



**PARLIAMENT OF ROMANIA
CHAMBER OF DEPUTIES
EUROPEAN AFFAIRS COMMITTEE**

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Courtesy translation

OPINION

**on the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions
the European Agenda on Security - COM(2015) 185**

In accordance with the Chamber of Deputies Decision no. 11/2011 regarding the operating procedure and the decision mechanism for exercising the parliamentary control over the European Union's draft legislative acts, based on the Treaty of Lisbon regarding the role of national Parliaments, the European Affairs Committee and the Commission on Defence, Public Order and National Security have been requested to address the substance of the Commission's Communication to the European Parliament, Council and the European Economic and Social Committee and the Committee of Regions: European agenda on Security - COM(2015) 185.

- A. Considering the draft opinion of the Committee on Defence, Public Order and National Security;
- B. Considering the Opinion of the Chamber of Deputies of 30 September 2014 regarding the Communication from the Commission to the European Parliament, the Council the European Economic and Social Committee and the Committee of Regions: - An open and secure Europe: making it happen - COM (2014) 154 and the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions – The EU Justice Agenda for 2020 - Strengthening Trust, Mobility and Growth within the Union, COM (2014) 144, as well as the reply of the European Commission - C (2015) 1621 final, of 14 April 2015;
- C. Taking into consideration the relevant conclusions of the European Council meeting of 26-27 June 2014 and Annex I - Strategic Agenda for the Union in a Changing World;
- D. Considering The report of the Committee on Foreign Affairs of the European Parliament regarding the annual report of the European Union's High Representative for Foreign Affairs and the Security Policy to the European Parliament (2014/2219(INI)) of 3 March 2015 and the Resolution of the European Parliament of 12 March 2015;

- E. Taking into consideration the Note of the Ministry of Internal Affairs;
- F. Taking into consideration the Note of the Ministry of Foreign Affairs;
- G. Taking into consideration the conclusions of the Council of Justice and Home Affairs meeting of 15-16 June 2015;
- H. Taking into consideration the Report to the European Parliament and national Parliaments regarding the works of the Standing Committee on Operational Cooperation on Internal Security for the January 2013 - June 2014 period, n°. 14440/2014;
- I. Taking into consideration the Study of the European Parliament " Developing a Criminal Justice Area in the European Union" PE 493.043, published in January 2014;
- J. Taking into consideration the proposals of our own staff

In exercising the rights granted to national Parliaments by the Treaty on the European Union, specifically art. 12, *The European Affairs Committee of the Chamber of Deputies*:

1. Welcomes and supports the conclusions of the JHA Council of 15-16 June 2015 regarding the renewed Strategy for internal security of the European Union for the 2015-2020 period, more specifically the following:
 - it is extremely important to develop a reactive and operational approach to implement the renewed Strategy for the internal security of the European Union for the 2015-2020 period
 - a swift and flexible approach should be observed, based on operational information, allowing the European Union to react in a comprehensive and coordinated manner to the emerging threats, including to the hybrid threats, as well as to other challenges to the European Union's internal security
 - the need to protect the people, especial the vulnerable persons, with special emphasis on the victims of terrorism and serious and organised crime
 - the importance of swift implementation of the consolidated norms to prevent money laundering and terrorism financing and the need that all competent authorities intensify their actions in tracking the financial flows and freezing the assets used to finance terrorism
 - the need of a comprehensive approach in the fight against human trafficking
 - the need to consolidate the existing legal instruments and a better implementation, as well as to consistently, coherently, efficiently and completely implement the existing instruments by all member states and to develop new instruments, if necessary, including ITC instruments.

Supports the urgency in revising the renewed Strategy of the European Union's Internal Security for the 2015-2020 period.

Considers that the European agenda on security, as well as the entire revising process of the European security strategy is first of all addressed to member states, in accordance with the competencies established in the European Union Treaties; however, taking into consideration the current trans-border challenges, member states do not have the capacity to react individually and need the support of the European Union to facilitate cooperation, information and joint action exchange, in order to guarantee an European area of internal security.

