

The Gerold von Braunmühl Lecture Series

The German Foreign Ministry established and continues to support the Gerold von Braunmühl Memorial Lecture Series in honor of a SAIS Bologna Center alumnus, who was assassinated by terrorists on Oct. 10, 1986.

Von Braunmühl's career carried him to the most senior positions in his country's foreign ministry. At the time of his death, he was Political Director, working closely with the Foreign Minister.

In the inaugural lecture in 1988, Germany's Minister of Foreign Affairs, Hans-Dietrich Genscher described von Braunmühl as one of the "architects of German politics," particularly of its Ostpolitik, and "an outstanding example of historical experiences, the spiritual stimuli and the political premise that govern the fate of our nation and the course of German foreign policy."

The ministry also established the Gerold von Braunmühl Memorial Fellowship for a German student at the Bologna Center, which the Deutscher Akademischer Austauschdienst and the Bologna Center administer.

In addition to Hans-Dietrich Genscher, previous speakers and their titles at the time of their lectures were: Alois Mock, Foreign Minister of Austria and Bologna Center alumnus; Gèza Jeszenszky, Foreign Minister of Hungary; Süleyman Demirel, former Prime Minister and President of Turkey; Douglas Hurd, United Kingdom Secretary of State for Foreign and Commonwealth Affairs; Jüri Luik, Foreign Minister of Estonia; Susanna Agnelli, Foreign Minister of Italy; Jacques Santer, President of the European Commission; Marjorie Mowlam, M.P., United Kingdom, Secretary of State for Northern Ireland; Miguel Nadal Segalà, Secretary of State for Foreign Affairs of Spain; and Klaus Kinkel, former Deputy Chancellor and Foreign Minister of the Federal Republic of Germany.

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Special Lecture Series

Inside the EU: Intelligence Sharing and Police Cooperation

The Gerold von Braunmühl Lecture Series
Bologna, April 3, 2008

Otto Schily MdB

Former Minister of the Interior
Federal Republic of Germany
(1998–2005)

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Last year the European Union celebrated its 50th birthday. Fifty years without war between any of the countries that now make up the EU is unprecedented in history. The European Union has grown into a union of 27 Member States, which unites the European continent in peace and ensures a level of prosperity and stability after so many painful years of war – the Second World War alone cost expulsion, suffering and approximately 55–60 million dead. As the European Union has secured peace among historical enemies, spread democracy to its neighbors, and created a new model of international co-operation. It has also entrenched freedom by adding new freedoms – that of people and goods to move across its borders.

In the 21st century, we can travel in Europe largely without having to show our passports, we can pay with the same currency, and we can live and work in almost all other EU Member States. For Europe's citizens this is the most visible achievement of European integration.

However, this achievement should not be taken for granted. The creation of the Schengen area for example, included originally only France, Germany, Belgium, Luxembourg and the Netherlands when these countries decided in 1985 to create a territory without internal borders. This intergovernmental cooperation expanded to include 13 Member States in 1997, following the signing of the Treaty of Amsterdam.

Just before Christmas last year the European Union extended Europe's passport-free travel zone to the countries that joined in 2004. With the accession of the Baltic Countries, the Czech Republic, Hungary, Malta, Poland, Slovakia and Slovenia to the Schengen area, the agreement now embraces 24 nations, making it possible to travel 4,000 kilometers from Tallinn in Estonia to Lisbon in Portugal without any border controls.

The European unification has brought us freedom and prosperity. But freedoms can also be misused. Though no one in the history of Europe has ever enjoyed as much freedom and security as we do now at the start of the 21st century, it would be a serious mistake to take our hard-won prosperity, peace and stability for granted: terrorism, organized crime and illegal migration threaten our security.

While people, goods and services have become more mobile, and modern techniques like mobile phones or the internet enable trans-border communication, international terrorist groups and criminal organizations operate in their shadow. Trans-national organized crime is a rising threat in this Century jeopardizing the safety of European citizens. It is not surprising that with the progress of our society and development of modern technologies, security has become one of the most important concerns of EU's citizens.

Therefore, the European Union must ensure that criminals cannot take advan-

tage of open borders. This requires close co-operation between the national and local law-enforcement agencies in the Member States to guarantee that the EU develops into a genuine single area of freedom, security and justice, where individual rights are protected and organized crime prosecuted.

