Po Grenoble in France, defines intergovernmentalism as the understanding of the European Integration process through cooperation between sovereign states, who behave as rational actors and whose interactions are managed by the principles of authority and hierarchy. Cooperation, or pooled sovereignty, does not reduce the independence of states; on the contrary it strengthens the states by helping them to

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[5] Jean-Jacques Roche, *International Encyclopaedia of Political Science: Intergovernmentalism*, SAGE Publications, 2011, p.1231, accessed in 01.06.2016 at: http://dx.doi.org/10.4135/9781412959636.n2804 .

adapt to the constraints imposed by the international environment[6]. In her book Sabine Saurugger identifies four approaches to conventional contemporary intergovernmentalism that have emerged in EU studies: 1. Based on the analysis of state's governmental elites and actions; 2. European integration to be seen as the saviour of state sovereignty; 3. A classical neorealist thinking towards integration; 4. A "two-level" game approach within the international negotiation theory[7]. Because of its focus on the interaction between EU and national levels the latter approach will be emphasized in the analysis chapter of the paper.

The two-level game approach is based on an assumption that the processes that occur within a state substantially influence the behaviour of that state at the international level. Therefore, states are chief negotiators at two tables. But what happens at the international level in turn also influences national policies. This applied to the European regional integration process is reflected through the interaction between national and EU levels and in the bargaining strategies of the member states and the EU institution[8].

The theory of intergovernmentalism provides a conceptual framework for explaining the European integration process, however it is not limited only to the EU politics but it also refers to how the decision making process is being conducted in international organizations. Intergovernmentalism stands out by being focused on state centrism, therefore privileging the role of the states and state actors within the process of European integration. Its roots are in the classical theories of international relations, notably realism or neo-realism with which shares common ground when it comes to inter-state bargaining and states' sovereignty, at a general level[9].

In regards to integration and cooperation, the advocates of intergovernmentalism argue that costs and benefits come with this process. Hence, the level of cooperation of a state will be determined by weighting up the pros and cons brought in by the membership to EU and by considering the extent to which the integration improves the rate of bargains struck between the member states.

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[6] Sabine Saurugger, *Theoretical approaches to European Integration,* PALGRAVE MACMILLAN, 2014, p.55.
[7] *Ibid,* p.56.
[8] *Ibid,* pp.63-65.
[9] Michelle Cini and Nieves Perez-Solorzano Borragan, *European Union Politics,* Oxford University Press, Fifth edition 2016, p. 66.

Although pragmatic and conservative, cooperation in EU is essential due to the fact that common problems need common solutions[10].

Andrew Moravcsik[11] further explains that when talking about bargains struck between the member states over an issue, a specific distribution of bargaining power is visible which reflects the nature and intensity of state preferences. He further argues that the pattern of preference intensity dictates the relative value each state puts on an agreement, which also reveals its respective willingness to make concessions. Elaborating on the intergovernmental bargaining theory he identifies three assumptions. First, the amending of treaties can lead to negotiations that take place in a system of unanimous voting where governments can and will reject agreements that would leave them worse off than unilateral polices. However, common gains presumably should exist otherwise the negotiations won't be held so it is expected that governments will avoid the potential collapse of the negotiations, leaving all the actors worse off. Secondly, intergovernmental theory assumes that the transaction costs of generating information are low in comparison to the benefits of interstate cooperation. Meaning that the information and ideas needed for efficient bargaining are plentiful and cheap, and accessible to all actors. Therefore, governments will reveal their preferences in the form of bargaining demands and compromise proposals resulting in common national preferences making the agreement emerge. Thirdly, the distribution of benefits reflects a relative bargaining power, which is modelled by the pattern of policy interdependence[12].

Based on these assumptions of intergovernmental bargaining theory, the negotiated outcome of the agreement is likely to reflect three factors: 1. The value of unilateral policy alternatives relative to the status quo which underlies the threats to veto; 2. The value of alternative coalitions which underlies the credible threats to exclude; 3. The opportunities for issue linkage or side payments which underlies the package deals. Andrew Moravcsik takes a step further in explaining these factors. In regards to the first one, he argues that the unilateral threat to veto or to exit a negotiation or agreement is the most fundamental source of bargaining power for states and guarantees that the outcome of rational bargaining falls within a set of

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[10] *Ibid,* p.67.

[11] For the biography and list of publications of Andrew Moravcsik see:
https://www.princeton.edu/~amoravcs/biography.html .

[12] Andrew Moravcsik, *The Choice for Europe:Social Purpose and State power from Messina to Maastricht,* UCL Press Limited, 1998, pp.61-63.

agreements, a feasible set or bargaining space. Thus, a contrast emerges between governments who are poor/rich in unilateral alternatives likewise their bargaining power being determined. The poor ones with weak bargaining power are liable to more concessions and compromises while the others are not, seeking to secure their place[13].

Secondly, where the alternative coalitions are possible a rational state must compare and consider the value of the unilateral agreement to the value of alternative coalitions but also the consequences of joining. Lastly, the aforementioned scholar brings on the history of the EC/EU negotiations in which he identifies a constant practice of issue linkages and side payments in packages deals. He further explains that linkages occur when governments have varying preference intensities over different issues, with marginal gains in some issue-areas being more important to some than to the others. Hence, it may be an advantage for the actors involved to exchange concessions[14], likewise improving the cooperation and reducing the risk of bailing out negotiations.

At the core of the intergovernmental theory lies the concept of sovereignty of nation states. It is often associated with the notion of power, authority, independence and the exercise of will. Sovereignty represents the legal capacity of national decision-makers to take decision without being subject to external restraints[15], or a more liberalist approach to the concept would be "Sovereign is he who decides on the exception"[16].

The advocates of European intergovernmentalism argue that the member states are the most important actors in the Union and manage to engage in the integration process without ceding sovereignty. This implies that the nation states are much in control of the process of integration. However, at most the process involves a pooling or sharing of sovereignty as opposed to a transfer of sovereignty to a supranational institution[17].

Andrew Moravcsik further elaborates that constraints on the sovereignty of a state take two forms: pooling or delegation of authoritative decision making. Sovereignty is pooled when

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[13] *Ibid,* p.63.

[14] *Ibid,* pp.64-65.

[15] Michelle Cini, *Op. Cit.,* p.67.

[16] Carl Schmidt, *Political Theology: Four Chapters on the concept of Sovereignty,* University of Chicago Press, 2005, p.5.

[17] Michelle Cini, *Op. Cit.,* p.67.

nation states agree to decide future matters by voting procedures other than unanimity. For instance, within the Council of Ministers when decision is subject to qualified majority voting (QMV)[18]. The second way, sovereignty is delegated when supranational actors are permitted to take certain autonomous decisions, without a state interfering or a unilateral veto[19]. For instance, a transfer of functions from the state executive and to a lesser extent from the parliaments of the member states, to the European institutions, to the Commission and the Court of Justice of the EU in particular[20].

The works of Andrew Moravcsik are essential for the study of EU integration process. Although nuances of liberal intergovernmentalism, (which seeks to identify the dynamics of European integration and understand why sovereign states agree to renounce certain prerogatives in favour of supranational institutions[21]) stay at the core of Moravcsik's work, the choice of theory for a part of the analysis of this paper has a realist characteristic as well, concerning states' security. A states' interest in survival primes over others therefore national security and sovereignty will be prioritized. So in order to ensure the survival, the security mechanisms, policies and capabilities should be closely monitored, in the case of this thesis the intelligence services and their collaboration with counter parts on common threats.

Moravcsik's work at the current time is categorized as a liberal intergovernmentalism theoretical framework with appliance firstly in the economic pillar of EU integration studies, but it is also possible for it to be linked with the political pillar. Hence, the theory used for analysing the intelligence cooperation in the EU will be based on the assumptions and factors described by Andrew Moravcsik and incorporate the realist nuances of states' survival and security.

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[18] Andrew Moravcsik, *Op. Cit.,* p.67, for the latest rule on QMV check:
http://www.consilium.europa.eu/en/council-eu/voting-system/qualified-majority/ .
[19] *Ibid,* p.67.
[20] Michelle Cini, *Op. Cit.,* p.68.
[21] Sabine Saurugger, *Op. Cit.,* p.67.

Neo-functionalism

The integration theory of neo-functionalism it was the first one which tried to explain the process of European integration and regional cooperation since its early beginnings after World War II. In this regard the contributions of Ernst Bernard Haas[22] are fundamental to understand the early forms of supranational cooperation such as The European Coal and Steel Community (ECSC).

Neo-functionalism seeks to establish why states accept the idea to be part of an international or supranational organization, while its approaches to integration are analytical seeking to understand the reasons for, the processes leading to and the consequences of regional integration[23]. Furthermore, it seeks to maintain a certain level of political integration and the growth of authority at the supranational level[24].

In order to understand the neo-functionalist perspective on integration it is important to distinguish between integration as a process and integration as a state of affairs. Thus, the advocates of neo-functionalism use the term "integration" solely for referring to the process[25].

Hence, in his book, *The Uniting of Europe: Political, Social and Economic Forces 1950-1957*, Ernst B. Haas defines political integration as:

"… the process whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations and political activities toward a new centre, whose institutions possess or demand jurisdiction over the pre-existing national states. The end result of a process of political integration is a new political community, superimposed over the pre-existing ones."[26]

Another neo-functionalist definition of the process of European integration is a bit more cautious stressing the shift of expectations not loyalties, and comes from the American political scientist

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[22] For a brief biography of Ernst B. Haas check: http://www.berkeley.edu/news/media/releases/2003/03/11_ehaas.shtml or https://en.wikipedia.org/wiki/Ernst_B._Haas .

[23] Sabine Saurugger, *Op. Cit.,* p.34.

[24] Ben Rosamond, *Theories of European Integration*, Saint Martin's Press, 2000, p.202.

[25] Siegfried Schieder and Manuela Spindler, *Theories of International Relations*, Routledge, 2014, p.93.

[26] Ernst B. Haas, *The Uniting of Europe: Political, Social and Economic Forces 1950 - 1957*, University of Notre Dame Press, 1958, p.16, accessed in 11.07.2016 at: http://www.europarl.europa.eu/100books/file/EN-H-BW-0038-The-uniting-of-Europe.pdf .

Leon Lindberg. In his book, *The Political Dynamics of European Economic Integration,* he sees integration as:

"The process whereby nations forego the desire and ability to conduct foreign and domestic policies independently of each other, seeking instead to make joint decisions or to delegate the decision-making process to new central organs. The process whereby political actors in several distinct settings are persuaded to shift their expectations and political activities to a new centre."[27]

However, these two definitions should not be seen as the ideal ones but they offer a base to build upon and are emphasized only to reflect different degrees of integration level. It is shifting loyalties versus shifting expectations between the actors. Thus, to reflect a deeper perspective on the level of integration through neo-functionalist lenses, for the analysis part of this paper Haas's definition will be considered.

Neo-functionalism has at its core the concepts of *spill-over* and *transfer of loyalty*, both seen in the context of a new regional organization[28].

Spill-over is the neo-functionalism's best known concept and refers to a process in which the political cooperation conducted with a specific goal in mind leads to the formulation of new goals to assure the achievement of the original goal. Meaning that, political cooperation once initiated is extended over time in a way that was not necessary intended at the outset[29]. Leon Lindberg defines spill-over as;

"...a situation in which a given action, related to a specific goal, creates a situation in which the original goal can be assured only by taking further actions, which in turn create a further condition and a need for more action and so forth"[30].

There are three types of spill-over: Functional or technical, cultivated and lastly political spill-over. In line with the analysis part of this paper the most relevant choices are the functional and the political spill-over.

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[27] Leon Lindberg, *The Political Dynamics of European Economic Integration*, Princeton University Press, 1963, p.6.
[28] Sabine Saurugger, *Op. Cit.,* p.34.
[29] Michelle Cini, *Op. Cit.,* pp.56-57.
[30] Leon Lindberg, *Op. Cit.,* p.10.

The political spill-over occurs is situations characterized by a more deliberated political process in which national political elites or interest groups argue that supranational cooperation is needed in order to solve specific problems. National interest groups focus more on European rather than on national solutions and tend to shift their loyalty towards the supranational level[31]. The functional spill-over appears when one step of the cooperation functionally leads to another[32]. For instance, in case of this paper the possibility of having a supranational secret service is functionally related to the defence and security policies of EU. Collectively the member states take part in developing these polices which are linked also to the national regulations within EU. Knowing the increased tendency towards homogenization and rules standardization of the EU the defence sector can be considered a functional consequence.

The second core assumption at the heart of neo-functionalism is the transfer of loyalty.

For the political spill-over to be accomplished a process of loyalty transference is required[33]. The transfer itself has to come from somewhere, for instance from national political, economic elites, or the citizens of EU. Following Haas's definition of integration, neo-functionalists argue that only political and economic elites participate heavily to the process of integration therefore to the transfer of loyalty[34]. However, in his later work Haas gave up on the loyalty transfer concept and instead used "authority-legitimacy transfer"[35].

Lastly, due to the constant evolving process of European integration new approaches towards integration and neo-functionalism were formulated marking a revival of the theory. Therefore, institutionalism offers another refined account of how neo-functionalism can be enlarged through mainstream theories. Although a hybrid approach, Wayne Sandholtz and Alec Stone Sweet professors in political sciences argue that by brining certain neo-functionalist core assumptions and concerns into an institutionalist analysis, neo-functionalism could be made more efficient for analysing contemporary issues of European integration research. The latter

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[31] Michelle Cini, *Op. Cit.,* p.57.
[32] *Ibid.*
[33] Ben Rosamond, *Op. Cit.,* p.65.
[34] Sabine Saurugger, *Op. Cit.,* p.42.
[35] Ernst B. Haas, *The study of regional integration: reflections on the joy and anguish of pretheorizing*, in International Organization, Vol. 24, No. 4, Regional Integration: Theory and Research, 1970, p.633, accessed in 12.07. 2016 at: http://www.jstor.org/stable/2706149 .

mentioned scholars forward an approach on conceptualizing the institutionalization of European integration as supranational governance[36].

The root of their approach features three starting points: The actors and groups with transnational goals and interests or the transnational society; Secondly, supranational organizations with autonomous capacity to resolve disputes and to make rules; and thirdly the rule system or normative structure that defines the polity[37].

When explaining the movement toward supranational governance, their starting point are the actors and groups with transnational interests. These trans-actors can be anyone seeking to exchange goods, services, ideas, information, or funds across national frontiers, and represent those who need European rules, standards, and dispute resolution mechanisms, in other words, those who need supranational governance[38].

Hence, rather than seeing the European integration through the lenses of intergovernmentalism or supranationalism the latter mentioned scholars adopt a transaction based stance which as explained above emphasizes the cross-border transactions within Europe, in various of domains. As a consequence, demands for European levelled rules, regulations and polices will increase which in time will further generate the need for institutionalization.

Considering all the above, for analysing the alternative to manage EU's internal security and intelligence dimension the concept of political and functional spill-over, transfer of authority and supranational governance will be used.

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[36] Sabine Saurugger, *Op. Cit.,* p.46.

[37] Wayne Sandholtz and Alec Stone Sweet, *Neo-Functionalism and Supranational Governance*, in The Oxford Handbook of the European Union, 2012, p.4, accessed in 12.07.2016 at:
http://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199546282.001.0001/oxfordhb-9780199546282-e-2 .

[38] *Ibid.*

What is Terrorism and Counter-terrorism?

The entire thesis was done bearing in mind the major acts of violence of the last two years that shook the European continent, acts labelled as terrorist attacks: January 2015 - Paris, February 2015 - Copenhagen, November 2015 – Paris, November 2015 – Hannover (prevented), March 2016 – Brussels, July 2016 – Nice, July 2016 – Germany (Munich and Wuerzburg). As it can be deduced from the problem formulation the length of the European security spectrum covered within this paper has as a central point the notion of *Terrorism*. In the coming section an exploratory view will be given to the term by presenting its elements, causes and few definitions.

Terrorism as phenomena started to receive international attention in the late 1990's. The United Nations Convention on Terrorism was then working on shared understanding of the terrorist act, and the Council of Europe Convention on the Suppression of Terrorism in 1997 was the first document to provide a concrete list of terrorist offences. Back then, within the EU only France, Germany, Italy, Portugal, Greece, Spain and the UK were having a specific anti-terrorism legislation[39]. Thus each country had a different definition for what a terrorist offence is and the barriers when it comes to cross-border investigations and even cooperation in terms of the Union appeared, as it will be later presented in the thesis.

Defining terrorism is an ongoing debate according to Martin Gus, academic professor and scholar on terrorism. He argues that there is no consensus among experts on what type of violence constitutes an act of terrorism. These experts are represented by governments who have developed their own definitions of terrorism, individual agencies within governments who have their own derived version, private agencies and academics have proposed and analysed various definitions of the term. This lack of unanimity existing between the experts is an accepted reality in the study of political violence[40]. To prove the point made by professor Gus the paper will present some of the definitions that were given to the concept of terrorism.

Alex Schmid a respected scholar in terrorism studies collated more than one hundred formal definitions of terrorism after surveying experts for his book, *Political Terrorism* (1988). He defines the term as follows:

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[39] Maria O'Neil, *The Evolving EU Counter-Terrorism Legal Framework,* 2012, Routledge 2012, p.19.

[40] Gus Martin, *Understanding Terrorism: Challenges, Perspectives and Issues*, SAGE Publications, 4th edition, 2013, p.35.

