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## Current Issues in Internal Security

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**Abstract:** *Security has always been an important issue of European agenda, however, recently it has become even more topic for discussion as EU faces difference challenges related to its security and security on its borders. This paper analyses these issues, explaining what are the current perceptions and understanding in the EU.*

**Keywords:** *European Union, European Security, EU Foreign and Security Policy.*

### INTRODUCTION

**W**ho wouldn't want to feel themselves safe and secure at their home, in their homeland, in the country they reside, in European Union. According to the Cambridge dictionary the definition of security is protection of the person, building, organization, or country against threats such as crime or attacks by foreign countries. Way to a period of peace and stability unprecedented in European history. The creation of the European Union has been central to this development. It has transformed the relationship between our states, and the lives of our citizens. European countries are committed to dealing peacefully with disputes and to cooperation through common institutions.

Europe has never been so prosperous, so secure and so free. The violence of the half of the 20<sup>th</sup> century has given way to a period of peace and stability unprecedented in European History. The creation of the European Union has been central to this development. It has transformed the relation between our states, and the lives of our citizens. European countries have committed to deal peacefully with disputes and cooperating through common institutions.<sup>1</sup>

My research topic choice was not easy. I wanted to select a subject that “speaks” to me, that I feel interested in. Truth be told, I did not know lot about the criminality and terrorism, not more that an average person who follows the daily news-flow does. Recently I have found myself thinking about that subject. I believe I have been driven by my own personal experiences of facing criminal activity as well terrorism from close distance.

Living in the little, rather secure country as Estonia is, we do not consider threat as an everyday issue. I travel several times a year to Brussels and I was on my way to the metro station in Brussels, on March 2016, while the bombing inside the station took place. It was rather awful experience that made me feel insecure and threatened in Europe. Second dreadful experience took place this year in Torremolino, Spain while I had “opportunity” to witness a murder that took place in the middle of the touristic area, during the early evening time in the restaurant full of people. Europe is not the same I thought. I believe that only possibility for preventing and countering criminality in European Union is stronger cooperation of the member states. While 26 countries<sup>2</sup> share the same borders for the free and unrestricted movement of people the Union has to take special measures to secure the citizens the internal security.<sup>3</sup>

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<sup>1</sup> A secure Europe in a better world. European Security Strategy <https://europa.eu/globalstrategy/en/european-security-strategy-secure-europe-better-world>

<sup>2</sup> <https://www.schengenvisainfo.com/schengen-visa-countries-list/>

<sup>3</sup> Troitiño, D. R., Kerikmäe, T., & Chochia, A. (Eds.). (2018). *Brexit: History, Reasoning and Perspectives*. Springer.

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In the essay I will firstly look in the history of how the European internal security has developed over the years. In the second chapter I concentrate on the current state of play Thirdly I will bring out the possible solutions of how the believe the internal security could be improved.

## EUROPEAN UNION ADDRESSING THE THREATS

The post Cold War environment is one of the increasing open borders in which the internal and external aspects of security are indissolubly linked. Flows of trade and investment, the development of technology and the spread of democracy have brought freedom and prosperity to many people. Others have perceived globalization as a cause of frustration and injustice. These developments have also increased the scope of non-state groups to play a part in international affairs. And they have increased European dependence- and so variability- on an interconnected infrastructure in transport, energy, information and other fields.<sup>4</sup>

Before the Treaty of The European Union national governments monopolized internal security and retained it as a closely guarded issue of sovereignty.<sup>5</sup>

European Union has been active in tackling the key threats. After eleventh of September with measures that included the adoption of a European Arrest Warrant, steps to attack terrorist financing and an agreement on mutual legal assistance with The United States of America. The European Union continues to develop cooperation in the area and to improve its defences.

Even in the era of globalization, geography is still important. It is in the European interest that countries on our borders are well-governed. Neighbors who are engaged in violent conflict, weak states where organized crime flourishing, dysfunctional societies or exploding population growth on its borders all pose problems for Europe.<sup>6</sup>

Large scale aggression against any Member State is now improbable. Instead Europe faces new threats which are more diverse, less visible and less predictable.