2. Welcomes the launch of the Agenda, considered to be an important stage in materialising a common vision at the EU level regarding the main threats, principles and priorities for the next years.
3. Shares the opinion of the European Parliament according to which the new Internal Security Strategy for the 2015-2019 period should be based on the detailed analysis of the threats to security, performed by Europol in cooperation with other relevant bodies of the European Union and member states, as well as the request that the new strategy should be indeed "strategic", as well as easily adaptable to changes, focusing not only on the current threats to security, but also on the emergent ones, using an integrated, comprehensive and overall approach for all relevant fields.
4. Notes with regret that the achievement of balance between the "Protecting Europe" and the "Europe of Rights", between freedom and security, between justice and security remains an objective even more difficult to attain currently, when on the one side the internal and external security threats are getting worse and on the other side the options of the member states regarding the European architecture are diverging; considers that both the drafting and the application and the evaluation of all items intended to guarantee an environment of freedom, security and justice should be based on the principle of solidarity and cohesion; invites the institutions of the European Unions and the member states to refer to the fundamental values and principles of the Union, in any field and for any type of action.
5. Underlines that, in order to fulfil the standards of the freedom, security and justice area, the goal to achieve the balance between the prevention and control measures should not be pre-established, instead it should be flexible, so that both the character and the intensity of the action are in accordance with the risk type and level of the offence; the security measures should be always applied in accordance with the rule of law principle and should guarantee the protection of all fundamental rights; this does not mean that the Union's actions should be watered down, but rather be adapted to the specific situation, just as the rule of law should not lead to a frail state, but to states where the rule can be enforced strictly and firmly.
6. Considers that the need to observe the fundamental rights, the first of the five mentioned action principles is inherent, but reminds that the right to live is the first among the human rights and therefore, this should represent the main criteria for establishing the priority, urgency, intensity and sizing of the resources necessary for the EU or of the member states' actions to achieve security.
7. Considers that the periodical evaluation by the European Council of the threats against the EU according to art. 222 of the Treaty on the functioning of the European Union may become a decisive instrument, if the general interest will prevail over the individual interests of the member states, if the risks will be identified and exposed as such, regardless of potential political constraints from other fields, if the proposed measures will be proportional to the risks and if an efficient tracking mechanism will be established to check the fulfilment degree of the decisions taken.
8. Considers that the need of complementarities between the internal and external security policy of the Union, the last of the mentioned action principles, represents a correct approach, taking into consideration the interdependencies accentuated by the current communication facilities and interferences between onerous political or economic interests, terrorism and trans-border organised crime, considers that the synergy between the common foreign and security policy and the instruments in the justice and home affairs should be maximised.
9. Supports the further development of the Union's relations with the relevant international organisations, as well as an increased participation in the multilateral fora in order to promote the best practices.

10. Considers that both large scale terrorism actions, the massive migration from the North Africa and the large scale cyber attacks against well protected objectives cannot be performed without sponsorship or without sponsor states, bearing the mark of a hybrid war and therefore, the intelligence services of the member states and traditional partners should be included in the unanimously appreciated cooperation logic; the establishment of an European body for the information operational exchange, possibly within the European External Action Service, between the national intelligence services and the creation of the position "Security attaché" within the European Union delegations in third party countries, could prevent some of the most serious situations.
11. Considers that limiting the Agenda's general objectives to the most urgent three challenges, respectively terrorism prevention and radicalisation control, organised crime control and cybercrime control is acceptable, since it allows focusing the available resources and therefore, larger and more intense actions.
12. Considers that the diversity of the judiciary systems and traditions may be preserved, but the common purpose and objectives, derived from the European Union's treaties should guarantee the achievement of those effects, generally admitted as being necessary; a comparative study of the European Commission, regarding the main elements, duration and efficiency of the legal procedures in the member states, as well as of the motivation and duration of sanctions for serious crimes and terrorism could reveal the pluses and minuses of each judiciary system, as well as the centre line, which could guide a potential legal harmonisation action.
13. Welcomes the integration, on 1 December 2014, of the police and judicial cooperation in criminal matters, in the usual legal order of the Union, so that the judicial review exercised by the European Court of Justice and the role of the Commission as guardian of the treaties are now fully applied.

Expresses its support for the continuation of the process to remove exceptions from the ordinary legislative procedure and implicitly, exceptions from adopting decisions based on qualified majority in the Council.

14. Supports the development of a European judicial culture, created on objective bases and on the information and good practices exchange between member states. It is important that the influences of the populist and extremist movements do not affect the manner in which the Union's member states cooperate in this field, artificially bringing into discussion fundamental principles.
15. Reminds that the option of some member states to distance themselves from the community regime, by exercising the rights to opt-out in the justice and home affairs field still persists, which continues to cause political unbalances.
16. Encourages the European Commission and the European External Action Service to draw up the methodology to react in case of an appeal to the solidarity clause, or to the mutual defence clause, which seems to be momentarily an undefined, rhetorical principle.

Considers it is useful and appropriate to draw up a proposal of the European Union, offering action details and guidelines regarding the application of the mutual defence clause, especially since it was ascertained that in case of a massive cyber attack, not even NATO established procedures or thresholds to enforce article 5, claiming that this will be a political decision taken for each specific case.

Since the Union does not have its own capacities, considers appropriate and recommends supporting the consolidation of the institutional cooperation with NATO to fight terrorism, especially cyber terrorism.