"Terrorism is a method of combat in which random or symbolic victims serve as an instrumental target of violence. These instrumental victims share group or class characteristics which form the basis for their selection for victimization. Through previous use of violence or the credible threat of violence other members of that group or class are put in a state of chronic fear (terror). This group or class whose members' sense of security is purposefully undermined, is the target of terror. The victimization of the target of violence is considered extranormal by most observers from the witnessing audience on the basis of its atrocity, the time (e.g., peacetime) or place (not a battlefield) of victimization, or the disregard for rules of combat accepted in conventional warfare. The norm violation creates an attentive audience beyond the target of terror; sectors of this audience might in turn from the main object of manipulation. The purpose of this indirect method of combat is either to immobilize the target of terror in order to produce disorientation and/or compliance, or to mobilize secondary targets of demands (e.g., a government) or targets of attention (e.g., public opinion) to changes of attitude or behaviour favouring the short or long term interests of the users of this method of combat."[41]

In the terrorism studies field the elements that form a definition of the terrorism concept are of two types: *objective* and *subjective* elements. The objective element is represented by a crime of a certain scale, while the subjective on constitutes the certain motivation on the side of the perpetrators[42]. In Schmid's definition these elements intertwine. Firstly, the objective element is underlined generally as an act of violence. As a result, the notion of terror comes into play and it will make the link with the subjective element.

The notion of *terror* which forms the base of the concept of terrorism has Latin roots, (nominative) *terrorem* or (verb) *terrere*, meaning great fear, dread, panic, object of fear, to frighten[43]. Secondly, the subjective element in the definition starts when the scholar is explaining the purpose of the act, to mobilize/immobilize/change the targets and/or their attitudes.

On the other hand, from the governmental side a good example of nuances in definitions is given in the book of Richard English, *Terrorism: How to respond*, referring to the US State Department and Federal Bureau of Investigation perspectives. The former defines terrorism as a

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[41] Alex P. Schmid and Albert J. Jungman, *Political Terrorism: A New Guide To Actors, Authors, Concepts, Data Bases, Theories, And Literature*, Transaction Publishers, 1988, p.2.

[42] Christian Walter, *Defining Terrorism in National and International Law,* 2003, pp.4-5, accessed in 19.07.2016 at: https://www.unodc.org/tldb/bibliography/Biblio_Terr_Def_Walter_2003.pdf .

[43] Online Etymology Dictionary, *Terror,* accessed in 19.07.2016 at: http://www.etymonline.com/index.php?term=terror&allowed_in_frame=0 , check also: http://www.dictionary.com/browse/terror .

Premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents, usually intend to influence an audience; while the latter defines the term a bit differently, as *the use of serious violence against persons or property, or threat to use such violence, to intimidate or coerce a government, the public, or any section of the public in order to promote political, social or ideological objectives*[44]. When elaborating his own definition, the scholar suggests that terrorism might be considered a form of warfare:

"Terrorism involves heterogeneous violence used or threatened with a political aim; it can involve a variety of acts, of targets, and of actors; it possesses an important psychological dimension, producing terror or fear among a directly threatened group and also a wider implied audience in the hope of maximising political communication and achievement; it embodies the exerting and implementing of power, and attempted redressing of power relations; it represents a subspecies of warfare, and such it can form part of a wider campaign of violent and non-violent attempts at political leverage"[45]. The scholar offers a complex definition recognizing the psychological impact and the political motivations of terrorists.

To contrast even more the various perceptions of the term, the United Nations Security Council in 2004 condemned terrorist acts as*:*

" ... criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or to abstain from doing any act, which constitute offences within the scope of and as defined in the international conventions and protocols relating to terrorism, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature, ... "[46].

The latter definition does not seem to see the political aim as justification to the act of violence itself. However, the similarity found with the other definitions is the objective element, the spread of a state of chaos and terror to a specific target 'audience'.

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[44] Richard English, *Terrorism: How to respond,* 2009, Oxford University Press, pp.2-3.

[45] *Ibid,* p.24.

[46] UN Security Council, *Security Council Resolution 1566 (2004) Concerning Threats to International Peace and Security Caused by Terrorism*, 8 October 2004, S/RES/1566 (2004), accessed in 19.07.2016 at: http://www.refworld.org/docid/42c39b6d4.html .

Lastly because this paper is concerned with the European Union's territory only, the stance of the EU over the concept of terrorism has to be explored. After 9/11 attacks, the dynamic of the EU concern about security grew. Thus, in need of a common set of views and definition upon the concept of terrorism the member states of the EU adopted in 2002 The Council Framework Decision on Combating Terrorism, June 13th.

Article 1 or the Framework decision establishes the subjective (the aim/purpose) and objective (the act itself/the type of offence) elements and therefore the definition of the terrorism concept on the EU territory, as follows:

(Subjective elements naming the aim),

"Each Member State shall take the necessary measures to ensure that the intentional acts referred to below in points (a) to (i), as defined as offences under national law, which, given their nature or context, may seriously damage a country or an international organisation where committed with the aim of:

- seriously intimidating a population, or

- unduly compelling a Government or international organisation to perform or abstain from performing any act, or

- seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation, ..."[47]

(Objective elements naming the type of offence),

"shall be deemed to be terrorist offences:

(a) attacks upon a person's life which may cause death; (b) attacks upon the physical integrity of a person;

(c) kidnapping or hostage taking; (d) causing extensive destruction to a Government or public facility, a transport system, an infrastructure facility, including an information system, a fixed platform located on the continental shelf, a public place or private property likely to endanger human life or result in major economic loss;

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[47] The Council of the European Union, *Council Framework Decision of 13 June 2002 on combating terrorism (2002/475/JHA),* Article 1, accessed in 19.07.2016 at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32002F0475 .

(e) seizure of aircraft, ships or other means of public or goods transport;

(f) manufacture, possession, acquisition, transport, supply or use of weapons, explosives or of nuclear, biological or chemical weapons, as well as research into, and development of, biological and chemical weapons;

(g) release of dangerous substances, or causing fires, floods or explosions the effect of which is to endanger human life;

(h) interfering with or disrupting the supply of water, power or any other fundamental natural resource the effect of which is to endanger human life;

(i) threatening to commit any of the acts listed in (a) to (h)."[48]

In addition, the Framework Decision establishes the defining characteristics of a terrorist group as *"a structured group of more than two persons, established over a period of time and acting in concert to commit terrorist offences."*[49] Important to mention is that in 2008 a Council Framework Decision amended to one from 2002 on Combating terrorism. Hence, modifications were brought to *Article 3* concerning *Offences linked to terrorist activities* and *Article 4,* concerning *Aiding or abetting, inciting and attempting*[50].

Considering all the aforementioned, it must be questioned why the existence of such a high level of debate in determining a precise definition to the concept of terrorism. With a realist nuance attached, for answering to this the paper will consider a country's primary need for security, in particular for Europe such a feeling kept on developing since the end of World War II. Then, a second question arises on what is the purpose of having a common definition of terrorism in relation to the security of a state or region. To answer this, it is necessary to look at the definition as a tool or method of establishing the threats or range of offences that can endanger the security of the state/region. In the case of this paper, the region in question is represented by the European Union, which needs a precise definition of terrorism with subjective and objective elements in order to take measures to fight it, to counter it, counter-terrorism measures.

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[48] *Ibid.*

[49] Ibid, *Article 2.*

[50] The Council of the European Union, *Council Framework Decision 2008/919/JHA of 28 November 2008 amending Framework Decision 2002/475/JHA on combating terrorism,* accessed in 19.07.2016 at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32008F0919 .

Counter-terrorism is therefore a notion derived from the concept of terrorism and embodies all the measures a state/EU takes in order to prevent and response to terrorist threats, offences and act of violence. The measures in question stretch over multiple levels from the governmental and its law enforcement agencies to the military and judiciary one. The shape these measures take is in accordance with the level where they were produced. For instance, a military short term counter-terrorist measure of prevention can take the form of a plan to secure key strategic points, infrastructure or major events, or special forces training for a particular mission. Another example comes from the secret services and intelligence agencies which take prevention and protection measures by surveillance of the potential threats and constant gathering of information. Perhaps the most important level where counter-terrorism measures are produced is the judiciary one. For a ground mission to be legal and possible a legislative framework has to be in place. Thus, at the EU level these measures take the form of official documents such as The European Agenda on Internal Security (2015), The Action Plan on Terrorism (2001), EU Counter-Terrorism Strategy (2005), or decisions establishing agencies such as Europol, COSI, SitCen or positions like the Counter-Terrorism Coordinator.

To sum up, this section of the thesis has presented the variety of definitions on terrorism given by scholars, international organizations, governmental agencies and emphasized the one of the European Union. Then, it questioned the necessity of defining the concept of terrorism in order to reveal the notion of counter-terrorism and the measures it implies. Finally, examples of measures taken at EU level were presented.

In the coming part of the thesis the historical background of EU cooperation on security will be explored and afterwards the evolution of the legal framework for counter-terrorism.

Historical considerations on cooperation in the European Union

Building the political framework for cooperation, integration and security

The Second World War and its immediate aftermath brought with it major changes all over the world, from country's status quo, technology developments and science to social, cultural and collective mentality evolutions. However, among other countries Europe probably suffered the most dramatic losses and each country was struggling to rebuild itself. On the other hand, on the political stage there was a vacuum of power but the European nations victorious in the war were as weakened as the defeated ones. The remaining elites quickly realized that in order to rebuild a Europe in ruins efforts towards reconciliation, economic growth and social development had to include integration and cooperation on multiple levels. Encouraged by the Marshall Plan, at the end of 1940's, few European states drafted guidelines for a political framework that would allow and ease cooperation between them.

Indeed, much of what we see today related to the concept of *European integration* is owed to the efforts made in the post-war era. However, ideas of a federal or pan - European union existed since the 1920's and 1930's. A good example here is the *Ventotene Manifesto* proposed by Altiero Spinelli in 1941, a blueprint for a federation of European states[51].

Those few states that soon after the Second World War set the path towards cooperation and integration were the new governments of Belgium, Netherlands and Luxembourg. It was called the *Benelux*, a customs union which facilitated preferential taxes between the three signatory states, treaty ratified in January 1948. The year before France and the United Kingdom signed *The Treaty of Dunkirk* as a defensive alliance and mutual assistance pact, in fears of a German military revival. The Benelux countries joined the Dunkirk "pact" in March 1948 through *The Treaty of Brussels.* The year after, the cooperation regarding security in terms of military and defence mechanisms was further extended through the establishment of the North Atlantic Treaty Organization (NATO). The European countries which joined the "Atlantic alliance" included the signatories of the Brussels pact (France, United Kingdom, Belgium, Netherlands and Luxemburg) and Portugal, Italy, Norway, Denmark and Iceland[52].

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[51] Michelle Cini, *Op. Cit.*, pp. 12-13.
[52] *Ibid,* p.13.

However, not all the governments within Europe were fond of the idea of "federation/unity". The Benelux countries plus the French and the Brits were sympathizing the concept but the Scandinavian countries and Switzerland had doubts. On the other hand, West Germany was craving for engagement in almost any politico-diplomatic matter after the war, seeing these actions as means of rehabilitation[53], stating its "presence" as an important European actor.

The aforementioned efforts led to even more productive talks and a first step in establishing an institutionalized political framework on cooperation. On the 5th of May 1949 Belgium, Denmark, France, United Kingdom, Ireland, Italy, Luxemburg, the Netherlands, Norway and Sweden joined their efforts and established *The Council of Europe*, soon after Turkey, Greece, Iceland and West Germany completed the list. The year before the *Organization for European Economic Cooperation* (OEEC) was established as part of the economic integration concept[54].

The preservation of peace and further economic development was in mind of the French minister of foreign affairs Robert Schuman. He proposed a supranational authority under which France and Germany were to manage their coal and steel resources. Other European nations were invited but only few replied, the Benelux countries plus Italy. Negotiations started in Paris led to the establishment of the *European Coal and Steel Community* in 1952 and the creation of the *Court of Justice,* the *Special Council of Ministers*, the *High Authority* and the *Common Assembly*, all supranational institutions[55].

Coming out of these efforts is observable the desire for cooperation among the European states, of course encouraged by the Marshall Plan, the need of rebuilding Europe and by the preservation of peace. Noticeable here and later emphasized in the paper is the need for "common/shared" understanding of the goals, in order for the cooperation to evolve.

In terms of security cooperation in the early 1950's there was an attempt to create a *European Defence Community*, under ones "banner" military troops to be deployed in West Germany in fear of the so-called "Soviet expansionism". But the blueprint drafted in 1954 was

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[53] *Ibid,* pp.13-14.
[54] *Ibid,* p.14.
[55] *Ibid,* pp.14-15.

not ratified by the French parliament when seeing that the United Kingdom is not fond of the idea. Instead, to compensate, proposals on the economic integration were made. Through *The Treaty of Rome* (March 25, 1957, sign by the Benelux countries, France, West Germany and Italy), two new supranational European bodies were to be established, *The European Economic Community* (EEC) and *The European Atomic Energy Community* (EAEC). Other arrangements were made by the signatory states in regards to a customs union but also common policies on commerce, agriculture, transport and a common market with common rules. The European states (Austria, Denmark, Norway, Sweden, Portugal, Switzerland and United Kingdom) which did not sign The Rome Treaty agreed on their own trading terms and established the intergovernmental *The European Free Trade Association* (EFTA). This led to a divided West Europe in two economic blocs, the "Community" of six (the EEC members) and the EFTA countries ("the outer seven")[56].

Despite this mix of supranational institutions (EEC and EAEC) and intergovernmental character of EFTA the concepts of cooperation and common understanding are touched.

During the 1960's the signatory countries of the Rome Treaty were in efforts to reach their milestones on common policies and tariffs reduction. Among these goals they were also seeking deeper integration but also enlargement by attracting other states in ECSC, EEC and EAEC. Once the scheduled milestones were achieved, the elites facilitated the merger of ECSC, EEC and EAEC, also known as "the Communities", through a treaty which established a single institutional structure (1967). The European Court of Justice encouraged the enlargement and by 1973 Denmark, Ireland and the United Kingdom were official members of the Communities[57].

Establishing the European Union

During the 1970's no significant progress was made but the prospects for the coming decade were good. Thus, in June 1983 the Stuttgart European Council proclaimed a "Solemn Declaration on European Union" and agreed upon a general review within five years of the Communities activities with the possibility of a new "Treaty on European Union". Soon after the members of the European Parliament were proofreading with enthusiasm ideas in a draft of the

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[56] *Ibid,* p.15.
[57] *Ibid,* pp.16-17.

treaty, which was eventually adopted in 1984. Other developments included the adoption of the *Single European Act* and Portugal and Spain join the Communities[58].

At the end of 1980's the social movements in Central-Eastern Europe and the prospects of German unification brought new dynamics in the pursuit of integration. At the Maastricht European Council in 1992, the *Treaty of European Union* (TEU) was adopted (also known as the Maastricht Treaty) with the obvious purpose of expanding the European integration but also to reform the European Communities institutions and decision-making process. TEU formally established the European Union, a new entity under which the EEC (renamed "The European Community, the EC"), the ECSC and the EAEC were brought even closer together. In 1996 Austria, Sweden and Finland join the European Union. Despite the terminology the new EU lacked uniformity in terms of structure and policy making procedures. The three pillar structure was thought to be the optimal one but it managed to create blurred boundaries due to inter-pillared competences. Pillar I consisted of the Communities (EC, ECSC, EAEC) while Pillars II and III consisted in intergovernmental cooperation in the area of Common Foreign Security Policy (CFSP) and Justice and Home Affairs (JHA)[59].

The European Union
Pillar I The European Communities (EC, ECSC, EASC)	**Pillar II** Common Foreign and Security Policy (CFSP)	**Pillar III** Justice and Home Affairs (JHA)

Figure retrieved from Michelle Cini, *Op. Cit.,* p.21.

In the coming years efforts were made to homogenize the pillar structure. In 1997 the European Council met in Amsterdam and agreed upon the Treaty of Amsterdam, which entered into force in 1999. Among other provisions the treaty modified slightly the pillar structure, particularly the third pillar has seen the establishment of an "Area of Freedom Security and

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[58] *Ibid,* pp.19-20.
[59] *Ibid,* pp.20-21.

Justice (AFSJ) to the EU's objectives. This led to the movement of "Justice and Home Affairs" activities into Pillar I. The effect was that the thrust of cooperation in Pillar III was refocused on "Police and Judicial Cooperation on Criminal Matters only (PJCCM), and the pillar renamed as such[60].