Terrorism puts living at risk. It imposes costs, it seeks to undermine the openness and tolerance of our societies and it poses a growing strategic threat to the whole of Europe. Increasingly, terrorist movements are well-resourced, connected by electronic

## INTERNAL SECURITY STRATEGY

The European Union's Internal Security Strategy<sup>7</sup>, adopted by the Spanish presidency early in 2010, followed on from the coming into force of the Lisbon Treaty in 2009, building the previous developments within the European Union in the Area of Freedom Security and Justice policy. The main focus of the European Union Internal Security Strategy is to prevent and combat "serious and organized crime, terrorism and cybercrime, in strengthening the management of our external borders and in building resilience to national and man-made disasters"<sup>8</sup>.

<sup>4</sup> Solana, J, Civilian Perspective on Security Strategy; A secure Europe in a better world- the European Security Strategy. P 52.

<sup>5</sup> Mitsilgas, V; Monar, J and Reed W „The European Union and Internal Security. Guardian of the People?“, Palgrave Macmillan, 2003. p 1.

<sup>6</sup> European Security Strategy. A secure Europe in a Better World.  
<https://www.consilium.europa.eu/media/30823/qc7809568enc.pdf> p.35

<sup>7</sup> Communication for the Commission to the European Parliament and the Council; The EU Internal Security Strategy in Action: Five steps towards a more secure Europe, COM/2010/0673 final.

<sup>8</sup> Communication for the Commission to the European Parliament and the Council; The EU Internal Security Strategy in Action: Five steps towards a more secure Europe, COM/2010/0673 final. P.3.

The Internal Security Strategy intersects and overlaps with the European Union's Counter-Terrorism strategy<sup>9</sup>, the Strategy for the External Dimension of JHA<sup>10</sup> and the European Union's Security Strategy.<sup>11</sup>

The Internal Security Strategy for the period 2015-2020 is defined in Council Conclusions of 16<sup>th</sup> June 2015. It constitutes the European Union's strategy shared by institutions and Member States aiming at tackling the security challenges and threats facing the European Union until 2020. The strategy is composed of several policy documents: The Council conclusions of 4-5<sup>th</sup> of December 2014 and the Council Conclusions of 16<sup>th</sup> of June 2015, with the principles it outlines based on the Commission's Communication "European Agenda on Security", taking into account the views expressed by the European Parliament.

In terms of content, the internal security strategy is in line with the principles and priorities for action defined by the Commission in its European Agenda on Security:

Tackling and preventing terrorism, radicalization to terrorism and recruitment as well as financing related to terrorism, with special attention to the issue of foreign terrorism fighters, reinforced border security through systematic and coordinated checks against the relevant databases based on risk assessment as well as integrating the internal and external aspects against terrorism;

Preventing and fighting serious organized crime on the basis of the European Union policy cycle;

Preventing and fighting cybercrime as well as enhancing cyber security;<sup>12</sup>

Due to the entry into force of the Lisbon Treaty, the role of The Court of Justice of the European Union has been significantly strengthened. First, because of the abolition of the pillar structure, the jurisdiction of the Court will extend to the law of the European Union, which means the Court gain jurisdiction in the Area of Freedom, security and Justice. As regards police and judicial cooperation in crime matters, its jurisdiction to give preliminary rulings is binding, and is no longer subject to a declaration by each member state. Under the Treaty of Lisbon, the field of police and criminal justice will become part of the general law, and any court or tribunal will be able to request a preliminary ruling from the Court of Justice.<sup>13</sup>

In order to support and enhance the Union's activities to pursue the establishment and development of Area of freedom, security and justice, the specialized European Agencies were created: Europol<sup>14</sup>, Eurojust<sup>15</sup> and Frontex<sup>16</sup>.

In my opinion internal and external security have to and do go hand in hand. Considering one without another would be thinking of having an unlocked house without a gate to protect it, or a

<sup>9</sup> Council of the European Union; The European Union Counter-Terrorism Strategy, Brussels, 30 November 2005, 14469/4/05.

<sup>10</sup> Council of the European Union; A strategy for the External Dimension of JHA, Global Freedom, Security and Justice, Brussels, 30 November 2005, 14366/3/05.

<sup>11</sup> Solana, J., A Secure Europe in a better world, European Security Strategy, Brussels, 12 December 2003.