Legal set-up for Police Co-operation and Intelligence Sharing in the EU

The form of co-operation in the areas of police and judicial co-operation in criminal matters was created through the Title VI of the 1993 European Union Treaty. The treaty also foresaw the legal instruments of joint positions, joint actions and conventions in these areas and thus provides the legal framework for police co-operation in the EU. Common action includes:

- operational co-operation between the competent authorities, including the police, customs and other specialized law enforcement services of the Member States in relation to the prevention, detection and investigation of criminal offences;

- the collection, storage, processing, analysis and exchange of relevant information, including information held by law enforcement services on reports of suspicious financial transactions, in particular through Europol;

- co-operation and joint initiatives in training, the exchange of liaison officers, secondments, the use of equipment, and forensic research; and

- the common evaluation of particular investigative techniques in relation to the detection of serious forms of organized crime.

Furthermore, the Council shall promote co-operation through the European Union law enforcement organization Europol.

So far, several conventions, programs and initiatives, as well as agencies, were set up on a European level to enhance and strengthen police co-operation. Thus, in practice, police co-operation is regulated by a plurality of bilateral and multilateral treaties in order to effectively counter the threats posed by international terrorism, cross-border crime and illegal migration.

Cross-border crime and international terrorism

Transnational organized crime is, along with the threat posed by international terrorism, one of the major threats to security. It damages the social, economic, political and cultural development of societies and is very complex.

In our globalized world with rapid travel and communications, a single state cannot tackle these threats on its own. We have to share experience and information, and pool resources, in order to provide citizens with a high level of security.

Organized crime gangs differ in their structure and their use of violence. These gangs cover a wide range of activities. The most damaging threats to the EU come from gangs' involvement in human trafficking, drugs, stolen vehicles, robbery and high tech crime such as identity theft. These, along with financial crimes – fraud, counterfeiting, and money laundering-all generate large profits. The United Nations estimates the amount of money laundered globally each year ranges from between 500 billion US dollars and one trillion US dollars. Often laundered money is used to finance and support activities of terrorist groups.

Terrorism takes many forms and uses ever more sophisticated techniques and operational methods. Well organized terrorist groups receive support from networks in many countries and sizeable financial resources. Therefore, terrorism requires a global response.

The fight against terrorism lies at the heart of the EU's activities in the field of

justice, freedom and security. Terrorism is not a new phenomenon in Europe. In the United Kingdom, Ireland and Spain alone, it has caused approximately 5,000 deaths in thirty years.

About ten years ago the fight against terrorism in Europe was mainly an issue of national concern. When Gerold von Braunmühl was assassinated by the Red Army Faction on October 10, 1986, EU co-operation against terrorism was not yet particularly advanced. However, this has dramatically changed as most new agreements since September 11, 2001 now include counter-terrorism clauses.

Counter-terrorism efforts themselves have proved to be more difficult because of terrorism's changing characteristics. "Traditional" terrorism like the afore-mentioned Red Army Faction in Germany, the Red Brigades in Italy, the Provisional Irish Republican Army as well as the Basque ETA had a limited tactical repertoire that was directed against a similarly narrow target set. But what kind of terrorism do we face today? "New generations" of terrorist groups are characterized by far more amorphous religious and millenarian aims. They differ in their cohesion and structure. To discover who they are, what they are, and where they are is nowadays the challenge for the intelligence community. Let us take the example of Al-Qaeda. With its strict command apparatus and hierarchy it is a relatively tightly structured organization. But its decentralized cells worldwide and alliances with other extremist networks justifies talking about a whole "Al-Qaeda System." Apart from aligned networks, the existence of non-aligned networks and autonomous groups or individuals creates an even more chaotic picture of hardly identifiable terrorist groupings.

We can also observe an increasing lethality of terrorist attacks. The observation made by terrorism expert Brian Jenkins some time ago that "terrorists want a lot of people watching and a lot of people listening and not a lot of people dead" is

no longer valid. Today “terrorists want a lot of people watching and a lot of people listening and a lot of people dead.” Moreover, in their effort to maximize casualties, moral boundaries vanish. Children and women alike become preferable targets to harm societies at their very heart. The most abhorrent incident happened in February this year, when Al-Qaeda used disabled women as suicide bombers at two animal markets in Baghdad that killed 99 people and wounded up to 200. It is very probable that these women were unwittingly sent on the suicide mission.