The Amsterdam Treaty stipulated the following:

"… to facilitate the free movement of persons, while ensuring the safety and security of their peoples, by establishing an area of freedom, security and justice, in accordance with the provisions of this Treaty"[61]

"Without prejudice to the powers of the European Community, the Union's objective shall be to provide citizens with a high level of safety within an area of freedom, security and justice by developing common action among thé Member States in the fields of police and judicial cooperation in criminal matters …"[62]

The European Union

Pillar I	Pillar II	Pillar III
The European Communities (EC, EURATOM, EASC)	Common Foreign and Security Policy (CFSP)	(*Area of Freedom Security and Justice*) Police and Judicial Cooperation in Criminal Matters (PJCCM)
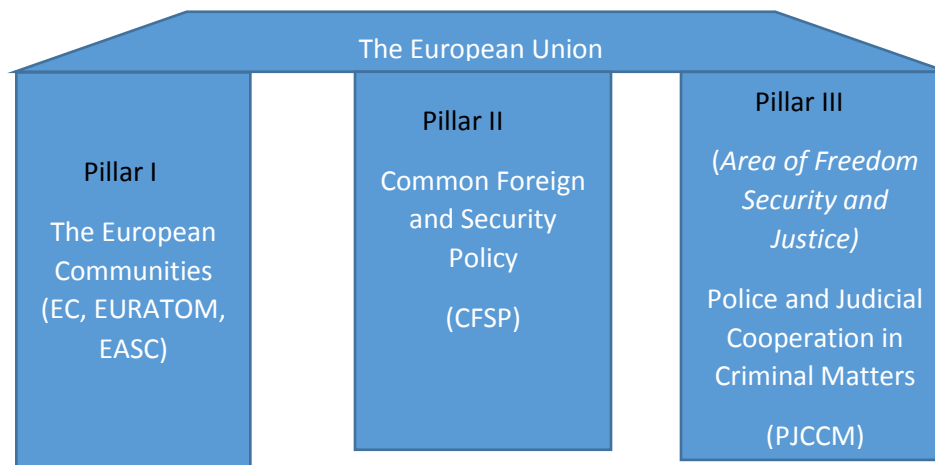
Figure retrieved from Michelle Cini, Op. Cit., p.23

Three decades after the Second World War the European nations struggled to achieve common goals in terms of policies through various treaties, arrangements and institutions. Afterwards there was a scent of division and unity in the same time due to differing attitudes

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[60] *Ibid,* p.23.

[61] Office for Official Publications of the European Communities, 1997, European Union, *Treaty of Amsterdam,* in Part I, Substantive Amendments, Article 1, accessed in 15.06.2016 at: http://europa.eu/eu-law/decision-making/treaties/pdf/treaty_of_amsterdam/treaty_of_amsterdam_en.pdf .

[62] *Ibid,* in Part I, Title VI – Provisions on Police and Judicial Cooperation in Criminal Matters, Article K1, accessed in 15.06.2016 at: http://europa.eu/eu-law/decision making/treaties/pdf/treaty_of_amsterdam/treaty_of_amsterdam_en.pdf .

towards supranational integration as a model for political cooperation between states. Its initial pillar structure embodied a complex mix of supranational integration and intergovernmental cooperation that brought together in various combinations a range of supranational institutions[63].

To sum up the evolution of European states towards the Union established in the 1990's it is observable a competition trend, a competition between paradigms of political frameworks: the advocates of supranational political organizations and the supporters of an intergovernmental approach. These ideas must be filtered through the lenses of "cooperation and integration" concepts. As it can be deduced from above, this was a competition without a first place prize instead it was one that led to progress, to a complex mixture, constantly evolving, called the European Union.

In today's view this mix, the European Union, is a family of liberal-democratic states acting collectively through an institutionalized process of decision making. A membership in the EU, among the body of treaties/norms and legislation, comes with a set of shared common values based on democracy, human rights and principles of social justice. Its 28 member states and 500 million people (in 2015) embody the cultural and linguistic diversity but also reveal its enlargement since it was formally established[64].

In completion of the historical considerations the following part of this paper will bring the timeframe to the 21st century and the developments made to the structure of the EU in terms of cooperation. Observable in the previous part was a slight focus on the need of security and the efforts made for this, modifications in the three pillar structure. Later on, the focus will be more intense varying from alterations in the policy making to how the cooperation in the internal security area is partly achieved or tried to.

Creation of the Area of Freedom Security and Justice (AFSJ)

Since its establishment in the third pillar after the Treaty of Amsterdam (1997) the developments and the cooperation in the Area of Freedom Security and Justice (AFSJ) were slow and difficult, in comparison to others. This was partly due to the sensitive issues which relied upon police and judicial vectors. But first, a quick overview must be given to the level of security cooperation that existed before the 1992 TEU, Maastricht.

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[63] *Michelle Cini,* pp.27-28.
[64] *Ibid,* p.3.

The first signs that there was a need for cross-border cooperation and collaboration in response to transnational crime and terrorism came in 1975. Back then some of the member states set up the *Trevi Group* as an informal assembly to deal with cross-border terrorism through closer cooperation[65]. This was the seed attempt to deal and discuss terrorism at a European level, but not yet in a European Community provided framework. Later in this paper the *Trevi Group* and its developments will be further elaborated.

Another early sign that involved cross-border practices among state authorities was the *Schengen Agreement* formalized in 1985 by a few of the member states. The Benelux countries along with France, Germany and Italy created a new system that would connect their police forces and customs authorities. *The Schengen Information System* (SIS) was established as a shared database, for instance storing criminal records and asylum applications. The progress was fast paced and four obvious emergent areas of cooperation were revealed: Immigration Policy, Asylum policy, Police cooperation and Judicial cooperation. Even the civilians who were working in these areas got accustomed with the cooperation at a "European level"[66]. Further in this paper the focus will stay mainly on the police and judicial cooperation and emphasizing the cross-border and transnational character of the issues dealt with.

The "predecessor" of the AFSJ in the third pillar, established through TEU (1992) was the Justice and Home Affairs area (JHA). Inside the third pillar, JHA, according to TEU the common areas of interest included: Asylum and Immigration Policy, the combat on drug trafficking and addiction, judicial cooperation on civil and criminal matters, customs cooperation and police cooperation to prevent and combat terrorism but also international organized crime. The wideness of the pillar and the common interest areas it incorporated gave it a non-homogenous image. The pillar had a strong intergovernmental character but often cumbersome and in the same time marginalized the Community institutions[67].

In the coming years the pillar was subject to much criticism due to bad institutional arrangements which were ill equipped to handle the projected or existing workload in JHA, but also to a cumbersome decision making framework which had the unanimity rule in place. Therefore, the Amsterdam Treaty (1997) sought to enhance to role of the Court of Justice,

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[65] *Ibid,* p.283.
[66] *Ibid,* pp.283-284.
[67] *Ibid,* pp.284-285.

European Parliament and Commission over JHA. Therefore, changes were set to enter into force starting with 1999. Firstly, to bring homogeneity in JHA, parts of it were transferred to pillar I resulting in a more streamlined institutional framework for the third pillar. Secondly, the Schengen system got incorporated into the EU. The "common interests" that got transferred in the first pillar were the immigration and asylum policies and the police and judicial cooperation on civil matters. Thus, what remained in the third pillar was the Police and Judicial Cooperation on Criminal Matters, which also preserved its intergovernmental character. The streamlined third pillar got renamed as the PJCCM (Police and Judicial Cooperation on Criminal Matters) operating in the Area of Freedom Security and Justice (AFSJ)[68].

The entire structure of the European Union including the AFSJ were subject of major alterations through the Treaty of Lisbon 2009 when the pillar structure was abolished.

By removing the pillars, the Area of Freedom Security and Justice became more open to co-decision making process and the criminal judicial cooperation becomes a field in which the European institutions may legislate. From an institutional point of view Eurojust is brought on the main stage of the EU with the clear purpose to coordinate investigations and prosecutions between the competent authorities of EU countries. Regarding the police cooperation on criminal matters area, the abolition empowered the European institutions with capabilities to adopt regulations and directives in this field. As with Eurojust, the Treaty of Lisbon encouraged the strengthening of Europol and authorised the Council and the Parliament to be more involved in Europol's development using ordinary legislative procedures. Currently, the role of Europol is limited to facilitating cooperation between the authorities of EU countries. The Treaty of Lisbon specifies that new tasks could also include the coordination, organisation and implementation of operational actions[69].

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[68] *Ibid,* pp.284-288.
[69] Summaries of EU legislation, *Area of Freedom security and Justice,* 2015, accessed in 23.05.2016 at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:ai0022 .

Developing the EU Counter-Terrorism legal framework

The Lisbon Treaty

The treaty itself came into being as a consequence of the efforts made in the early 2000's regarding the idea of a *Constitutional Treaty*.

The latter mentioned was designed to replace all the existing treaties, to become the single constitutional document of the EU attempting to establish a more streamlined and democratic Union. However, it proved to be too controversial for some of the member states, for instance France and Netherlands rejecting it in referendums in the summer of 2005. Afterwards the European Council which announced a pause in the ratification process. Two years later an Intergovernmental Conference opens with the prospect of drafting a new reform treaty. By October 2007 the European Council adopts the Treaty of Lisbon. It was sign by the member states (except Irish electorate which needed a referendum) late in December and entered into force at the end of 2009[70].

As expected the "reform" brought alterations abolishing the previous pillar structure. Also because it was an amending treaty the existing TEU and TEC (which was renamed Treaty on the Functioning of the European Union, TFEU) gradually disappeared from view. In terms of aims, objectives, principles it established a succinct outline of the purpose and structure of the EU but also details on how cooperation can be enhanced. One of the reasons of the amending of two previous treaties was to probably ensure a more efficient and simpler to understand Union. In terms of structure it brought matters into line with the common practice. The Community disappeared and the reformed EU as the single structure of integration inherited all the powers of its ancestor[71].

The treaty of Lisbon was a clarifying statement for the world that the EU is a body relying on the powers conferred by its members through treaties. A more democratic and efficient EU was probably intended with the reform but at least a debate can be opened here if it reached or not that goal, because the effects were not revolutionary[72]. Of course in the long term

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[70] Michelle Cini, *Op. Cit.,* p.38.
[71] *Ibid,* p.39-41.
[72] *Ibid,* p.47-48.

further revisions are to be expected as it remains a work in progress due to various challenges of globalization.

European Council's Programmes – directions for cooperation 1999-2014

The *Tampere Programme*, brought the European Council in Finland in October 1999 to evaluate the impact of the Amsterdam treaty and to discuss the future directions for cooperation. In terms of police and judicial cooperation of the third pillar, the program foreseen the creation of a European Judicial Area (EJA). The purpose was to achieve mutual recognition of judicial decision and cross-border information exchange for prosecutions. Another development was the creation of European Union's Judicial Cooperation Unit (Eurojust), consisting of national prosecutors, magistrates and police officers. So Eurojust was thought to come in hand and aid the national authorities in criminal investigations and organized crime[73]. The Tampere summit encouraged in particular for better access to justice for everyone, for EU countries to recognize and respect each other's judicial decisions. It also disposed the setting up of joint investigation teams in cross-border areas, especially to combat terrorism and drug trafficking[74]

After meeting these milestones, the Council sought to ensure the path for the next stage of cooperation through *The Hague Programme*, with a list of ten priorities over the next five years (2004-2009). During these years another organization was brought on the European stage the Council Secretariat's Situation Center (SitCen renamed in 2012 IntCen) which was responsible with providing strategic analysis on terrorist threats[75]. Still, in the realm of terrorism The Hague program states that the EU should focus more on the different aspects of prevention, preparedness and response. It also encourages the freezing of the financial assets of the entities suspected of terrorism but also the exchange of information on relevant terrorist investigations[76].

The most recent program ended in 2014 and entered into force in 2010. *The Stockholm Programme* sought to build on the achievements of the Tampere and Hague projects and to further strengthen the AFSJ.

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[73] *Ibid,* pp.288-289.

[74] European Commission, Directorate General of Justice and Home Affairs, *Fact Sheet. Tampere. Kick-start to the EU's policy for justice and home affairs,* 2013, pp.2-4, accessed in 23.05.2016 at: http://ec.europa.eu/councils/bx20040617/tampere_09_2002_en.pdf .

[75] Michelle Cini*, Op. Cit.,* p.289.

[76] Maria O'Neill, *Op. Cit.*, p.73.
Check also the summary of The Hague Program at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV:l16002 .

One of the top priority listed in the Stockholm Programme was the need for an internal security strategy to protect against organized crime and terrorism. It also foreseen an expansion of Europol and other measures to encourage police cooperation. The implementation plan also touched upon a better cooperation between law enforcement officials, but also the development of mutual recognition of judicial decisions within the EU[77]. Among the other priorities stated in the implementation plan The Commission also aimed to improve the existing security tools, in particular those relating to the management of information flows and the dynamics of the information exchange[78]. The latter was aimed to be achieved through giving Europol the lead on developing common parameters and methodology in dealing with terrorist threats with an improved use and cooperation with the other EU bodies in the area, SitCen and Eurojust[79].

Now that an explanatory description has been given to the Area of Freedom Security and Justice along with the Council's programs and the milestones that influenced it is necessary to take a closer look on the evolution of judicial and police cooperation and how it materialized. The timeframe used will start with the year when the Amsterdam Treaty entered into force (1999) and stretch until the end of The Hague Programme (2009).

Developments in the field of police and judicial cooperation

Through the aforementioned programs the European Council set the agenda with milestones for more than ten intense and often dramatic years. Let's recap the main developments: the establishment of Eurojust and Europol as the EU's institutionalised network of magistrates, prosecutors and police; the creation of additional mechanisms facilitating operational activities; cooperation between national police and judiciary services and intelligence ones. In terms of policy objectives, the Council identified as priorities the following: A European Arrest Warrant (EWA), a common penal definition of *terrorist offences,* a legal framework to legitimise the freezing of assets in the entire Union and the ratification of the protocol on money laundering and financial crime and improved exchange of information[80].

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[77] Michelle Cini*, Op. Cit.,* p.290.
[78] Summaries of EU legislation, *Action plan on the Stockholm Programme*, accessed in 23.05.2016 at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:jl0036 ; check also The Official Journal of the European Union, *The Stockholm Programme-An open and secure Europe serving and protecting citizens,* 2010, at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52010XG0504(01) .
[79] Maria O'Neill, *Op. Cit.,* pp.255-256.
[80] Raphael Bossong and Mark Rhinard, *Explaining EU's Interanl Security Cooperation,* Routledge, 2015, pp.77-78.

The judicial cooperation vector

The first move towards judicial cooperation and integration (during the Tampere Programme) was made by the European Commission which in July 2000 established as a general principle that a judicial decision in a criminal proceeding in one of the member states would be enforced throughout the territory of the Union. The principle itself embodied three major framework decisions: The European Arrest Warrant and uniform surrender procedures, the mutual recognition of freezing of assets and evidences in criminal cases, and last the EU application of financial penalties and confiscation orders[81]. With these being applied the risk of cross-border jurisdictional conflicts was greatly reduced.

With The Hague Programme in place, starting with 2004 the evolution of the judicial cooperation and the development of a European judicial culture among the member states was expected. Where blockages were encountered due to the diversity of the legal systems the programme sought to reconcile the divergent aspects in the pursuit of serious crime prosecution and terrorism. Concerning the latter, it recommended that the member states should agree on a small standardised set of procedural rights regarding criminal matters[82].

The creation of new judicial institutions and innovations were sponsored by the EU with the clear goal of establishing a general network between law enforcements and judicial authorities but also operational networks on policing and prosecution. Eurojust, European Judicial Network (EJN) and its by-product the European Judicial Training Network (EJTN) are the resulted institutions through which the EU tries to foster a common judicial culture. EJN was created in 1998 as the first institutional innovation for enhanced judicial cooperation. It is until today a network of contact points in each of the member state responsible for helping the national judiciaries with formal requests when it comes to cross-border dimension of combating crime and terrorism. Eurojust was formally established in 2002 and the mandated role was defined as a case coordination center and facilitator of cooperation between competent authorities. In its first year report it has listed a number of barriers that impeach mutual legal assistance in criminal matters, for instance the unwillingness of some member states to share intelligence and absence

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[81] *Ibid,* p.78.
[82] *Ibid,* p.79.

of uniform extradition procedures[83]. Later in the paper a separate section will be dedicated to Eurojust were more details will be advanced.

The Police cooperation vector

A central point when it comes to police cooperation in the European Union and its Area of Freedom Security and Justice is represented by Europol. The Tampere milestones pursued to strengthen the police cooperation within Europol (at that time recently born from the TREVI group) in order to accelerate the free exchange of information on criminal and terrorist activities. The operational scope of Europol was gradually extended since its creation from investigation of terrorist offences to the creation of private networks for national member state police forces in the same field of threats. Other operational measures were adopted in 2001 and The Multidisciplinary Group on Organized Crime was tasked with monitoring the links between terrorism and organized crime but also to encourage closer police cooperation towards improving the flow of terrorist-related intelligence. A Council's decision in 2003 required the national police forces to create in-house counter terrorism units and task them with the collection of intelligence on terrorism threats, data which will be further shared with the Europol. Since 2009 Europol became a formal EU agency[84].

Supporting Europol and complementing it in the pursuit of a common police culture within the EU was the next thought of the Commission.

The Joint Investigation Teams (JITs *) handled the operational side of cross-border collaboration and cooperation on criminal matters while since 2000 the Police Chiefs Task Force (PCTF) and European Police College (CEPOL) completed list. The PCTF had three main priorities: to improve the operational cooperation between EU and third countries, to coordinate terrorist related policy measures between the member states and to determine which tasks should be delegated to Europol's counter-terrorism unit. When looking the CEPOL it is visible the desire to create a common police culture in the EU. The college brings together senior law enforcement

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[83] *Ibid,* p.79-80.

[84] *Ibid,* p.80.

* *A Joint Investigation Team (JIT) is an investigation team set up for a fixed period, based on an agreement between two or more EU Member States and/or competent authorities, for a specific purpose. Non EU Member States may participate in a JIT with the agreement of all other parties.*, retrieved from EUROPOL's web page in 25.05.2016: https://www.europol.europa.eu/content/page/joint-investigation-teams-989 .

officers in a common training program creating a network and in the same time facilitating the exchange of best practices between them[85].