<sup>12</sup> Draft Council Conclusions on the Renewed European Union Internal Security Strategy 2015-2020. <http://data.consilium.europa.eu/doc/document/ST-9798-2015-INIT/en/pdf> p.6

<sup>13</sup> Trauner, F and Servent, A-R, „Policy Change in the Area of Freedom, Security and Justice“; den Boer, M. „Police cooperation. A reluctant dance with the supranational EU institutions“ p123.

<sup>14</sup> Council Decision 2009/371/JHA Establishing the European Police Office (Europol): <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R0371&from=EN>.

<sup>15</sup> Council Decision 2009/426 JHA, on the strengthening of Eurojust and amending serious crime; [http://www.eurojust.europa.eu/doclibrary/Eurojust-framework/ejdecision/New%20Eurojust%20Decision%20\(Council%20Decision%202009-426-JHA\)/Eurojust-Council-Decision-2009-426-JHA-EN.pdf](http://www.eurojust.europa.eu/doclibrary/Eurojust-framework/ejdecision/New%20Eurojust%20Decision%20(Council%20Decision%202009-426-JHA)/Eurojust-Council-Decision-2009-426-JHA-EN.pdf)

<sup>16</sup> Council Regulation 2007/2004/EC Establishing a European Agency for the management of Operational Cooperation at the External Borders of the Member States of the European Union; <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32004R2007&from=EN>

unlocked gate (which would be external security) allowing everyone to enter your back garden. Some days ago, European Council adopted the Commission's proposal to strengthen the Schengen Information System (SIS), the most commonly used information sharing system<sup>17</sup> for migration, security and border management. According to the Commission, the reinforced SIS system will help border guards and police to better track down dangerous criminals and terrorists.<sup>18</sup>

## TERRORISM

Judicial cooperation in Europe against terrorism is not new. It may have gained a new dimension after the attacks in Madrid and London, but the fight against terrorism was one of the reasons why European judicial cooperation became a key theme on the mid-1970s when the so-called TREVI group was founded.<sup>19</sup>

November 22, 2018 the European Commission decided to send notice to Estonia (and 15 other member states: Belgium, Bulgaria, Czech republic, Greece, Spain, Croatia, Cyprus, Lithuania, Luxemburg, Malta, Austria, Poland, Portugal, Romania and Slovenia) for failing to communicate the national measures taken to implement the new rules on combatting terrorism<sup>20</sup>. European Commission communicated, that the law is crucial element of the European Union's fight against terrorism – criminalizing and sanctioning terrorist-related offences, such as travelling abroad to commit a terrorist offence, returning to or traveling within the European Union for such activities, training for terrorist purposes and the financing of terrorism. European Commission stressed that the law sets out specific provision for victims of terrorism making sure they have access to reliable information as well as professional and specialist support services, immediately after an attack and for as long as necessary. Member states had until the 8<sup>th</sup> of September 2018 to notify the Commission that they have brought into force the national measures necessary to comply with the directive. Commission gave the member states additional time of two months to fully implement the new rules on their national law, not meeting the deadline for second time, Commission is considering addressing reasoned opinion.<sup>21</sup>

That illustrates, that even though Estonia among other countries are doing its best to reach the goals set by European Commission, there are more work to be done to meet the requirement of fighting with terrorism. In that particular case on the other hand, as there were 16 countries who were failing to communicate the national measures, it might me that the communication of the Commission itself was not satisfactory.

Trust is good control is better?

While there has been taken several strategic steps to strengthen the internal security, there is still room for improvement. What happens if we enlarge the power of the law enforcement agencies? Will the level of security increase and therefore the terrorism and criminality decrease? And foremost, will the enforcement agencies act lawfully in a way that they do not violate the human rights?

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<sup>17</sup> With over 5 billion consultations in 2017, [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-security/20181119\\_update-factsheet-sis\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-security/20181119_update-factsheet-sis_en.pdf)

<sup>18</sup> European Commission Press Release Database [http://europa.eu/rapid/press-release\\_IP-18-6450\\_en.htm](http://europa.eu/rapid/press-release_IP-18-6450_en.htm)

<sup>19</sup> Spence, D. „The European Union and Terrorism“ Nilsson, H. „Judicial Cooperation in Europe against terrorism“ p.71.