This requires another counter-terrorism approach and that gains even more importance if we think of terrorists trying to lay their hands on Weapons of Mass Destruction.

The connection between religion and terrorism itself is not new. Around the year 1090 the so called Assassins sent suicide murderers to kill prominent Sunni leaders in Iran, Iraq, Syria and Lebanon. But we can argue in fact that the biggest threat today emanates from Islamist terror. The attacks in Morocco, Spain, Tunisia, just to name a few, were planned and carried out by Islamic fundamentalists. They use modern forms of communication like the internet to operate in the dark. They recruit members from a variety of countries, use fragile statehood to establish training camps, and send their well-trained staff all over the world to spread their dreadful message. But what currently concerns me even more is that we can observe the rise of homegrown terrorists. The perpetrators of the 9/11 attacks had a Western education but were mainly rooted in Arab countries. The planned attacks with hydrogen peroxide in Germany last year and on the British airport in London showed us that individuals who were born and educated in Europe radicalized and turned against the very hand that fed them. We Europeans must ask ourselves why this is happening.

International terrorism has left a blood stain all over the world: from New York and Washington in 2001 to Kenya in 2002; from Bali in 2002 and 2005 to Turkey; and from Djerba in 2002 to Casablanca in 2007, just to name a few.

The attacks in London and Madrid have demonstrated in an awful way, however, that international terrorism has also reached the European Union. It is only due to sophisticated and advanced anti-terrorist measures that the number of European cities hit by terror attacks is not even larger. The early exposure-and thus avoidance-of the planned attacks in Denmark, Germany and the UK prove this.

As a result of changes in legislation in Germany in order to increase the collection and exchange of information and data, and due to multi- and bilateral co-operation – particularly with Italy – in this area, all Islamist terrorist plots in Germany have been – so far – prevented. Bilateral and multilateral co-operation within the European Union to fight terrorism efficiently is indispensable; it should be noted though that international terrorism and its causes can be effectively combated only through additional co-operation with non-member countries.

Generally, in the European Union, the police are responsible for the security and the safety of citizens. The European police co-operation agency Europol obtained resources to analyze the terrorist risks and threats and to play its role in exchanging information in this field. In countries where statehood is fragile and personnel untrained, the fight against international terrorism has normally been fought by the military. Significant examples are Afghanistan and Iraq. There is no doubt that the approximately 3,000 deployed German soldiers at Hindukusch are important in assisting the Afghan Government in extending and exercising its authority and influence across the country. But usually this field of action is a fundamental area of police activities. Fighting terrorism through the military, especially if not domestic, might create a feeling of state predominance and illegitimacy and is

never be a lasting solution. In the long term, the restoration of security as such should always remain a core task of police forces in every country. Europe is already assisting Afghanistan in developing and implementing a coherent and holistic police reform strategy. The ESDP police mission, EUPOL Afghanistan, will at full strength, eventually include 195 police and legal experts from both the EU and third countries. Efforts in this direction should be extended.

The Hague program of 2004 declared that the European Union should concentrate on anti-terrorist measures. A comprehensive response to terrorism is the only way to combat it effectively. The Commission emphasizes the need for terrorism prevention and exchange of information. Its intention is to support the Member States in their fight against terrorism by focusing on terrorism recruitment and financing, prevention, risk analysis, protection of vulnerable infrastructure, and consequence management.

Recently, in November 2007, the Commission adopted a new package of proposals aimed at improving the European Union's capabilities in the fight against terrorism. With this package, the Commission intends to focus on prevention, intervention and postvention in fighting international terrorism. Thus the package contains a series of proposals dealing with the culpability of terrorist training, recruitment and public provocation to commit terrorist offences. However, it is questionable if a radicalized terrorist who is determined to commit suicide bombing can be deterred effectively through culpability.

However, in the field of prevention, the potential use of airline passenger information in law enforcement investigations discussed in the package can be an effective instrument to detect suspicious procedures at an early stage.