Catalyst events and initiatives

The developments presented above but also the provisions of The Hague Programme and The Stockholm Programme did not emerge for no reason. In the first decade of the 21st century a series of tragic events were the catalysts towards rethinking EU's security and boost to a certain extent the developments in this particular area. Namely it is about the terrorist attacks in the United States in September 11 2001 (the 9/11), the one in Madrid, Spain, in March 11 2004 and the one in London, England, in July 7 2005. In the coming part of this paper each event will be briefly introduced with its aftermath, particularly EU's political response.

The 9/11 Attacks

On September 11, 2001, 19 militants associated with the Islamic extremist group al-Qaeda hijacked four airliners and carried out suicide attacks against targets in the United States. Two of the planes were flown into the towers of the World Trade Center in New York City, a third plane hit the Pentagon just outside Washington, D.C., and the fourth plane crashed in a field in Pennsylvania. Often referred to as 9/11, the attacks resulted in extensive death and destruction, triggering major U.S. initiatives to combat terrorism and defining the presidency of George W. Bush. Over 3,000 people were killed during the attacks in New York City and Washington, D.C., including more than 400 police officers and firefighters[86].

The tragic events shook the world and in the coming days in Europe they triggered an unprecedented policy response. On September 21 2001 The European Council came together for its first extraordinary meeting and along the solidarity point towards the US the second section concerned EU's policy to combat terrorism with a focus on enhancing police and judicial cooperation[87].

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[85] *Ibid,* p.80-81.

[86] History.com Staff, *9/11 Attacks,* A+E Networks 2010, accessed in 01.06.2016 at: http://www.history.com/topics/9-11-attacks .

[87] Raphael Bossong, *The Evolution of EU Counter Terrorism,* Routledge 2014, p.40-41.

Table 4.1 The EU's initial policy response to 9/11

Date	Actors	Initiatives/statements
14/09	European Commission Transport Council/ EU Presidency	European Arrest Warrant, framework decision on combating terrorism, Commission input paper Aviation security
20/09	General Affairs Council	Declaration on transatlantic counterterrorism cooperation
20/09	Council Secretariat JHA Council	Acceleration of Tampere agenda, operational counter-terrorism cooperation
21/09	European Council	Action Plan on Terrorism [88]

Retrieved from Raphael Bossong, *Op. Cit.,* p.40.

Table 4.2 Timeline of EU counter-terrorism policy (September to December 2001)

Date	Actor	Initiative/statement
26/09	Council Secretariat	Informal JHA Anti-terrorism Roadmap
16/10	US President	Letter to the EU on counter-terrorism measures
19/10	Belgium/EU Presidency	Extended Roadmap with external dimension of the EU's fight against terrorism
21/10	European Council	Debate on war in Afghanistan
15/12	European Council	Agreement on EAW, political endorsement of the Anti-terrorism Roadmap
28/12	General Affairs Council	Adoption of financial sanctions against designated terrorist suspects on organisations (UNSCR 1378) [89]

Retrieved from Raphael Bossong, *Op. Cit.,* p.51.

The result was EU's own counter-terrorism agenda and an anti-terrorism roadmap formalised on September 26 2001. It also caused a widening of the existing agenda through a strong anti-terrorism discourse and a deepening integration of the policies in JHA and others. It also linked the Tampere Programme and AFSJ existing policies with the current agenda focusing on the need for a stronger counter-terrorism policy. Lastly, The European Commission and the

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[88] *Ibid.* p.40.
[89] *Ibid.* p.51.

Council Secretariat acted as policy entrepreneurs and build on the momentum where previously issues existed with certain legislation such as the adoption of the EAW and the development of a common definition of terrorism[90].

The bombings in Madrid

The 2004 Madrid train bombings (also known in Spain as 11-M) were nearly simultaneous, coordinated bombings against the commuter train system of Madrid, Spain, on the morning of 11 March 2004 – three days before Spain's general elections. The ten explosions killed 192 people and injured around 2,000. The bombings constituted the deadliest terrorist attack carried out in the history of Spain. It was the worst attack to occur in Europe since the 1988 Lockerbie bombing[91].

The atrocities were highly condemned in the strongest possible terms by all European leaders when showing their support. Soon after the bombings the EU political machinery started to work fast paced. By the end of March 2005 the European Council adopted *The Declaration on Combating Terrorism*. The document recalled some of the provisions from the Anti-Terrorist Roadmap which suffered delays in implementation like the need to conclude on the EAW but also called for improved cooperation between member states, Europol and Eurojust. The updates brought by the declaration outlined new policy objectives in terms of counter-radicalisation, infrastructure protection and recommended increased information and intelligence sharing. The implementation was supposed to be foreseen by the soon after created position of Counter-terrorism Coordinator. Other inputs on the declaration were given by the General Secretariat of the Council, The Commission and some of the member states, such as enhancing the role of SitCen (INTCEN), the exchange of criminal records, compensation for victims and mandatory data retention[92].

London bombings

On the morning of July 7, 2005, bombs are detonated in three crowded London subways and one bus during the peak of the city's rush hour. The synchronized suicide bombings killed 56 people including the bombers and injured another 700. It was the largest attack on Great

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[90] *Ibid.* p.56.

[91] Crime Scene Database, *The 2004 Madrid Train Bombings,* accessed in 02.06.2016 at: http://crimescenedb.com/the-2004-madrid-train-bombings/ .

[92] Raphael Bossong, *Op. Cit.,* p.75-76.

Britain since World War II. No warning was given. The attacks took place as world leaders, including British Prime Minister Tony Blair, were meeting at the G8 summit in nearby Scotland. Blair called the attacks barbaric and pointed out that Great Britain would not be intimidated by terrorists[93].

EU responded immediately with an extraordinary meeting of the JHA Council on 13.07.2005. Mainly *The declaration on London Bombings* did not bring many updates to the then current policy proposals and restated the EU's need to fight terrorism. The main points included the exchange of information on terrorism offences and concerns about operational cooperation and not only between member states Europol and SitCen. During the fall of the same year, while having the EU Presidency, UK called for an informal meeting of the European Council. *The Counter-Terrorism Strategy* adopted after the meeting failed to bring a new level of dynamics in EU's fight against terrorism, not even comparable with the one after 9/11, although a more strategic approach was needed to replace the previous Action Plan to combat terrorism[94].

The strategy had as a structure four pillars which defined the main actions/objectives needed in order to combat terrorism, the so called: *Prevent, Protect, Pursue, Respond*

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[93] History.com Staff, *Terrorists attack London transit system at rush hour,* A+E Networks 2010, accessed in 02.06.2016 at: http://www.history.com/this-day-in-history/terrorists-attack-london-transit-system-at-rush-hour .
[94] Raphael Bossong, *Op. Cit.,* p.101-102. Check also the inputs/statements/initiatives on pages 95, 96, 101.

The EU 's Counter-Terrorism Strategy covers four strands of work, fitting under its strategic commitment:

STRATEGIC COMMITMENT

To combat terrorism globally while respecting human rights,

and make Europe safer, allowing its citizens to live in an area of freedom, security and justice

PREVENT	PROTECT	PURSUE	RESPOND
To prevent people turning to terrorism by tackling the factors or root causes which can lead to radicalisation and recruitment, in Europe and internationally	To protect citizens and infrastructure and reduce our vulnerability to attack, including through improved security of borders, transport and critical infrastructure	To pursue and investigate terrorists across our borders and globally; to impede planning, travel, and communications; to disrupt support networks; to cut off funding and access to attack materials, and bring terrorists to justice	To prepare ourselves, in the spirit of solidarity, to manage and minimise the consequences of a terrorist attack, by improving capabilities to deal with: the aftermath; the co-ordination of the response; and the the needs of victims

Retrieved from the official document released by The Council of the European Union, *The European Union Counter Terrorism Strategy,* 2005, Brussels, p.3.
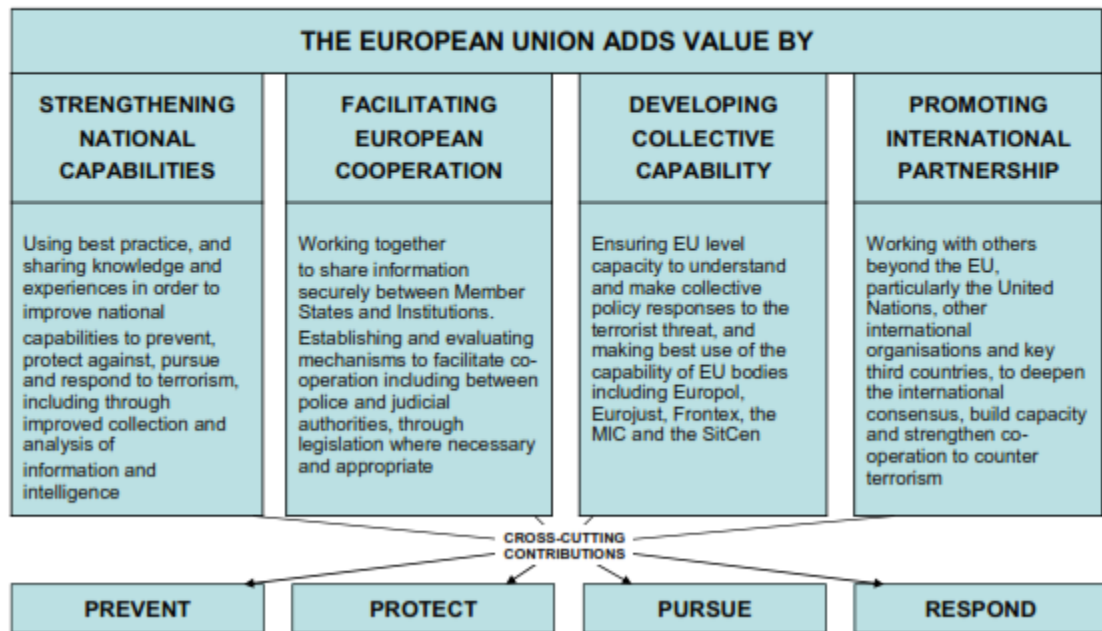
The *Prevention* pillar seeks to combat radicalisation and recruitment of terrorist by identifying the methods used by terrorists. The *Protection*, pillar aims to reduce the possibility of attacks through security, protecting the citizens and the critical infrastructure. The *Pursuit,* targets to follow the cross-border investigations of terrorists while respecting human rights and international law. It also seeks to cut access to weapons used in the attacks and the financials. The *Response* pillar, aims to strengthen the cooperation and solidarity between the member states. The response systems to terrorist attacks will often be similar to those in place to manage natural, technological or man-made disasters, to manage and to minimise the consequences, to improve capabilities which deal with the aftermath[95].

The strategy also encourages the member states to use the framework the Union provides, arguing that it adds value through facilitating best practices and sharing of knowledge and

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[95] Summaries of EU legislation, Council of the European Union, 30 November 2005: *The European Union Counter-Terrorism Strategy,* accessed in 01.07.2016 at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV%3Al33275 .

information between member states and EU institution. Furthermore, it seeks to develop collective capabilities in terms of common policy responses. Lastly, it promotes the partnership beyond EU with other organisations.

Member States have the primary responsibility for combating terrorism, and the EU can add value in four main ways:

THE EUROPEAN UNION ADDS VALUE BY			
STRENGTHENING NATIONAL CAPABILITIES	**FACILITATING EUROPEAN COOPERATION**	**DEVELOPING COLLECTIVE CAPABILITY**	**PROMOTING INTERNATIONAL PARTNERSHIP**
Using best practice, and sharing knowledge and experiences in order to improve national capabilities to prevent, protect against, pursue and respond to terrorism, including through improved collection and analysis of information and intelligence	Working together to share information securely between Member States and Institutions. Establishing and evaluating mechanisms to facilitate co-operation including between police and judicial authorities, through legislation where necessary and appropriate	Ensuring EU level capacity to understand and make collective policy responses to the terrorist threat, and making best use of the capability of EU bodies including Europol, Eurojust, Frontex, the MIC and the SitCen	Working with others beyond the EU, particularly the United Nations, other international organisations and key third countries, to deepen the international consensus, build capacity and strengthen co-operation to counter terrorism

CROSS-CUTTING CONTRIBUTIONS

PREVENT	PROTECT	PURSUE	RESPOND

Retrieved from the official document released by The Council of the European Union, *The European Union Counter Terrorism Strategy*, 2005, Brussels, p.4.

All these terrible events led to immediate responses from some of the EU institutions. Whether they were policy initiatives like the strategy presented above, statements or recommendations for the member states all of them underlined the importance of information and intelligence sharing and cooperation of the member states with EU bodies like Europol and Eurojust. Thus, the next part of the paper will present some of the European bodies tasked upon security matters with operational, judicial and information sharing activities.

European bodies tasked with security matters

Some of the institutional developments were briefly mentioned above and some of them came into being in the aftermath of unfortunate events. Next, the paper will present in details few of the most relevant EU security bodies tasked with operational, judicial and information sharing activities. The reason for this is to understand and see the bigger picture on how in a rather short period of time the European Union managed to put in place a considerable size institutional apparatus with the purpose to enhance cooperation in its security area.

The Trevi Group - TREVI

Stands for the French acronym *Terrorisme Radicalisme Extrémisme et Violence Internationale.* The name was taken and formalised in 1976 after a meeting of The Council of Ministers in December the year before which concluded the previous discussion and ad-hoc meetings on security matters[96].

The group was intergovernmental based with the primary purpose to work on counter-terrorism and policing coordination in the EC but excluding its institutions (the Commission and the Parliament). Instead, in the future meetings of the group the Ministers were accompanied by senior police and security service officials. As a structure it was divided in five working groups: *Working group 1*, or Trevi 1: responsible for measures to combat terrorism, intelligence strategies and tactics but also tracing of terrorist networks and their funding. Trevi 2 was tasked with scientific and technical knowledge and police training; the work of this group later expanded to embrace public order and football hooliganism. Trevi 3 was set up to deal with security procedures for civilian air travel, filed later taken over by Trevi 1. On 21 June 1985 at a Trevi Ministers meeting in Rome the role of Trevi 3 was redefined to look at organized crime at a strategic, tactical and technical level and drug trafficking. This group prepared the way for the creation of the European Drugs Unit (EDU, the future Europol). Trevi 4 was assigned with safety and security at nuclear installations and transport and Trevi 5 with contingency measures to deal with emergencies like disasters and firefighting[97].

Trevi ceased to exist with the coming into force of The Maastricht Treaty (1992) and in its last years the developments in Trevi 3 led eventually to renaming it EDU. After the Europol

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[96] Maria O'Neill, *Op. Cit.,* p.16.

[97] Tony Bunyan, *Trevi, Europol and the European State,* in Statewatching the new Europe, 1993, PDF, pp.1-5, accessed in 29.05.2016 at: http://www.statewatch.org/news/handbook-trevi.pdf .

Convention in 1995, EDU became Europol but the initial drafts of the convention did not include anti-terrorism provisions. Terrorism as a crime (and former Trevi 1 tasks) was being handled by K4 Committee after TEU 1992. However, within Europol and its structure a Counter-Terrorism Task Force (CTTF) was established to collect, share and analyse information in international terrorism, while subsequently all the counter-terrorist activities were fully integrated into Europol's structure[98].

The European Police Office - Europol

The initial views upon Europol and how it should look like were diverse. The German perspective was seeing it as a European Bureau of Investigation but it was far from the British view. However, what was considered more feasible and accepted was the creation of relay station for exchange of information but without the power to conduct its own investigations. EDU was proposed as a provisional base after the Europol Convention in 1995. It wasn't until 1999 when EDU finally changed its name to Europol and along drug trafficking and money laundering provisions the counter-terrorism aspect (former tasks of Trevi 1) were added[99].

The Europol Convention (1995) was replaced in 2009 by a EU Council Decision with similar provisions but an updated legal framework, Europol was conferred legal personality and EU formal agency. Together with the entry into force of The Lisbon Treaty, Europol was brought much closer in the main body of EC/EU law, its legal framework of institutions and control mechanisms. Europol is tasked to support and strengthen mutual cooperation between the member states in preventing and combating terrorism and organised crime, including other forms of serious crime. In its range of competencies Europol can act as facilitator when two or more member states need a common approach to tackle terrorism or other serious crimes. The staff of Europol can be part of Joint Investigation Teams, acting as support and providing information processed by Europol. The main tasks of Europol are to:

- *collect, store, process, analyse and exchange information*
- *notify Member States of any connections between criminal offences concerning them*

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[98] Maria O'Neill, *Op. Cit.,* p.18.
[99] *Ibid,* p.71-72.

- *assist Member States in investigations and provide intelligence and analytical support*
- *request Member States to initiate, conduct or coordinate investigations in specific cases and suggest the setting up of joint investigation teams*
- *draft threat assessments and other reports[100].*

According to the new strategy that Europol has released, *Europol's Strategy for 2016-2020,* the vision is to contribute to a safer Europe by providing a unique and evolving set of operational products and services to support law enforcement authorities in the Member States. Furthermore, three main goals are set by the strategy:

"1: Europol will be the EU criminal information hub, providing information sharing capabilities to law enforcement authorities in the MS,

2: Europol will provide the most effective operational support and expertise to MS investigations by developing and employing a comprehensive portfolio of services,

3: Europol will be an efficient organisation with effective governance arrangements and a positive reputation"[101]

To achieve these goals Europol seeks to assist the member states in identifying common information gaps which will also lead to a better cooperation. Another ambition set by the strategy is for Europol to become the central information hub in the EU by building an information platform to facilitate operational response to security threats. Secondly, a more qualitative operational support to the member states investigations is to be given, in line with the European Agenda on Security including counter-terrorism, serious and organised crime and

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[100] Summaries of EU legislation, *European Police Office – Europol,* 2014, accessed in 29.05.2016 at: http://eur-lex.europa.eu/legal-content/GA/TXT/?uri=uriserv:jl0025 .
The entire document, The Official Journal of the European Union, *Council Decision of 6 April 2009 establishing the European Police Office (Europol),* available at: http://eur-lex.europa.eu/legal-content/GA/TXT/?uri=celex:32009D0371 .
[101] Europol, *Europol priorities: Main goals,* accessed in 04.07.2016 at:
https://www.europol.europa.eu/content/page/europol%E2%80%99s-priorities-145 .

cybercrime. Furthermore, to achieve a high impact and operational results, it will adjust its operational delivery models and use of human resources[102].