<sup>20</sup> Directive (EU) 2017/541 <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017L0541&from=EN>

<sup>21</sup> European Union Press Release Database [http://europa.eu/rapid/press-release\\_MEX-18-6523\\_en.htm](http://europa.eu/rapid/press-release_MEX-18-6523_en.htm) (22.11.2018)

There was rather interesting case in the Estonian newspaper Eesti Ekspress recently<sup>22</sup> where was mentioned, that Estonian higher court decided to ask preliminary ruling from European Court of Justice concerning how the police may use the means of communication in the process of investigation. In Estonia, the means of communication (mobile phone positioning) is used under the directive<sup>23</sup> <sup>24</sup>that the usage of in the criminal proceeding was declared a violation of human rights by European Court of Justice. Surveillance of the mobile phones give rather specific date about the persons private life, including the names, the call registers the content of the sms-s and calls, that is allowed to ask only in a case of serious offence or crime. The definition of serious crime is defined variously in different member states. This case illustrates, that even though there are contra and pro argument whether the mobile surveillance is violating the human rights for privacy, it may still prevent serious crimes or even terroristic act to happen. The advocates as well Estonian representative in European Court of Justice N. Grünberg were arguing on both sides.

Estonian investigative media has stated in the article<sup>25</sup> that even though the level on criminality in Estonia is decreasing, the activity of surveillance of the mobile phones, recordings, databases and other surveillance methods are pretty common in Estonia.

I personally believe that in certain cases there should be rather breach of human rights allowed for a good cause of preventing or avoiding crimes against person. Especially in a light where the role of information and technology play growing role in the internal security and crime.

## CONCLUSIONS

The development of the European Union Internal Security Strategy presents new challenges for not only for European Union Institutions and agencies, from a policy and practice perspective, but its implementation at a security level opens up new challenges in the context of fundamental rights and justice. Many academic authors have raised the issue of the imbalance in development of the Area of Freedom, Security and Justice, pointing out that there has been significant development under the heading of security, but that the freedom and justice elements of the project are lagging behind. In addition the perceived need to develop close working relations with third countries, not only in the European Union's immediate neighborhood, but across the globe, many of which do not operate on the bases od liberal democratic principles, poses new and complex challenges for the maintenance of the rule of law, and the fundamental principles that underpin, not only the European Union, but also each of its individual member states.<sup>26</sup>

I believe that the monetary support by the member states or from the European Union's budget for helping even more develop and coordinate the internal security of European Union is the

<sup>22</sup> [https://ekspress.delfi.ee/kuum/tragi-advokaadi-tegutsemine-viib-koeravorsti-varguse-juhtumi-euroopa-kohtusse?id=84492147&fbclid=IwAR2\\_w0d-uTHFtYfjWCmrDOHv4bMOIPDTsSEiD\\_Qn18r--jeEt3PIeps78q0](https://ekspress.delfi.ee/kuum/tragi-advokaadi-tegutsemine-viib-koeravorsti-varguse-juhtumi-euroopa-kohtusse?id=84492147&fbclid=IwAR2_w0d-uTHFtYfjWCmrDOHv4bMOIPDTsSEiD_Qn18r--jeEt3PIeps78q0)

<sup>23</sup> Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32006L0024>

<sup>24</sup> The directive has been implemented to Estonian Electronic Communication Act. The paragraph Under discussion is § 111<sup>1</sup>, obligation to preserve data. <https://www.riigiteataja.ee/en/eli/530052018001/consolide>

<sup>25</sup> <https://ekspress.delfi.ee/kuum/laanemere-meister-nuhkimises-eestis-kuulatakse-inimesi-10-korda-rohkem-pealt-kui-skandinaavia-riikides?id=83701819&fbclid=IwAR1OX27xXKhNBBtW5vsXOG5IW5Kt734IBeAFOnxK0bvZE5XdWY3jaRCnBuQ>

<sup>26</sup> O'Neill, M., Swinton, K. and Winter, A., „New challenges for the eu International security strategy“. Retrived from: <https://www.proquest.com/products-services/ebooks/ebooks-main.html>.

only possibility to hold or improve the level of internal security. Perhaps the level on knowledge could also be improved so that the level on security could be similar (or almost similar) in all member states. Mutual level around European Union will increase the stability in police structure as well in border control areas.

And last but not least the acknowledgement of the need and necessity of the internal security buy the citizens- the common way of thinking, engagement of the society and common actions of the citizens as well the member states make the strong internal security.

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