Asks the European Commission and the European External Action Service to determine the best course of action, given the situation in which a member state clearly needs assistance, but does not request the activation of solidarity or mutual defence clauses.

17. Considers that the use of existing instruments should be maximised before launching new initiatives; recommends the performance of impact assessments, respectively cost-benefit assessment regarding the envisaged actions, prior to implementation.
18. Appreciates the attention given in the new Agenda to the financing, research, innovation and training fields.
19. Suggests the adoption of Council Conclusions and the drawing up of a concrete Action plan, based on the proposals of the member states, guaranteeing a coherent planning of the objectives proposed, the responsible players and an implementation calendar.
20. Supports the importance of cooperation between agencies and bodies with functions in the security field, both among them and with the member states, but points to the difficulty in establishing the competencies and responsibilities within the multi-level decision system, specific to the Union's governance and the risk of overlapping actions that were established by various instruments created within different policies.
21. Acknowledges the importance of the member states' action to establish appropriate structures at national level, in the form of a one-stop-shop which integrates and coordinates the activity of the relevant authorities, such as, for example, an interface between the Union's instruments and the national law enforcement systems, allowing to use the instruments for information exchange purposes.
22. Regarding counter-terrorism matters, reminds that this is not a defined autonomous political field and approaches to counter terrorism may differ much between member states.
23. Points out with concern that the prioritization of counter-terrorism measures within the political decision environment is proportional to the size and seriousness of the attacks or threats; encourages member states to make counter terrorism the utmost priority as soon as possible, as a catastrophic attack should not have to happen before making this decision.
24. Reminds that states supported terrorism is not a new phenomenon, but that now it is added to the other components of the hybrid war and considers that the European Union can create political mechanisms able to prevent an inappropriate level of relations of some member states with states supporting terrorism; additionally, a system of financial proportional penalties would be at the same time justified and decisive.
25. Encourages the European External Action Service to propose an external strategy of the European Union against international terrorism, in order to approach the international terrorism sources and to identify the general measures for counter-terrorism within the external and security policy; appeals to EEAS to create the function of "Security attaché" within the European Union delegations in third countries.
26. Acknowledges that an important component of the external endeavour to fight terrorism involves the close cooperation with international and regional organisations in order to strengthen the international consensus and to promote the international standards in matters of counter- terrorism.

Adheres to the opinion that the relationship with USA represents an essential component of the Union's strategy, with already existing cooperation agreements in fields such as terrorism financing, transportation and borders, mutual judicial support or extradition.

27. Considers that the Union's counter-terrorism policy must focus on exposing in detail the creation and operating mechanisms of the terrorist groups, on identifying, exposing and containing the terrorism supporters, including by informing the public opinion regarding the real purposes pursued by these and any details that may be made public.
28. Supports the creation of the European Centre for Counter-terrorism within Europol, as well as promoting the best inter-institutional cooperation forms, such as, for example, between the EU coordinator on counter terrorism, Europol, Council's Standing Committee for operational cooperation on matters of internal security, Working Party on terrorism, European External Action Service, FRONTEX, etc.

Considers that the joint investigation teams (JIT) are the most efficient trans-border instruments for operational cooperation within the EU and supports a more frequent use of these teams and systematic cooperation with the relevant agencies.

29. Welcomes the fact that the Agenda promotes approaching the roots of the extremism and the impact of extremist ideologies in favour of terrorism, but notes that a classification of the types of extremism in Europe would be beneficial to avoid certain confusions in drawing up the programmes and action plans, because the required measures are not identical in fighting various types of extremism.
30. Regarding the fight against radicalisation, acknowledges the usefulness of the centre of excellence for the collection and distribution of expertise in the radicalisation control field, based on the EU Radicalisation Awareness Network (RAN), but recommends that the experience exchange between professionals directly involved in radicalisation prevention and violent extremism at local level is extended to teachers, employees of social care services, police staff, prosecutors, which are in direct contact both with citizens subject to radicalisation and with radicalisation promoters.
31. Expresses concern that the "home grown terrorists" phenomenon cannot be mitigated if the errors in the social care system, educational system and in the law enforcement system are not revised and evaluated by the respective member states, potentially with the support of the relevant institutions of the European Union; only in this way the measures will be more efficient and the "home grown terrorists" phenomenon can be controlled and contained.
32. Acknowledges that the best approach in counter-terrorism is the collaboration with international partners; however, although supporting and encouraging the principle of inclusion, considers that when the real situation requires, two different fronts of cooperation should be established, respectively a front of the states, international and regional organisations, institutional partners sharing and practicing the Unions' entire set of values and a front of those entities that are in the process of internalising the Union's standards; this structure would serve the principle of efficiency and resource saving, representing a stimulus for the acceleration in adopting the Union's values.
33. Invites the European Commission to regulate the criminalisation of the acts preceding the terrorist actions at the level of the entire European Union, so that any actions organised in view of propaganda, recruitment, accession to terrorist organisations, financing, logistic support, etc. is criminalised based on a common procedure; notes that the establishment of dissuasive sanctions, stipulating a minimum threshold, as well as the swiftness of judicial procedures and extradition procedures would significantly contribute to the prevention and containment of terrorist acts.
34. Adheres to the opinion that a wider mandate for the European Public Prosecutor's Office, so that it covers certain serious trans-border criminality such as terrorism and organised crime would contribute to a more efficient judicial response.