Another recent development inside Europol is the establishment of the *European Counter Terrorism Centre* (ECTC) office. Launched at the end of January 2016, it represents another step of the European Union's response to terror. According to its public infographic it will be an information hub for counter terrorism, it will offer operational support, coordination and expertise, strategic support capabilities, it will also combat violent online content. Moreover, it will be available 24/7 to offer counter terrorism expertise through counter terrorism investigators and analysts[103].

Eurojust

Discussion regarding the establishment of a judicial cooperation unit were first held at the European Council meeting in Tampere, Finland, 1999, after which The Tampere Programme came into force. The attendants, head of states and governments, agreed upon the creation of the AFSJ and to reinforce the fight against crime they settled upon the creation of Eurojust, a network of national prosecutors, magistrates and police officers from each member state, having in mind the diversity of legal systems[104].

After a provisional office in Brussels the headquarter moved to Hague in 2003. The 9/11 attacks in the United States was the confirmation of the need to fight terrorism on all fronts. That is why in 2002 through a Council Decision the creation of Eurojust was formalised as a judicial coordination unit. As a relatively new body of the EU, Eurojust had to face a forced growth and development due the enlargement of the Union in 2004 and 2007 but also due to tragic events, the terrorist attacks in Madrid 2004 and London 2005. In this context an amending Council Decision entered into force in 2009 with the purpose to enhance operational capabilities, increase

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[102] *Ibid.*

[103] Europol, *ECTC-European Counter Terrorism Centre-Infographic,* 2016, accessed in 13.07.2016 at: https://www.europol.europa.eu/content/ectc-european-counter-terrorism-centre-infographic . To see the progress made by ECTC check http://statewatch.org/news/2016/may/eu-europol-ct-centre-report-8881-16.pdf .

[104] The European Union's Judicial Cooperation Unit, *History of Eurojust,* accessed in 30.05.2016 at: http://www.eurojust.europa.eu/about/background/Pages/history.aspx .

the exchange of information, further facilitate and strengthen cooperation between national authorities, partners and third States and Eurojust[105].

In regard to its competencies, Eurojust covers terrorism, drug trafficking, trafficking in human beings, counterfeiting, money laundering, computer crime, crime against property or public goods including fraud and corruption, criminal offences affecting the European Community's financial interests, environmental crime and participation in a criminal organisation. Member states can also request Eurojust assistance in cross-border investigations and prosecutions, and the other way around. It requests may be concerned with:

- *investigate or prosecute specific acts*
- *coordinate with one another*
- *accept that one country is better placed to prosecute than another;*
- *set up a Joint Investigation Team; or*
- *provide Eurojust with information necessary to carry out its tasks[106].*

The EU Intelligence Analysis Centre – INTCEN (former SITCEN)

When it was formally established in 2002 it was named the EU Situation Centre (SitCen) and it was part of the Council General Secretariat, directly attached to the office of High Representative, Dr Javier Solana. It was not an independent structure and did not had legal personality. Its creation is linked with the development of The European Security and Defence Policy in 1999 (in the former pillar II of the EU, The Common Security Foreign Policy, CSFP) but also with the 9/11 attacks which triggered the need of accurate intelligence to support policy making[107].

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[105] *Ibid.*

[106] The European Union's Judicial Cooperation Unit, *Mission and task,* accessed in 30.05.2016 at: http://www.eurojust.europa.eu/about/background/Pages/mission-tasks.aspx .
The Council Decision and its summary of establishing Eurojust (2002) and the amending acts (2003,2009) can be consulted at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:l33188 ,
http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32002D0187 ,
http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32009D0426 .

[107] The EU Intelligence and Analysis Centre, *Public fact sheet on EU INTCEN,* accessed in 30.05.2016 at:
http://eeas.europa.eu/factsheets/docs/20150206_factsheet_eu_intcen_en.pdf .

Since 2005 it was providing the Council with strategic analysis on terrorist threat which is basically the sum of intelligence received from the member states' intelligence services and Europol where the case. In the light of the Madrid and London the EU SitCen was reinforced with a team of counter-terrorism experts from the member states security services, which helped with the analysis of the intelligence coming from the national security services. This enabled SitCen to provide more accurate threat assessments to the Council regarding internal security. With the entry into force of the Lisbon Treaty 2009, SitCen has been put under the authority of the High Representative of the European Union for Foreign Affairs and Security Policy/Vice-president of the Commission. Starting with 2011 it has been transferred to the European External Action Service (EEAS) which in 2012 was restructured therefore SitCen was renamed the EU Intelligence and Analysis Centre (INTCEN) [108].

However, in its own INTCEN is quite a unique body. It has no formal mandate to engage in intelligence gathering, traditionally understood, and relies to some extent on the voluntarily intelligence provided by member states but also on open sources[109]. Is not as transparent as others and it is not the prime filter of information, the national security services are, but it is able to draw up threats assessments for both the external and internal security spheres like this influencing the policies. From the very beginning the focus of SitCen was on the external sphere but it gradually gained grounds in the internal one also, recommendation made by the High Representative back in 2004 Javier Solana[110].

According to its Public Official fact sheet, EU INTCEN covers the following tasks:

- *Provide exclusive information that is not available overtly or provided elsewhere to the High Representative/Vice President and the PSC, based on contributions from Member States' intelligence and security services;*
- *Provide assessments and briefings and a range of products based on intelligence and open sources to the High Representative/Vice President and to the EEAS, to*

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[108] *Ibid.*

[109] Mai'a K. Davis Cross, *A European Transgovernmental Intelligence Network and the Role of IntCen*, in Perspectives on European Politics and Society, 14:3, 2013, 388-402, DOI: 10.1080/15705854.2013.817805, Link to this article http://dx.doi.org/10.1080/15705854.2013.817805 .

[110] Monica Den Boer, *Counter-Terrorism, Security and Intelligence in the EU: Governance Challenges for Collection, Exchange and Analysis*, 2015, in Intelligence and National Security, 30:2-3, 402-419, DOI:10.1080/02684527.2014.988444, Link to this article: http://dx.doi.org/10.1080/02684527.2014.988444 .

the various EU decision-making bodies in the fields of CSFP/CSDP and CT, as well as to the Member States

- *Act as a single entry point in the EU for classified information coming from Member States' civilian intelligence and security services*

- *Support and assist the President of the European Council and the President of the European Commission in the exercise of their respective functions in the area of external relations[111].*

From a structural point of view EU INTCEN is a Directorate of European External Action Service (EEAS) reporting directly to the High Representative and it has two divisions. In regards to its staff, it is formed mostly of EU officials and temporary agents but also experts from the security and intelligence services of the member states[112].

COSI – Standing Committee on Operational Cooperation on Internal Security

Through the Treaty of Lisbon (Art 71) it is proposed the creation of a standing committee within the Council. Later in February 2010 through a Council decision COSI is set up as a new body within the Council. Not much is known about the body apart the official information that appears on the Council's website regarding the role of it and the composition.

COSI's role is to facilitate, promote and strengthens coordination of EU member states' operational actions related to the EU's internal security. It:

- *ensures effective operational cooperation on EU internal security matters, including in law enforcement, border control and judicial cooperation in criminal matters*

- *evaluates the general direction and efficiency of operational cooperation*

- *assists the Council in reacting to terrorist attacks or natural or man-made disasters[113].*

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[111] The EU Intelligence and Analysis Centre, *Op. Cit.*

[112] *Ibid.*

[113] European Council, Council of the EU, Preparatory bodies, *Standing Committee on Operational Cooperation on Internal Security (COSI),* accessed in 01.06.2016 at: http://www.consilium.europa.eu/en/council-eu/preparatory-bodies/standing-committee-operational-cooperation-internal-security/ .

COSI's staff consists of high-level officials from each EU member state's Ministry of Interior and/or Justice, as well as Commission and EEAS representatives. Europol, Eurojust, Frontex, CEPOL and other relevant bodies may be invited to attend the meeting as observers[114].

Claudia Hillebrand, a well know scholar of international intelligence and police cooperation, counter-terrorism policing, EU internal security, from Aberystwyth University argues that COSI's role is unclearly defined and it can be speculated that a transnational and multi-disciplinary approach together with competent Union bodies is need to cover the provisions. She also argues that it is evident that the broad definition gives COSI much freedom to identify future areas of action. Along ministry officials at the first meeting of COSI March 2010 was chaired by the Spanish Director General of Police and the Civil Guard, Francisco Javier Velázquez, few countries did delegate high-ranking police officials. One issue known COSI worked on is the implementation of the Security Strategy of the EU soon after the launch of the Stockholm Programme[115].

On 15th of July 2010 the Belgian Presidency of the Council agreed during an informal meeting that COSI and Europol should cooperate and have the main stage for the implementation of the security strategy:

"*Minister Turtelboom agreed with her colleagues that both Europol and COSI (Standing Committee on operational cooperation on internal security) will play a key role in this process [...]. Europol is responsible for drawing up standard definitions of the different criminal phenomena and for collecting and analysing the statistics available. COSI, for its part, will deal with drawing up an operational action plan for any priorities identified*"[116].

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[114] *Ibid.* check also the Council decision on establishing COSI at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:052:0050:0050:EN:PDF .

[115] Claudia Hillebrand, *Europe on a strand, COSI & the EU's internal security strategy,* in Ideas on Europe, accessed in 01.06.2016 at: http://europeonthestrand.ideasoneurope.eu/2010/08/10/cosi-the-eu%E2%80%99s-internal-security-strategy/ .

[116] Belgian Presidency of the Council of the European Union, *The European Interior Ministers approve a European security plan to be put in place by 2014,* accessed in 01.06.2016 at http://www.eutrio.be/pressrelease/european-interior-ministers-approve-european-security-plan-be-put-place-2014 , or PDF available at: http://www.statewatch.org/news/2010/jul/eu-informal-jha-european-security-plan-prel.pdf .

In her article Claudia Hillebrand sums up COSI as a body in the process of soul-searching[117]. However, until now COSI has yet to make its mark upon the internal security of the EU, its fight against terrorism and the operational level[118].

Just until recently COSI's area of interest did not include the threat of terrorism. However, at the time of writing this paper EU's fight against terrorism was reaching new levels in the light of the terrorist attacks in Paris 2015 and Brussels 2016, therefore COSI is most likely to start activities on combatting terrorism. The latter is confirmed by a piece of communication released by the General Secretariat of the European Council with regard to the agenda of a meeting COSI had to host.

Here are some of the points that had to be touched upon according to the *Notice of meeting and Provisional Agenda* since 18th of April 2016:

- *Fight against terrorism: possible development of a structured and multidisciplinary approach*
- *Architecture of information exchange systems and their interoperability/interconnectivity*
- *Europol Strategy 2016 - 2020: presentation by Europol*[119].

Club de Berne – operating outside EU legal framework

Previously mentioned in the paper The Berne Club was formed in the 1970's as a forum for the security services of the then six EU member states and the chair of the group rotates in the same time with the one of the Union. The Berne Club serves as the principal point of contact of the heads of national security services, who meet regularly in this format. It has established working groups on terrorism and organized crime and in 2001 created the Counter Terrorist Group (CTG) in which the Member States, as well as the United States, produce common threat assessments that are shared between the membership and with some Union committees. The Group does not base its activities on a formal charter and operates outside of the institutions of

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[117] Claudia Hillebrand, *Op. cit.*

[118] Raphael Bossong, *Op. Cit.,* p.117.

[119] General Secretariat of the European Council, *Notice of meeting and provisional agenda – Standing Committee on Operational Cooperation on Internal Security,* Brussels, 12 April 2016, accessed in 01.06.2016 at: http://www.consilium.europa.eu/register/en/content/out/?&typ=ENTRY&i=ADV&DOC_ID=CM-2269-2016-INIT , or PDF at: http://data.consilium.europa.eu/doc/document/CM-2269-2016-INIT/en/pdf .

the EU. Therefore, there is no formal commitment, or even expectation, that participants will share all relevant intelligence in their possession with other members[120].

The Counter Terrorism Group is a bi-product of the Berne Group created to further intelligence sharing among the European security bodies, mainly INTCEN. Important to mention is that it does not have its own sources and relies on other intelligence bodies within the Union[121].

How does the fight against terrorism looking in the recent past? Summary and conclusions

Before the 21st century The European Union was at an embryonic stage regarding the fight against terrorism. This translates through the early attempts of cooperation in terms of security between the member states. The Trevi Group played its role well at the time focusing more on cooperation at the operational level, being steered effectively until a certain point from the bottom up by chief officers in charge of cross-border operations. With the creation of Europol, the ratification of TEU 1999 and the Tampere Programme things changed and the security dimension got more and more politicized resulting in a top to bottom approach. The 9/11 and the attacks in Europe changed the game dramatically, they triggered a process of constant need for developing the home security capabilities. To back-up the top to bottom approach, the most noticeable argument is the unprecedented dynamic of the EU in adopting policies, some, prepared even before the tragic events. Worthy of mentioning examples are the adoption of a common definition of what is a terrorist offence and the decision of establishing the EAW.

Starting with 2005 and the signing of The Prum Convention some of the member states moved towards exchanging data on terrorism suspects such as DNA, fingerprints and vehicle registration data. Just like with the PNR (Passenger Name Record) initiative, which proposed to stack data regarding flights and the names of the persons traveling in Europe, the aforementioned types of data exchanging are very controversial from a human rights perspective. There is a very thin line here between violating or not the privacy and the civil liberties, argument much debated in the EU circles but also in the literature.

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[120] James I. Walsh, *Intelligence-Sharing in the European Union: Institutions Are Not Enough,* in JCMS 2006 Volume 44. Number 3. pp. 625–643.
[121] Şeniz Bilgi, *Intelligence Cooperation in the European Union: An Impossible Dream?,* 2016, in All Azimuth V5, N1, p.60.

However, enhancing the cooperation and exchange of such data might help in preventing the "home grown terrorism" and the "ill-integrated" migrants from attacks such as London bombings (2005), the ones in Paris (2015)[122] and the ones in Belgium (2016). Nevertheless, strong advocates of human rights, civil liberties and migrants' communities will make their voices heard in case of such measures to be even more endorsed and hopefully pressing on this matter will eventually lead to a clearer line on what is admissible and not. It should also send a loud message to EU political elites to work towards a clear vision on how future cooperation between EU bodies and member states should look like and how intelligence and sensitive information should be handled.

The challenge in Europe is similar to the one in the United States, meaning that policy instruments must be developed in order to meet the security needs in the same time protecting the civil liberties of the Europeans. It is certain that in the light of the recent tragic events in Europe the AFSJ and the JHA areas will remain in a constant development. Moreover, the enlargement of the union commits the future member states to adopt latest rules and regulations of the EU in terms of security even before their accession[123]. As the events in Paris 2015 demonstrated there is a critical need for trans-border coordination and cooperation beyond the state. Although the AFSJ is a relatively young field, the institutional changes were fast paced and must not be looked upon as definitive or long term. An argument further explored later in the paper is the "sovereignty sensibility" of the member states, which AFSJ keeps on challenging while it's developing.

In line with the subtitle of this part of the paper a brief overview will be presented of the most recent activity of the EU regarding security, in the light of the attacks in Paris 2015 and the end of The Stockholm Programme in 2014.

After the Stockholm Programme came to an end it was expected that the next agenda will be known as *The Rome Programme* due the Italian Presidency of the EU. However, the discussions on the topic were accelerated at the European Council meeting in Ypres, Belgium and concluded with the adoption of a *Set of Strategic Guidelines for Legislative and Operational Planning.* In comparison with the previous programme the set of guidelines was not a fully-fledged and

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[122] Michelle Cini, *Op. Cit.,* p.292.
[123] *Ibid,* p.292-293.

detailed programme for the further development of the AFSJ[124]. According to the latter cited scholars and their paper, the five pages dedicated to the AFSJ in the strategic guidelines document are far more general due to the fact that many actors involved in the discussions considered that in the next phase AFSJ should be steered towards consolidation, not expansion. However, it can be argued that these so-called guidelines fail to offer a strategic vision and it is difficult to identify the added value in comparison with the documents already in circulation[125].

The third point in the AFSJ section of the strategic guidelines states:

"Building on the past programmes, the overall priority now is to consistently transpose, effectively implement and consolidate the legal instruments and policy measures in place. Intensifying operational cooperation while using the potential of Information and Communication Technologies' innovations, enhancing the role of the different EU agencies and ensuring the strategic use of EU funds will be key"[126].

In the aftermath of the attacks in Paris, January 7-9 2015 the first policy reply came after an informal meeting in Riga. *The Riga Joint Statement* was adopted by the member states in the presence of the Ministries of Interior and Justice. The conclusion of the meeting was that more effort should be put in building upon the existing tools of the EU in terms of counter-terrorism by optimizing the acceleration and the implementation process. Furthermore, the ministers reaffirmed among others the need to create an EU PNR (Passenger Name Record) framework, to reinforce the exchange of information and develop further cross-border collaboration through Europol[127].