The package also contains a report on the implementation of the Framework

Decision on combating terrorism of June 2002 which is one of the key legal instruments of the European Union's counter terrorism arsenal. The Framework Decision harmonizes the definition of terrorist offences in all Member States and ensures that they establish, for natural and legal persons having committed or being liable for such offences penalties and sanctions, which reflect the seriousness of such offences. It sets out jurisdictional rules to guarantee that terrorist offences may be effectively prosecuted and adopts specific measures with regard to victims of terrorist offences because of their vulnerability.

The Commission proposes amending the Framework Decision on combating terrorism making public provocation to commit a terrorist offence, recruitment and training for terrorism punishable behavior, also when committed through the Internet. This new legislation aims at those criminals who spread violent propaganda providing terrorism tactics and instructions on how to manufacture and use bombs or explosives to provoke others to commit terrorist acts. This will make it easier for law enforcement authorities to obtain co-operation from internet service providers to prevent crimes and identify criminals.

However, more can be done to prevent the use of explosives by terrorists. Attacks such as the Madrid bombings were carried out using commercially available explosives. Under an initiative of the Commission, a group of experts investigated the issue and recommended a list of action points now endorsed by the Commission in the form of an action plan tackling the different angles of the issue. The action plan aims to enhance the security of explosives. This includes rapid alert systems on lost and stolen explosives and suspicious transactions, a network of experts on bomb-disposal and de-activation, and the vetting of personnel involved in the explosives industry. Co-operation between the public and private sectors is crucial.

The Commission also proposes that air carriers make available Passenger Name Records (PNR) data for flights coming to or leaving the EU (in and outbound EU flights) to specialized national units carrying out risk assessments. The conception and planning of terrorist attacks involves traveling by air. In the majority of cases members of radical groups fly to meet and obtain both guidance and training abroad. Providing law enforcement agencies in the EU with the possibility of obtaining advance passenger information and analyzing it is an important tool to detect terrorist travel. Of course the European Union has to take care that all rights of data protection are observed.

Even though these are all valuable measures, we should not be complacent. Instead, the EU should continue striking the right balance between being aware of the threat and taking adequate and proportionate measures, both at European and national levels.

There is no choice to do so due to the international and cross border nature of the threats. The current package is the right step to continue addressing these challenges and to put another building block in place to strengthen the EU's defenses against crime.

Among cross-border crime and the threat posed by international terrorism, the problem of illegal migration increasingly challenges the field of security. Organized immigration crime, like human trafficking, is a high profile issue which poses a considerable threat to the EU.

To tackle the threats of international terrorism, cross-border crime and illegal migration successfully, the EU needs an effective operating data-exchange system. By creating the Schengen Information System (SIS) and the Visa Information System (VIS) the EU aimed to fill the gap in data exchange.

The Schengen Information System (SIS) is a computer-based, police tracing information system that allows the competent authorities in the member states to obtain the tracing information of all contracting parties online. It contributes to the implementation of the provisions on the free movement of persons and to judicial cooperation in criminal matters and police co-operation. SIS has been established by the convention implementing the Schengen agreement which entered into force in 1995. In May 2001 the Council agreed on the necessity to further develop the SIS-system with SIS II by 2006. However, technical difficulties circumvented the entering into force of SIS II within the scheduled timeframe and in September 2006 the Commission announced that it would be technically impossible to complete with the original schedule. After revising the schedule the Commission submitted a revised timetable providing for SIS II to become operational by December 17, 2008.

In 2008, EU immigration services are due to start using a new biometric database called the Visa Information System (VIS). The database will centrally store records of all Schengen visas issued by European consulates, making it possible to cross-check such information automatically for the first time.

VIS will store information, like photographs and fingerprints, of up to 70 million people concerning visas for visits to or transit through the Schengen Area. The VIS Regulation will provide consulates and other competent authorities with information in order to process visa applications and to check visas. The VIS Decision will allow police and law enforcement authorities to consult the data ensuring a high level of data protection. The new database is intended to stop visa shopping, or applying for a visa elsewhere despite rejection by other Schengen countries, and to detect the use of fake passports. The VIS is an excellent example of how intelligent and flexible solutions can deliver significant advantages over those who would threaten the EU's security and those who would violate European visa policy by abusing possibilities for entry.

Quo Vadis Europe?

In order to counter the threats of illegal immigration, international terrorism and cross-border crime these instruments are certainly supportive. The European Union's law enforcement agency, Europol, however, plays an important role in the operational co-operation among Europe's police forces. Europol supports and assists police officers Europe-wide in their fight against drug trafficking, illicit immigration, terrorism, human trafficking, forgery and money laundering to name only a few.