35. Appreciates the progress made in regulating obscure areas, such as fiscal paradise arrangements or onerous financial operations whose existence infringe certain values of the rule of law and reminds that the failure to regulate the financial markets is still exploited by the organised crime and terrorism networks.
36. Welcomes the progress made in terrorism financing control and is satisfied that the cooperation will be strengthened between the financial information national units, which will be connected to Europol; underlines that the reality should not be separated from theory, so that all real financing sources and real transfer methods of funds, not only those possible, should be identified and then blocked.
37. Welcomes the progress made in freezing and seizure of products of crime within the European Union, considering that criminal assets confiscation is one of the most efficient instruments to deter criminal organisations and recommends to the European Commission to propose new measures, including normative acts against terrorism and to intensify the confiscation of assets obtained from criminal activities.
38. Welcomes the fact that the cyber security strategy of the Union contributes to the acknowledgment of the security catastrophe related risks and of the need to significantly increase the member states' cyber defence capabilities.
39. Considers that the technical level of the information technology and communications industry in the economically developed member states guarantees the technical instruments necessary to improve the cyber security.

Welcomes the European Commission's intention to develop the dialogue with the large IT companies, in view of deconstructing terrorist propaganda on the internet and social networks and in view of analysing methods to settle the concerns expressed by the law enforcement institutions regarding the new encryption technologies.

Expresses the expectation that based on the solidarity principle, member states with efficient cyber capabilities will support the other states in order to strengthen their defence capacity.

Notes that any measures taken into consideration, such as, for example, the integration of cyber defence with the external action and with the joint external and security policy, or a closer coordination with NATO in the cyber defence field will not be effective without a cyber risk evaluation mechanism.

40. Considers that the European Cybercrime Centre within Europol may become an essential information centre in providing the legislation enforcement in this field and the European Defence Agency may improve the coordination with the member states in the cyber defence field.
41. Notes that the current and future technological progress involves restructuring of judicial activities so as to manage the cyber criminality regarding the applicable legislation, fast trans-border access to evidence and information, real-time electronic proof collection from other jurisdictions, providing their admissibility in court.
42. Agrees with the measures that guarantee high democratic standards and efficient monitoring mechanisms for personal data protection, but notes that in cases of acute crisis, temporary waiver of this principle may be perceived by certain political decision-makers as acceptable sacrifice, as it actually happened for example during the financial crisis or of certain large scale terrorist actions.

43. Regarding the monitoring of legislative progress in the member states in relation with the storage of personal data retention that the European Commission undertook to perform, considers that the member states would fully benefit from this arrangement only if they would receive a report or structured information from the European Commission.
44. Acknowledges the joining of the European Agenda on Security and the European Agenda on Migration, observes that the EU's cycle of policies regarding serious organised crime has as priority, among others, the annihilation of the organised crime networks involved in smuggling of migrants; calls the European Commission and the relevant agencies to investigate the potential 'politicisation' of this action and the existence or not of a hidden agenda of the crime networks; an answer to this question would significantly contribute to drawing up well adapted strategies and programmes.
45. Points to the Agenda's high interest in the matter of the Union's external border management and considers extremely important to underline its role in maintaining the EU's internal security, including in the Council's Conclusions draft.
- Congratulates the European institutions and the member states supporting the idea that the Schengen acquis should be preserved and protected against any attempt to use security threats to restrict the freedom of movement.
46. Acknowledges the need for appropriate financial resources to apply the measures adopted within the security strategy.

Taking into account the recitals above, the European Affairs Committee joined in the meeting on 23 June 2015 decided, by unanimous vote, to adopt this opinion, with the revision in its meeting on 29 June 2015 which, together with the draft Decision of the Chamber of Deputies to adopt the opinion will be sent to the Standing Bureau to complete the scrutiny procedure.

The Committee proposes the communication of its observations and recommendations to the Government of Romania and to the European Union's institutions, as a contribution to the consultation process.

At the same time, the Commission proposes the communication of its observations / recommendations within the informal political dialogue proposed by the European Commission in the Communication "Providing Results for Europe", COM (2006) 211.

Chairperson,

Ana BIRCHALL

Secretary,

Dorel Gheorghe CĂPRAR

Red. DM