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[124] Sarah Léonard & Christian Kaunert, *Beyond Stockholm: in search of a strategy for the European Union's Area of Freedom, Security, and Justice*, 2016, in European Politics and Society, 17:2, 143-149, DOI: 10.1080/23745118.2016.1160636. Link to this article: http://dx.doi.org/10.1080/23745118.2016.1160636 . The entire document regarding the set of strategic guidelines can be found at: http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2079%202014%20INIT#page=2 and http://www.consilium.europa.eu/en/policies/strategic-guidelines-jha/ . An extract of it regarding only AFSJ at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52014XG0724(01) .

[125] *Ibid.*

[126] Summaries of EU legislation, Official Journal of the European Union, *Extract from the 26-27 June 2014 European Council Conclusions concerning the area of Freedom, Security and Justice and some related horizontal issues,* accessed in 14.06.2016 at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52014XG0724(01) .

[127] Didier Bigo, Evelien Brouwer, Sergio Carrera, Elspeth Guild, Emmanuel-Pierre Guittet, Julien Jeandesboz, Francesco Ragazzi and Amandine Scherrer, *The EU Counter-Terrorism Policy Responses to the Attacks in Paris: Towards an EU Security and Liberty Agenda,* CEPS Paper in Liberty and Security in Europe, nr.81/February 2015,

Representing the European Commission at the informal meeting in Riga, Commissioner for Migration Home Affairs and Citizenship, Dimitris Avramopoulos also pointed out the need to reinforce cooperation between Europol and other EU security agencies and bodies[128]

Another policy response which came before the meeting in Riga was given by the European Counter-Terrorism Coordinator (CTC). The document advanced by the CTC emphasizes the need for prevention of radicalisation, border controls and control of the control of firearms. Among these a great deal of attention is given to the need for more information sharing and judicial response involving the two key EU institutions, Europol and Eurojust[129].

In sum the Union's guiding programs, along with the police and judicial cooperation vectors doubled by the tragic events happened in the early years of the new millennium definitely influenced the pace of development of the legal framework for combating terrorism. These developments materialized as counter-terrorism measures under the form of EU agencies and strategies or action plans. Along the timeline covered by above sections of the paper with the afferent programs and documents, a pattern is observable in which EU plays a central role in encouraging cooperation, collaboration, information and intelligence exchange/sharing between its security-related bodies and the ones of the member states.

With this in mind, the analysis chapter of this thesis will build further on this pattern and explore and analyse some of the issues that impend the cooperation and intelligence sharing in the EU. However before that, the coming section of the paper will try explore the concept of intelligence and to put in perspective the cooperation and the information sharing through the phenomenon of globalization.

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accessed in 15.06.2016 at: https://www.ceps.eu/publications/eu-counter-terrorism-policy-responses-attacks-paris-towards-eu-security-and-liberty .

[128] *Ibid,* the full speech of the Commissioner is available at: http://europa.eu/rapid/press-release_SPEECH-15-3900_en.htm .

[129] *Ibid,* the full input of the CTC is available at: http://www.statewatch.org/news/2015/jan/eu-council-ct-ds-1035-15.pdf .

Information, intelligence sharing and cooperation

Along the evolution of the security dimension in the EU, the concept of intelligence sharing is found spread across the timeline in all major turning points for the Union's development. Therefore, the current part of the thesis will try to define the concept. First the term of "intelligence" will be explored and then the notion of "intelligence sharing/cooperation" or as known in the security studies field of research "intelligence liaison". The part will be mostly based on the writings of Adam D. M. Svendsen, an intelligence and defence strategist, educator and researcher[130]. Secondly, the phenomena of "globalization of intelligence" will be presented as a driving factor behind the necessity of cooperation. Then, the chapter will go further in exploring the intelligence field by categorising the functions and sources existing in intelligence but it will also present the levels where it activates. Lastly, the blockages for poor intelligence cooperation in the EU will be elaborated on.

So what is *Intelligence*?

According to Loch K Johnson, political scientist at the University of Georgia, "Intelligence refers to an awareness that leaders hope to have about the threats or opportunities that face their nation, either internally or from abroad. Armed with this information, they may make better decisions about how to protect and advance the national interest. An understanding of threats and opportunities can be reliably acquired only through the careful collection and study of information about domestic and foreign situations, such as plotting by internal subversives or the machinations of external terrorist factions and rival nations. This gathering of information, along with the interpretation of its meaning, lies at the heart of intelligence"[131].

To put it in a more formal way intelligence represents the knowledge and foreknowledge of dangers and opportunities either domestic or foreign as an influential factor to decisions and actions by nation's leaders. The strategic type of intelligence has the goal to achieve a common global understanding of the dangers and opportunities. On the other side the tactical intelligence is concerned more with the operational level, understanding threats and opportunities on a specific theatre of war[132].

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[130] For the full biography of Dr. Adam Svendsen check: http://orcid.org/0000-0002-0684-9967 .

[131] Loch K Johnson, *International Encyclopedia of Political Sciences, Intelligence,* 2011, SAGE Publications, p.1211, accessed in 01.06.2016 at: http://dx.doi.org/10.4135/9781412959636.n280 .

[132] *Ibid*.

Until reaching the decision makers, intelligence "travels" a long way. Therefore, it can be considered a process ending with a product, a piece of intelligence in the form of a report or a short briefing on a battlefield situation for instance. The process starts when a government through its agency/agencies or an organization empowered by a higher authority delegates resources for information collection. After the data is gathered analysts/specialised personal start to process it. The result of the analysis is called the product, a piece of intelligence which reaches the decision maker factors as a last step.

In short, the term intelligence refers to the process in which any kind of information is collected, analysed, evaluated, and presented to decision makers to prevent tactical or strategic surprises[133].
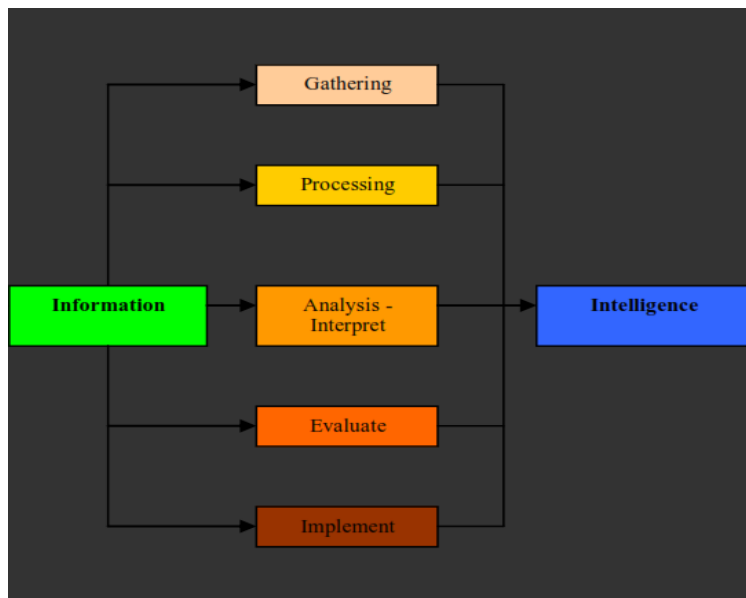
Retrieved from: Antony Antoniou, *Open Source Information, the future of intelligence,* May 2013, in European Intelligence Academy E-book No.1, p.14.

Despite the many definitions of "intelligence" that have been advanced over the years the simplest and the clearest is "information plus analysis equals intelligence"[134].

Intelligence has always been a crucial part of the security strategies of the states especially during the Cold War. A change in the focus of such strategies has been observed since the 9/11 attacks. Cooperation and collaboration with other states became equally important as the

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[133] Şeniz Bilgi, *Op. Cit.,* pp.57.

[134] Marilyn Peterson, *Intelligence-Led Policing: The New Intelligence Architecture,* 2005, U.S. Department of Justice Office of Justice Programs Bureau of Justice Assistance, p.2.

collecting, the processing and the analysis of information[135]. Hence, the search for mutual interests and beliefs intensified and combined with common threats lead to bilateral or multilateral intelligence arrangements or liaisons.

What is intelligence liaison then?

The term *liaison* incorporates the notions of cooperation and communication which together facilitate a closer working relationship between people or organizations[136]. Adding the term of *intelligence* in the equation results in the synonym *intelligence sharing* or *intelligence cooperation*.

Adam Svendsen argues that liaison today represents the most significant dimension of the intelligence world, motivating his stance through the global nature and variety of threats, offences and risks. This led to rapid growth in bilateral regional and international intelligence liaisons. Furthermore, he identifies a multilateral intelligence liaison and security cooperation within and between regional frameworks giving the example of the dynamics in EU's security area. Then he further builds on the idea mentioning the pluri-lateral liaison between regions like EU and ASEAN (Association of South East Asian Nations) or The United States when tackling terrorism[137].

When trying to theorize the intelligence liaison Adam Svendsen points out that the field itself is under-theorized. However, connected to the realm of international relations (IR) the intelligence liaison might have ties with some of the international relations theories. Based on this hypothesis the latter mentioned scholar approaches the lack of theory with a point of departure grounded in surveying existing bodies of IR theory with potential in different areas of the intelligence liaison. Thus, liaison is composed and involves a complex combination of many other concepts and phenomena familiar to IR field, such as alliances, diplomacy and bargaining. Based on this chain link, the liaison view reflects a complex amalgamation of qualities and bodies of mainstream IR theories. According to Adam Svendesn this offers a viable starting point in the quest of trying to understand the concept of intelligence liaison. He continues his paper by giving an example, the

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[135] Şeniz Bilgi, *Op. Cit.*p.57.

[136] Oxford Dictionaries, *Liaison,* Oxford University Press, accessed in 20.06.2016 at:
http://www.oxforddictionaries.com/definition/english/liaison .

[137] Adam D.M. Svendsen, *Connecting Intelligence and Theory: Intelligence Liaison and International Relations*, 2009, in Intelligence and National Security, 24:5, 700-729, DOI: 10.1080/02684520903209456, Link to this article**:** http://dx.doi.org/10.1080/02684520903209456 .

IR Alliances theory which shares common ground with the intelligence liaison. The link between the two is represented by the trust needed for them to have applicability. Just as deep intelligence liaison requires the development of trust, long-term alliances between countries and/or decision makers that develop their own momentum need it as well, fact reflected in the networks of intelligence cooperation they put together[138]. The argument of trust will be further explored later among others which influence the intelligence liaison, information exchange and cooperation in Europe.

Witnessing the globalization of intelligence

As mentioned before the global nature of threats and their variety acts as a booster for intelligence liaison arrangements resulting in established regional networks and frameworks. This can partly explain EU's dynamic in its legal framework of security, the other percentage being filled by already existing bilateral relationships between some EU countries.

The variety of threats which the intelligence world confronts is brought into play by the phenomenon of globalization. To tackle this, the intelligence communities around the world are subject to major changes in their thinking, for instance incorporating the concept of *Need to share* along the usual *Need to know*. Adam Svendesn argues that the phenomenon of intelligence liaison perhaps performs a central role in the globalization of security communities and gives example the field of information exchange in particular[139].   The Canadian Security Intelligence Service concluded after the 9/11 attacks in one of their publications the following:

"In the era of globalization, isolation is not an option for the intelligence service of a democratic country, but rather a recipe for failure"[140]

In another paper Adam Svendsen identifies the aforementioned process with the concept *globalization of intelligence*. He identifies the common ground between the phenomenon of globalization and the intelligence field as being the area of information and communications where technological revolutions were transformative. A good example here would be the technological advancement of databases providing multilevel access of different agencies or specialists groups to share strategic, operational and tactical intelligence. Now considering the

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[138] *Ibid.*
[139] *Ibid.*
[140] Canadian Security Intelligence Service, 2002, 11, retrieved from Adam D.M. Svendsen, *Op. Cit.*

bigger picture of the globalization of intelligence it is normal for formal and informal intelligence liaison arrangements to overlap across the world[141].

When trying to see how Adam Svendsen's line of thought fits the European Union it is easy to identify the formal and informal liaison arrangements. One of the informal intelligence liaison arrangements would be represented by *Club de Berne,* a forum where most of the member states countries including Switzerland and Norway meet and exchange intelligence on a voluntary basis. On the other hand, the European Union puts forward a formal framework for exchanging and analysis of information through a range of bodies: Europol, Eurojust and IntCen and others.

The globalization of intelligence is multi-casual with various factors driving its process of evolution. Mostly these factors are interconnected and transnational taking the form of threats such as terrorism in all its forms, human trafficking, organized crime networks or the form of humanitarian operations in different regions around the world. Likewise, the globalization of intelligence is evolving in response to these but it also reflects the commitment of many actors to adopt a strategy of prevention and use the intelligence dimension together with security services and law enforcement capabilities to tackle the issues before and not post facto[142].

In the case of the EU we are witnessing a regionalization of intelligence driven from top to bottom through policy developments and strategic security agendas. Nevertheless, the regionalization of intelligence in the EU is at an early stage of development with many blockages to solve, such as bureaucracy, standardization of technology, financial resources of each agency, national legislations and even linguistics. That is why EU should work more to encourage formal intelligence liaison arrangements, giving confidence to the member states to work with its security agencies. This will lead to a greater regionalization and eventually EU would emerge as an international actor in the intelligence sphere. Other steps are already in place (EJTN and CEPOL) and seek to encourage homogenization and regional standardization, best practices and a common culture in intelligence.

However, as Adam Svendsen points out in his book *"Understanding the Globalization of Intelligence"*, until now the most effective intelligence liaison arrangements appear bilaterally

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[141] Adam Svendsen, *The globalization of intelligence since 9/11: frameworks and operational parameters*, 2009, in Cambridge Review of International Affairs, 21:1, 129-144, DOI: 10.1080/09557570701828642, link to this article: http://dx.doi.org/10.1080/09557570701828642 .
[142] *Ibid.*

between states which prove to be trustworthy in the long run[143].   When referring to the EU, the intelligence liaison arrangements tend to be bi/multi-lateral and to avoid the formal framework for information exchange or to have a limited contribution. This is one of the various blockages that lead to poor cooperation in terms of security between the member states.

Others factors that impend the evolution of regionalization of intelligence and therefore a better cooperation in the EU are related to the different needs among the countries. Of course besides the cultural differences, every country has different needs in terms of security which influence the size of their agencies and operations, their budget and human resources but also the technology involved. Therefore, the factors can be named as such: cultural, structural, scale, resources and technological. When trying to identify concrete examples where these factors collide the most noticeable is within the North Atlantic Treaty Organization (NATO) framework. Here the technological gap and the capabilities differences between US and its allies are quite visible resulting in a cumbersome interoperability[144]. Another example portraying the different needs that ultimately influence an agency's focus of operation can be the comparison between the domestic intelligence service of France and the one of Romania. While the latter might have as a high priority the fight against corruption and drug trafficking, the French service might have as a central focus at the time being the fight against terrorism, of course each with tailored human resources for the job.

Categorizing functions, sources and levels of the intelligence field

When talking about the functions of the intelligence they identify themselves with the types of agencies activating in a certain field. Thus, *military intelligence* collects and assesses information on current and potential activities of foreign military forces. *Criminal intelligence* is mostly used in criminal investigations helping in producing evidence to hold in court. *The domestic/security intelligence* is involved in internal security of a country targeting and tracing down whatever threatens the government and the citizens, like terrorism or left/right wing extremists. Lastly, the external side is covered by the *foreign intelligence* producing assessments on issues of security, defence and foreign and economic politics. Often, the product of

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[143] Adam D.M. Svendsen, *Understanding the Globalization of Intelligence*, PALGRAVE MACMILLAN, 2012, p.93.
[144] Adam Svendsen, *The globalization of intelligence since 9/11: frameworks and operational parameters*, 2009, in Cambridge Review of International Affairs, 21:1, 129-144.

intelligence coming out from a foreign intelligence service has a cross-agency allure because the other agencies within the country contributed with information[145].

In order to produce intelligence, the primary information must be collected in one way or another. The means by which it is collected names the category of source. The most common categories of intelligence sources are:

- *Human intelligence* (HUMINT), is derived from the human resources need for collection. It is the oldest form of intelligence collection, making use of espionage or often through diplomatic channels, field staff or local population,
- *Imagery intelligence* (IMINT) is the information from various kinds of images, photographic, radar, infra-red and others, obtained for instance using spy planes or satellites,
- *Signals intelligence* (SIGINT) is based on the interception of the electronic signals of all type. It provides the ability to listen to communications, encrypted or not, and to determine their place of emission,
- *Open-source intelligence* (OSINT) is represented by the published media or any online/offline available databases[146].

Already mentioned earlier, once the product or the intelligence piece resulted after the process of information analysis is complete it reaches the decision makers. The latter are spread across three levels of intelligence which determine different activities in the process of implementation of the intelligence product: *The Strategic, The Tactical* and *The Operational*.

Considering the governmental sector, at the strategic level operate high ranking officials, capable of developing national strategies, policies, military plans and monitor complex situations nationally or internationally in order to take action afterwards. Take for instance the position of a prime minister or a senior military leader, who when in charge of a project/situation/event must have an overview of it and develop the directions for achieving a specific goal or set of goals. For this to happen they need strategic intelligence such as statistics, projections or battlefield assessments.

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[145] Bjorn Muller-Wille, *For our eyes only? Shaping an intelligence community within the EU,* 2004, in Occasional Papers by the European Union Institute for Security Studies, No.50, p.8.
[146] *Ibid,* pp.8-9.

The tactical level is where for instance a project manager would work or a local military commander. These examples of private and military positions can offer limited support in developing a strategy or a plan but are also responsible for the implementation part. Thus, the conducting of a plan, strategy or policy is supervised to reach the end goal. The tactical intelligence needed can take the form for instance of a briefing report on the battlefield current situation and enemy troop movements, or in the private sector it can be identified with concrete up to date information about the competition and its ongoing developments.

At the operational level activate for instance regular soldiers, police officers or in the private sector any employee of a company's department. They are part of the master plan and are directly involved in the actual implementation of a strategy or policy. For them to be able to carry out their tasks operational intelligence is needed. A good example is found in the military in the form of maps with the enemy's positions marked or in the case of police officers lists of contacts, names and photos of the possible suspects.

Strategic:

Senior Military and Civilian Leaders, Combatant Commanders, Executive Managers.

- Assist in developing national strategy and policy (public sector), company strategy and policy (private sector).

- Monitor the international situation, both public and private sector.

- Assist in developing military plans (public sector), and company plans(private sector).

- Assist in determining major weapon systems and force structure requirements (public sector).

- Support the conduct of strategic operations, both public and private sector.

Tactical:

Commanders, and managers.

Support planning and conducting battles and engagements (public sector), support planning and conducting with the competitors (private sector).

Provide commanders with information on imminent threats to their forces (public sector), provide managers with information on imminent threats to their companies interests (private sector).

Provide commanders and managers with obstacle intelligence.

Operational:

Combatant and Subordinate Joint Force Commanders and Component Commanders, Managers and law level managers.

- Focus on military capabilities and intentions of enemies and adversaries (public sector), Focus on capabilities and intentions of competitors (private sector).

- Monitor events in the Joint Force Commander's area of interest.

- Support the planning and conduct of joint campaigns (public sector), support the planning and the execution of a companies "master plan".

- Identify adversary centers of gravity both public and private sector.

Tables retrieved from Antony Antoniou, *Open Source Information, the future of intelligence,* May 2013, in European Intelligence Academy E-book No.1, p.40.

In the aforementioned paper, the scholar Bjorn Muller-Wille identifies a few of the challenges which the world of intelligence has to confront, out of which the biggest being the cooperation among agencies. Linked of course with the challenge of improving the capabilities of threat assessment and prevention, is the sharing of intelligence in between agencies which can only be beneficial for all involved. Furthermore, the scholar motivates his stance arguing that for a single agency it would be impossible to deal with the pressure of international or cross border threats and villains; and sharing intelligence is the solution, leading also to efficient coordination between services. That is why EU has to adapt its production of intelligence to its own needs by developing adequate intelligence agencies[147].

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[147] Bjorn Muller-Wille, *Op. Cit.,* pp.12-13.

Analysis

Now that an exploratory view as been given to the history of the EU, to the evolution of its legal framework, to the European bodies and agencies involved in the internal security and to the concept of intelligence it is time to dive in the analysis. The chapter has two parts.

Part I - What is the current state of EU intelligence sharing and cooperation?

The European Agenda on Security released by the European commission in 2015 stresses that the document itself must be a shared one between all the parties involved. Moreover, it prioritises the response against terrorism and aims to facilitate better information exchange, cooperation and trust:

"Member States have the front line responsibility for security, but can no longer succeed fully on their own. [...]. European Agenda on Security must therefore be a shared agenda between the Union and Member States. [...]. This Agenda will drive better information exchange, increased operational cooperation and mutual trust, drawing on the full range of EU policies and tools. [...], the Agenda prioritises terrorism, organised crime and cybercrime as interlinked areas with a strong cross-border dimension, where EU action can make a real difference"[148].

In the latter cited paragraph the European Commission indirectly admits the existence of issues in the security dimension and the necessity to react collectively. Just as mentioned multiple times within this thesis, these issues translate thorough different blockages that impede the cooperation and information exchange between EU agencies and the national law enforcement authorities. Therefore, time has come to take a closer look upon which are these specific blockages analyse them and see on what level are situated and who is accountable for them.

First and foremost, it must be questioned what is the core value on which information or intelligence sharing/liaison and cooperation are based. As mentioned earlier in the paper for fostering deep relationships the uttermost need of mutual trust between the actors is a must.

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[148] European Commission, *The European Agenda on Security,* April 2015, p.2, accessed in 14.07.2016 at: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-security/index_en.htm .

Considering this line of thought, it becomes logical that *trust* is the core value that fuels intelligence sharing and cooperation on different levels.

Thus, one of the most largely spread issue standing in the way of information/intelligence exchange and operational cooperation is the lack or the existence of a limited amount of *trust*, or distrust between the parties. Every agency which collects information is concerned about the security of their sources and methods, if not the access and the flow of information might be jeopardised. Furthermore, agencies tend only to trust their own work, analysis, and way of thinking and not to rely on others, thus might not see the necessity for the exchange to happen. To what extent national services trust the EU agencies with handling sensitive information is not for this paper to asses, but the trust argument surely plays a role in the decision of what and how much information is shared.

Bringing in the equation the operational cooperation is the other side of the same coin. For operational cooperation to happen first of all, coordination and harmony has to exist at the strategic and tactical levels. Once this is in place, it has to be questioned what is the reliability of a certain piece of intelligence, presumably obtained through trust-based cooperation in between multiple sources and agencies, in the context of a cross-border threat. Thirdly, the element of trust intervenes again in critical operational situations where for instance in a mixed unit of special forces its members have to trust each other with their lives based on different training background and methods.

The example given having the argument of trust as base might seem irrelevant at the first glance if seen through intergovernmentalist lenses. However, I argue the contrary due to the amount of cooperation and coordination needed to be built around trust which will eventually lead to a greater integration. To harmonize cooperation, coordination and trust in between parties requires great effort. To exemplify, for actors like Europol and secret services of two member states to collaborate successfully on only one mission can take time but a lot more has to be worked out at the strategic levels of the EU in the first place. Here intervene processes of negotiations, policy and programs proposals which can be accepted through qualified majority voting or unanimous. For instance, if a decision voted adopted through QMV establishes the use of state of the art monitoring software/databases and the infrastructure that comes with it, the costs and benefits will not be equally distributed among the actors. Richer more developed sates voting in favour of

the decision might have an advantage, while others less developed in terms of security might encounter troubles in implementation leading to greater financial costs. In the process of negotiation for a common security policy, the member states have to show their national preferences in terms of security at EU level, of course pushed by their domestic status on security and home agenda. Using their bargaining power, the states come to play a two level game ending with gains and concessions. The final stage of implementation can reveal the "costs and benefits" of the negotiation, for instance modifications of the national legislation. Thus, if such a stage is reached means that the gains are higher than the costs proving that the intergovernmentalist approach is able to foster and nurture greater trust and cooperation in the EU, a greater integration.

The element of trust is without doubt central when it comes to security and information sharing within the EU, as the *European Agenda on Security* states:

"we need to ensure better application and implementation of existing EU legal instruments. One of the Commission's priorities will be to help Member States to further develop mutual trust, fully exploit existing tools for information sharing and foster cross-border operational cooperation between competent authorities."[149]

Even more recently in the *Roadmap to enhance information exchange and information management including interoperability solutions in the Justice and Home Affairs area* document, the core value of trust linked with the human factor is identified as the first challenge in the framework for a more integrated EU information architecture:

"The human factor: information will be effectively exchanged only if there is trust among the practitioners at national and international level (including trust between the different organisational / institutional structures). Also, the complexity of available tools and procedures, different law enforcement traditions, as well as varying expertise among practitioners, may cause errors."[150]

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[149] *Ibid,* p.3.

[150] Council of the European Union, *Roadmap to enhance information exchange and information management including interoperability solutions in the Justice and Home Affairs area,* June 2016, p.8, accessed in 15.07.2016 at: http://statewatch.org/news/2016/jun/eu-council-info-exchange-interoperability-roadmap-9368-rev1-6-6-16.pdf .

Hand in hand with trust goes the core intergovernmentalist value of *national sovereignty*. National sovereignty of a state is ensured among others by its security capabilities. Thus, intelligence services are having their own role in the security of a country. So if there is trust in between national security services and EU agencies for preserving and handling sensitive state information these actions might be interpreted as a ceding of national sovereignty. Hence, this assumption might explain to a certain extent the reluctance of the member states to exchange information.

However, seen through intergovernmentalist lenses the assumption is questionable. When the national service of a member state country agrees to share intelligence with EU agencies the process should be looked as pooling of sovereignty or shared sovereignty or a limited version of these. This idea is encouraged by the Council in its *Draft Council Conclusions on the Renewed European Union Internal Security Strategy 2015-2020* document which considers this pooling to be fostered only within the legal framework of the Union. The Strategy also strengthens the other two aforementioned documents by pointing out what threats should be prioritised[151]. Then, most importantly the document validates and emphasizes the necessity of improving the information exchange rate:

(The Council of European Union) - *"CONSIDERS that, in accordance with the respective competences, special attention should be given to European Union's and Member State's actions aimed at:*

– improving information exchange and accessibility, especially by ensuring the interoperability of different information systems and by encouraging the most appropriate choice of the relevant information exchange channel within the existing legal framework,

– strengthening the operational cooperation, […]."[152]

First, it can be seen just as limited pooled sovereignty because at all time the member states are in control of the information flow, meaning that the national services share information on a voluntary basis and decide upon the type of information and the quantity. Then, at the

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[151] Council of the European Union, *Draft Council Conclusions on the Renewed European Union Internal Security Strategy 2015-2020,* June 2015, p.6, accessed in 15.07.2016 at: http://data.consilium.europa.eu/doc/document/ST-9798-2015-INIT/en/pdf .
[152] *Ibid,* p.9.

current time there is no formal agreement or official document from what is known to the large public which could oblige the member states to deliver a certain quota of information to EU agencies. Moreover, it can be considered limited because it has ramifications only in the national security services area and does not necessarily involve at all time other national levels such as the political or judiciary ones. The latter being valid when information shared does not concern a direct threat requiring immediate operational activity.

To exemplify how the pooled or shared sovereignty translates, let's take for instance the national secret service of a member state that has valuable information about a terrorist network trafficking weapons across its territory and borders to other potential terrorist cells in the EU, but without knowing the countries of destination or the exit border points. Thus, the national service would have to share information with an EU agency; in this case Europol is the best fit. Sensitive information about the network itself, contact points and officers and the sources of information have to be shared. Then Europol can check its database for patterns, analyse and distribute the intelligence product to other member states and afterwards connect the dots to have an overview on the situation. Moving towards the operational level of such a mission, filed agents from multiple member states countries might have to cooperate and mixed investigation teams will operate in the territory of the country that initialized the mission. For a mission of such magnitude with an undetermined time frame it is most likely that the political and judiciary levels of at least the initiatory country to have knowledge of the situation.

Through the example above pooled or shared sovereignty is visible at the tactical level where the information sharing is made. Whoever receives a share of information and has the possibility to collate it with other and analyse it in order to move for common action against the common threat holds for a limited amount of time a share of sovereignty. This leads to trust development, greater cooperation and integration, indispensable "weapons" in the fight against terrorism.

Other arguments for poor information sharing and cooperation

The "Roadmap" document (June 2016) in its complexity further explores the challenges for developing a more integrated EU information architecture. One of the most important matters stressed out by the document is the variety of legal systems within EU, which act as a blockage

in the way of information exchange through the procedures required in the various institutional, policy and legal circumstances:

"(Constitutional) legal requirements, such as criminal procedural law, data protection requirements, purpose limitations etc. Information systems and information exchange procedures have been developed in various institutional, legal and policy contexts. These conditions are binding, in substance important and well substantiated by the legislative process on the basis of commonly determined needs. However, they have an effect on what is and should be feasible regarding the exchange of information and the follow-up actions to be taken, for example due to the different set-up of databases, divergent access to data of relevant authorities and lack of hit/no hit possibilities."[153]

The challenge presented above in a document released in 2016 is also partly identified by Bjorn Muller-Wille in a paper of his from 2004. The scholar argues around the issue of interoperability of the different information and communication systems used by national agencies. Furthermore, the national legislation of each member state can pose problems to sensitive information sharing, denoting poor implementation of EU regulations at national level[154]. Moreover, the scholar states that some *practical difficulties* in the operational level can impede the cooperation and sharing of intelligence. One of these is the language in which the information is collected or the one in which the intelligence piece resulted is available. So there is no point in exchanging information if the other cannot understand it and the direct production in a common language is brings considerable additional costs[155], while translation might affect accuracy.

Another argument for poor exchange of information between EU agencies and national law enforcement services points toward the *availability and resources*. The latter mentioned document also emphasizes this as a challenge in need to overcome:

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[153] Council of the European Union, *Roadmap to enhance information exchange and information management including interoperability solutions in the Justice and Home Affairs area,* June 2016, p.8.
[154] *Bjorn Muller-Wille, Op. Cit., p.16.*
[155] *Ibid*.

"Limited resources (personnel, financial means and time) at national and European level. Consequently practitioners and their authorities may struggle to address all the challenges they face."[156]

This challenge is confirmed in a study appeared in the Romanian Magazine of Intelligence Studies which activates under a framework hosted by the Romanian domestic intelligence service. Often, the intelligence services of the member states are too busy with the domestic matters and do not have the necessary resources to respond to EU requests. Add to this the EU bureaucracy, and a reasonable valid point comes out in regards to the poor information sharing process[157].

In the same magazine the author of the article explains that *bureaucracy* corroborated with the issue of *efficiency and pace* might explain why a good deal of information sharing is realised *outside the EU framework*. This translates in volunteer exchange and cooperation between the member states through multilateral formats like Club de Berne which apparently assures a more efficient and rapid exchange process[158]. However, according to political sciences professor James I. Walsh the member states do not exchange a great deal of operational intelligence inside the Bern Club, instead they share ideas about tools and policies for countering terrorism; likewise, understanding different perspectives and approaches of their counterparts towards terrorism[159].

Lastly, the "Roadmap" document also addresses the technology related factors that cumbersome information management and exchange actions by pointing out that the current system in use:

"Technical/system requirements for swift and effective information management and information exchange actions do not exist to the extent necessary, especially in the area of inter-institutional information exchange and there are shortcomings in the functionalities of existing information systems. The latter problem is partially due to the fact that existing systems in use

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[156] Council of the European Union, *Roadmap to enhance information exchange and information management including interoperability solutions in the Justice and Home Affairs area,* June 2016, p.8.

[157] Gabriela Tranciuc, *Uniunea Europeana – catre un serviciu de informatii European?,* 2011, in Revista Romana de Studii de Intelligence, Nr :6, pp.132-133.

[158] *Ibid.* p.134.

[159] James I. Walsh, *Op. Cit.* p.634.

(e.g. SIS II, VIS, EURODAC, ECRIS other) were not created based on a systematic approach and complete process analyses of the work of the intended users, but as a solution for particular problems in specific areas."[160]

Concluding after these arguments by specifically pointing the finger to only one of the actors involved must not ever be the case. Along the European Union as a territory all the actors starting from the strategic level to the operational one are responsible for the growth and evolution of a healthy intelligence sphere including the cooperation and exchanges within. Thus the accountability for the current situation with the issues mentioned above is spread across the intelligence levels and has to be seen as common, just as the fight against terrorism is according to President of the Commission Jean-Claude Juncker:

"Combating cross-border crime and terrorism is a common European responsibility"[161].

The following part of the paper will present some of the alternatives to manage European Union security. Some of the approaches are relatively recent while one emerged in the aftermaths of the terrorist attacks in Europe and another represents a historical precedent.

Part II - Alternatives to manage EU's internal security?

As point of departure for this part of the chapter is a historical precedent of the proposal to establish a European central agency for combating cross-border threats. Important to mention is that this approach will not be analysed and it will just contrast the others. Then, in the recent times and security context multiple statements of EU high ranking figures emerged who took public stances about the alternative of having a "European secret service". The part will present the proposals and the angles of approach towards such an organization. Lastly, one approach coming from the academic environment will be also analysed. The chapter will be approached from an exploratory perspective with the goal to put on the table some of the approaches made towards an EU intelligence agency with supranational character. This is the alternative to the

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[160] Council of the European Union, *Roadmap to enhance information exchange and information management including interoperability solutions in the Justice and Home Affairs area,* June 2016, p.8.
[161] Jean-Claude Juncker, *Political Guidelines. A New Start for Europe: My Agenda for Jobs, Growth, Fairness and Democratic Change,* July 2014, accessed in 14.07.2016 at: https://ec.europa.eu/priorities/publications/president-junckers-political-guidelines_en .

current cooperative way used in the EU. The approaches will be analysed from a neo-functionalist perspective.

A historical incentive – The European Bureau of Investigation

In the part of this paper which explores few of the EU bodies tasked in the security dimension it was mentioned that before the creation of Europol, the member states had to agree on its format and competences. Therefore, following that moment of EU history, the coming part of the thesis will explore the historical precedent of the more recent ideas regarding a European secret service. Doing so will firstly eliminate the possible argument that the idea of a European secret service was born only in the context of the need to response to terrorism. Then, tracing down the roots of the idea and the context in which it appeared might help in predicting its "popularity" among the member states and the viability, if advanced in the near future. Lastly, this historical precedent indicates that between the members of the Community already existed the feeling of living in a united and secure Europe.

The proposal in question took the form of a European Bureau of Investigation with its own operational powers on the entire territory of the back then Community and it was being advocated by German representatives[162]. The concept of a single police force for Europe was fancied by the police officers from a number of member states in the early 1970's, who were not satisfied with level of efficiency of Interpol. One vision regarding the format of what will become later Europol was put forward by the former head of the German Wiesbaden NCB, Rainer Schmidt-Nothen[163].

In his article, *Police Co-operation in Europe in the context of the abolition of border controls,* 1989, Rainer Schmidt-Nothen explains his proposal. The entire concept is based on the assumption that there will be some form of unification in Europe along the lines of a confederation, this being the goal of the back then twelve European Community countries. If the latter achieve political unification it is logical that they stop being foreign to each other and that will lead to the establishment of a European Police Office. The body will operate as a central bureau for collecting information on offenders and crimes, tracing persons and stolen property, establishing computer and telecommunications links, identifying criminals, etc. It will also be

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[162] Chantal Joubert and Hans Bevers, *Schengen Investigated,* Kluwer Law International, 1996, pp.39-40.
[163] John Benyon, Lynne Turnbull, Andrew Willis, Rachel Woodward and Adrian Beck, *Police Co-operation in Europe: An Investigation,* University of Leicester Centre for the Study of Public Order, 1995, p.158.

empowered to conduct important investigations on serious crime cases over the entire territory of the Community. For this the happen the harmonization of the criminal laws and procedures is necessary. Thus, Europol would operate the International Central Bureau for all the European Community countries[164].

The proposal of Rainer Schmidt-Nothen met support later in 1991 at the European Council meeting in Luxembourg. Then, the former Chancellor of Germany Helmut Kohl tabled a motion for the creation of a single European Criminal Police Office which would combat international and European crime. The idea was accepted by the majority of the of other ministers despite their initial reaction but the British delegates did not fancy the proposition. The original proposal was altered but still it had as a base the European Drugs Unit (EDU, the early stage of Europol) just as envisaged by Chancellor Kohl[165].

A European Secret Service - Analysis

A recent proposal for such a body came from Viviane Reding, former European Commissioner for Justice, Fundamental Rights and Citizenship, when speaking for a Greek editorial. The topic of the interview had as main point the data protection rules in Europe and mutual exchange of personal data between EU and US[166]. When asked about her opinion on an intelligence conduct for EU the former Commissioner replied:

"What we need is a strengthening of Europe in this area in order to ensure a level playing field with our American partners. I wish, therefore, to seize this opportunity to negotiate an agreement on stronger cooperation between the secret services in the EU Member States, so as to be able to speak with a strong common voice in the US. The NSA needs a counterweight. Therefore, my suggestion in the long run would be to create a European Secret Service 2020"[167].

Then, another approach to a secret service for the EU came from the President of the European Commission Jean-Claude Juncker during a press briefing in May 2015. The proposition had as context a news coming from the German media, according to which Germany

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[164] Rainer Schmidt-Nothen, *Police Co-operation in Europe in the context of the abolition of border controls,* 1989, in International Crime Police Review, No.420, September-October, pp.5-9, or John Benyon et al., *Op. Cit.,* p.158.
[165] John Benyon et al, *Op. Cit.,* p.159.
[166] Vasilis Kostoulas for www.naftemporiki.gr , *Viviane Reding: EU Secret Service as a counterweight to NSA,* 2013, accessed in 25.06.2016 at: http://www.naftemporiki.gr/story/724376 .
[167] *Ibid.*

allowed on its territory and helped the National Security Agency (NSA) of US to spy on French officials and the EU's headquarter[168].

"One day I said at a College meeting that we should have a secret service, because agents are here. I don't know if German agents are active here, but I don't want to make specific comments, although I'm a kind of specialist in secret services. I know they are very difficult to be kept under control"[169].

These approaches have to be seen in a bigger context with the end result of a greater European integration and cooperation in the security dimension. In order to achieve this result neo-functionalist lenses can be applied to emphasize to process.

Firstly, the approach of the former Commissioner is clear. In order to level the playing ground with the American NSA, a better cooperation must be ensured between member states national secret services. After that is accomplished, by 2020 an EU secret service should be established. This idea might seem as a "long-shot" but in neo-functionalist terms is a spill-over. So in order to reach the final goal of having a *"common voice",* a European secret service in 2020, the trigger has to be pulled at a national level to ensure effective cooperation between the secret services of the member states. But what exactly is to be done to ensure this cooperation? First of all, the national political elites have to be convinced about the need of a supranational service as a solution, likewise being prepared to make a transfer of authority. Afterwards, the national elites will have to support this idea at the European level by voting favouring policies. When this political spill-over is achieved, the process will steer itself towards a functional spill-over. Consequentially, the national elites will have to make adjustments to their national security agenda (rules, regulations, policies), to be on the same page with the European one. A long process like this should lead to the establishment of a European secret service, proof of better integration in the security sector of the EU.

In regards to the second one, it is not clear if the approach given by President Juncker is to have the character of a centralized agency or should work in close coordination with the current EU agencies. What is obvious though is an emphasis on the counter intelligence capabilities of such

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[168] EurActiv.com, *Juncker on Germany's BND scandal: 'It is very difficult to keep secret services under control',* 2015, accessed in 27.06.2016 at: http://www.euractiv.com/section/global-europe/news/juncker-on-germany-s-bnd-scandal-it-is-very-difficult-to-keep-secret-services-under-control/ .
[169] *Ibid.*

a service in order to impend spying activities from other states, presumably ones from outside EU.

However, the last line of the paragraph might just suggest that such a service would have expansionist tendencies like acquiring more capabilities and influence. In neo-functionalist terms this interpretation of his last phrase will involve low level political and functional spill-overs. Due to the ambiguity of President Juncker's communication piece and the last phrase within the paper will not seek to elaborate on his approach. However, it remains to contrast the other ones presented in this section of the paper.

The attacks in Europe – an old idea but a different context

Just after the attacks in Madrid 2004 the Austrian Minister of Interior Ernst Strasser speaking exclusively to *European Voice* (now the POLITICO), a Brussels based editorial, declared his intention to present an ambitious plan of a European secret service at the Ministers of Interior meeting, 19th of March 2004:

"We need a comprehensive early-warning system to give us an accurate picture of the current situation on the one hand, and to uncover all the potential threats on the other, [...]. Of course, a European secret service is what we should have in place by the end of this process"[170].

He also pointed out that while *"bringing together…information from the different member states"* remains a priority, *"what we need is a higher quality [pan-European] system"[171]*. The editorial further explained the latter that "the idea was not to do away with the institutions working on terrorism now, he added, but to fine-tune their functions so they can work effectively with a central intelligence agency when it is established"[172].

In the academic world the idea of an intelligence service of the EU was put forward soon after the London bombings 2005 by John Nomikos, head of the International Relations History and Politics at the Webster University in Athens. Some of the blockages presented in the first part of this chapter are part of the scholar's argumentation in explaining the level of intelligence cooperation in Europe.

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[170] Karen Carstens, *Calls for EU secret service gather steam after Madrid,* in European Voice, 17.03.2004, accessed in 24.06.2016 at: http://www.politic/o.eu/article/calls-for-eu-secret-service-gather-steam-after-madrid/ .
[171] *Ibid.*
[172] *Ibid.*

Firstly, the fear of an increased intelligence exchange in Europe can lead to altering privileged inter-state relations. Then, obstacles related to each agency's way of thinking and work ethic might produce institutional blockages, meaning that each agency has the tendency not to believe the other one's analysis thus relying on their own work. Thirdly, the conservative nature of agencies coupled with the bureaucratic lethargy of the EU influence the pace of intelligence cooperation in the EU[173].

In his vision, the European secret service should be an independent institution just like the Central Intelligence Agency (CIA) in the US and should fit in-between The European Council, Commission and Parliament. Likewise, the process of information gathering, analysis and intelligence delivery is made in the most objective possible way. The service will answer to the President of the European Commission and the Council should decide what range of offences/issues should be covered. Moreover, the budget of the service should be established by the Parliament. In terms of human resources, the service should recruit and train its own personal. Lastly, the service should initially be small in size, and be primarily a gathering point for information coming from the national intelligence organizations of the EU member-states. In the future, it could become an organization with its own resources and minimally dependent on the individual intelligence services[174].

The proposition made by the Austrian Minister failed to get traction or support but his point of view deserves further exploration when talking about approaches to an EU secret service. The minister subtly suggests that more efforts must be made to adjust the current EU bodies which fight terrorism and afterwards the establishment of a central agency in between which a level of cooperation and coordination should exist. It can be deduced from the way the proposal is envisaged that reaching the end goal, might take some time. This pattern is also visible in John Nomikos's approach, a small sized gathering point for information coming from national agencies will develop in future into an organization with its own resources.

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[173] John M. Nomikos*, A European Union Intelligence Service for Confronting Terrorism*, 2005, in International Journal of Intelligence and Counter Intelligence, 18:2, 191-203, DOI: 10.1080/08850600590911936, link to this article: http://dx.doi.org/10.1080/08850600590911936 .
[174] *Ibid.*

An early warning system which developed will be able to discover threats and a small gathering information point will in time become an established secret service. Both of the approaches represent a process which can be seen through neo-functionalist lenses.

Firstly, it has to be asked what is needed for an early stage warning system/gathering point to become operational. Seen as *pan-European* approaches it is obvious that both will require the effective cooperation, information sharing and the attention of the national elites and law enforcement agencies. National level spill-overs can be triggered to ensure a constant flow of information exchange across EU countries.

Now moving to the second phase of the process, in order for system to be able to uncover cross-border threats it means that certain capabilities have to be given to it, such as initiating and participating in investigation within EU countries. To achieve these, the "system" needs a transfer of authority-legitimacy coming from the national level and ensured at EU level with favouring decisions towards its evolution.

Gradually, the developed system will need an identity so that the national elites and the citizens of the Union who did the authority transfer see the progress materialized. This progress will take the form of a new institution, a regional centre for discovering cross-border terrorist threats with the capability of gathering its own data, a European central intelligence agency. Thus, rooting in a transaction based approach to information sharing and cooperation the end result is an institutionalized European integration of the security dimension.

In sum, from the first two proposals analysed it is noticeable that the functions of a European secret service should be intelligence gathering and counter-espionage but the terrorist threat is not mentioned in the context. Secondly, the proposals put forward by the former Austrian minister and John Nomikos emphasize a centralized and independent structure fighting terrorism which in the same time can work together with the other EU security bodies. Lastly, considering the historical idea of a European Police Office, the capabilities of an ideal European secret service should also be information collection, cross border investigation and pursuing of criminals.

Conclusions

The evolution of the legal framework for combating terrorism in the EU has seen many ups and downs but in the little time since its inception the trajectory it followed was an ascending one. First, the Union's guiding programmes were presented focusing on the internal security dimension, the AFSJ. Along with these the vectors of police and judicial cooperation were explored continuing with a brief overview of the tragic events that boosted the dynamics of the EU in terms of policy making. Then, attention was given to the range of EU security bodies that emerged after the guiding programmes and the catalyst events. Lastly, the timeline was brought as close as possible to the time of writing this paper by presenting the latest plans and security provisions of the EU in the aftermath of the Charlie Hebdo Paris terrorist attacks.

On this axis of evolution, the paper tries to stress out a pattern linking all the official EU documents, suggestions, initiatives or pieces of communication. Based on this pattern, it appears imperative that EU must work more and harder than ever towards encouraging and facilitating cooperation, collaboration, information and intelligence exchange/sharing between its security-related bodies and the ones of the member states. The following piece of communication is confirming the latter:

The European External Action Service (EEAS) released in 28.06.2016 a document entitled *Shared Vision, Common Action: A Stronger Europe* is EU's Global Strategy for Foreign and Security Policy. Regarding EU's internal security, it states the following:

"Major terrorist attacks have been carried out on European soil and beyond. Increased investment in and solidarity on counter-terrorism are key. We will therefore encourage greater information sharing and intelligence cooperation between Member States and EU agencies. This entails shared alerts on violent extremism, terrorist networks and foreign terrorist fighters, [...]."[175]

After overviewing multiple documents including the ones used in the analysis part, it is visible that EU is trying to move forward in terms of cooperation, information exchange, standardization and preventing terrorism and radicalization to it. On the other hand, it is arguable that not many

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[175] European External Action Service, *Shared Vision, Common Action: A Stronger Europe. A Global Strategy for the European Union's Foreign and Security Policy,* Brussels, 28/06/2016, p.21, accessed in 30.06.2016 at: http://eeas.europa.eu/top_stories/pdf/eugs_review_web.pdf .

major policy goals have been brought in the fight against terrorism since the 2005 Counter Terrorism Strategy, the Prevent, Protect, Pursue and Respond pillars have not received major upgrades, remaining the guiding principles. Furthermore, implementation of current initiatives seems to be a constant challenge.

The first part of the analysis chapter has insisted upon the current situation of EU intelligence exchange by presenting and analysing some of the issues that impede a better cooperation between the security actors. Furthermore, it has concluded that accountability for the current level of intelligence sharing must be taken collectively by all parties involved. Besides these, the central point the analysis is trying to make is that for now most of the attention should be steered towards building trust and dissolving of mistrust and sharing as much information as possible relating to EU as a whole, by the involved parties. The latter is the fruit of this part of analysis and it should be seen as an assumption or hypothesis in need of further research and testing.

In relation to the why reasoning of the problem formulation, by analysing and elaborating on the issues existent at national and EU level this analysis section sought to emphasize the necessity for fostering trust. This will lead to a better cooperation which will eventually enrich the integration process and hopefully to a more effective fight against terrorism. Whether full intelligence cooperation against transnational threats within the EU is possible or not is for the future to determine, through effective policies and correct decision taken at the strategic level. Or as the aforementioned, *Roadmap,* document portrays why we need a better cooperation:

"The recent terrorist attacks in Paris and Brussels, continuous terrorist incidents outside the EU and the ongoing migration crisis have shown the importance of investing in swift, effective and qualitative information management, information exchange and accompanying follow-up of information to tackle migratory, terrorist and crime-related challenges. [...]"[176]

Resulting from the second part of the analysis chapter is a criteria pattern of how should and ideal European secret service look like. It is important to mention that the proposals selected were brought in different timelines and he context in which they appeared influenced the angle from which they were presented, emphasizing specific intelligence capabilities and functions.

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[176] Council of the European Union, *Roadmap to enhance information exchange and information management including interoperability solutions in the Justice and Home Affairs area,* June 2016, p.1.

Nevertheless, one common trait stands out in all of them, the centralized supranational character. The fact that these proposals with their centralized format keep appearing on the European stage can be interpreted as a proof that the current system based on cooperation between agencies has its issues.

After analysing these proposals, in relation to the problem formulation it must be questioned to what extent the creation of such a supranational body is realistic? To address this, the structure and the capabilities or combination of functions for it have to be determined. So, structure-wise an ideal European secret service would be centralized and independent from other European bodies, it will be a new institution which received a transfer of authority from the member states. It should train its own personal, have its own methods and most important be capable of gathering information and analyse it. Hence, considering this ideal form of the European secret service, the degree to which the concept can become realistic will be determined and assessed using the achievability factor on the attributes, structure, functions and capabilities mentioned earlier. It can be argued of course the subjective perspective upon the proposal in question and for the method of determining how realistic such a service can be or become. As stated earlier it is not in the interest of the paper to further elaborate on the feasibility of a potential ideal form. Thus, the degree to which this section of the analysis replied to the second part of the problem formulated is relative and has to be considered merely as a viewpoint upon a pattern of characteristics.

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Abbreviations

AFSJ – Area of Freedom Security and Justice

ASEAN - Association of South East Asian Nations

CEPOL – European Police Office

CFSP – Common Foreign Security Policy

CIA - Central Intelligence Agency

COSI – Standing Committee on Operational Cooperation on Internal Security

CTC – Counter Terrorism Coordinator

CTG – Counter Terrorist Group

CTTF – Counter-Terrorism Task Force

DNA - Deoxyribonucleic Acid

EAEC – European Atomic Energy Community

EAW – European Arrest Warrant

EC – European Community

ECSC – European Coal and Steel Community

ECTC – European Counter Terrorism Centre

EDU – European Drugs Unit

EEAS - European External Action Service

EEC – European Economic Community

EFTA – European Free Trade Association

EJA – European Judicial Area

EJN – European Judicial Network

EJTN – European Judicial Training Network

EU – The European Union

FBI – Federal Bureau of Investigation

HUMINT – Human Intelligence

IMINT – Imagery Intelligence

INTCEN - Intelligence Analysis Centre

JHA – Justice and Home Affairs

JIT – Joint Investigation Team

NATO – The North Atlantic Treaty Organization

NSA – National Security Agency

OEEC – Organization for European Economic Cooperation

OSINT - Open-source intelligence

PCTF – Police Chief Task Force

PJCCM – Police and Judicial Cooperation on Criminal Matters

PNR – Passenger Name Record

QMV – Qualified Majority Voting

SEA – Single European Act

SIGINT - Signals intelligence

SIS – Schengen Information System

SitCen – Situation Centre

TEU – Treaty of European Union

TFEU – Treaty on the Functioning of the European Union

TREVI – Terrorisme Radicalisme Extrémisme et Violence Internationale

UK – United Kingdom

UN – United Nations

US – The United States

Annexes

1.Extract from - *Draft Council Conclusions on the Renewed European Union Internal Security Strategy 2015-2020*

2.Extract from - *Roadmap to enhance information exchange and information management including interoperability solutions in the Justice and Home Affairs area*

3.*The European Agenda on Security*