The Maastricht Treaty of February 7, 1992 established Europol, founded as an agency of the so called third and intergovernmental pillar based in The Hague, Netherlands. On the basis of Article K.3 of the Amsterdam Treaty, the Europol Convention was signed by the member states in 1995 but came into force on October 1, 1998. Six years ago, in January 2002, the mandate of Europol was extended to deal with all serious forms of international crime. These are, among others, crimes against life, limb or personal freedom and against property or public goods including fraud, illegal trading and harm to the environment.

Europol's main principle tasks are to facilitate the exchange of information between the Member States and to obtain, collate and analyze information and intelligence. Furthermore Europol's responsibility is to notify the competent authorities of the Member States, without delay, concerning them and any connections identified with criminal offences.

Europol is also supposed to assist member states through advice and research in particular, by the training of members on their competent authorities, organization and equipment of those authorities through facilitating the provision of technical support between the Member States, crime prevention methods, and technical and forensic police methods and investigative procedures. In 2006, Europol helped Spanish and Colombian police, working with the U.S.

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Secret Service, in an operation that ended with the seizure of more than 5 million Euro and 4.3 million US Dollars worth of counterfeit banknotes.

Despite its achievements, Europol only supports and coordinates preventing and combating serious crime affecting two or more Member States, terrorism and forms of crime which affect a common interest covered by an EU-policy.

Since Europol depends on the contribution of the Member States concerning access to their national databases, more instruments in the field of intelligence sharing are necessary.

An efficient European intelligence structure is indispensable for the avoidance of danger. The early acquisition of information, sharing of information, and analysis of information in order to take action in a timely manner to prevent crimes and terrorist attacks in the first place, needs access to various kinds of intelligence. With respect to Europol some Member States are rather reserved in contributing information to and strengthening this agency. But the efficiency of this agency depends on the access and exchange of information. Therefore, just after the attacks on New York and Washington in 2001 the Ministers of Interior and Ministers of Justice of the Member States agreed on intensifying co-operation between the European Intelligence Agencies.

Concerning operational investigations, bilateral co-operation between European Intelligence Agencies is essential as sensitive data and information-often extracted from Intelligence Agency sources'-are being exchanged. Furthermore, common bilateral operations are often carried out as this form of co-operation has proven to be swift and efficient.

Regarding the overall and strategic fight against terrorism, multilateral co-operation

and the work of the committees (EU and G8) are vital. At this level of informal co-operation the exchange and analysis of processed information is used in order to commonly identify possible threats and to subsequently take mutual countermeasures.

However, intelligence sharing does not only take place on a bilateral level. By now the EU has its own instruments for the acquisition of information.

Of particular importance here, was the establishment of the EU Joint Situation Centre (SitCen), a strategic intelligence assessment cell.

SitCen monitors and assesses events and situations worldwide on a 24-hour basis with a focus on potential crisis regions, terrorism, and weapons of mass destruction-proliferation. The SitCen also provides support to the EU High Representative, Special Representatives and other senior officials, as well as for EU crisis management operations.

The SitCen is divided into three units: the Civilian Intelligence Cell (CIC), comprising civilian intelligence analysts working on political and counter-terrorism assessment; the General Operations Unit (GOU), providing 24-hour operational support, research and non-intelligence analysis; and the Communications Unit, handling communications security issues and running the council's communications center (ComCen). This creation of an analytical capacity within the CIC, which became active on February 1, 2005, has been the major aspect of SitCen's development since the attacks of March 11 in Madrid.

As set out in The Hague multi-annual work program, the intention is that SitCen furnishes the council with strategic intelligence-based assessments on counter-terrorism matters. This includes for example, assessments on threats to modes of transport; threats to critical national infrastructure targets in EU member states;

and an assessment of trends in terrorist financing.

In order to maintain a high level of security the European Union and its Member States have done a lot in recent years. As I mentioned before the EU has launched several initiatives to improve police co-operation and intelligence sharing.

However, decisions in this policy area still often require unanimous agreement in the Council of Ministers, making progress slow and difficult. Furthermore, until recently there had been no European network of national databases to improve information and data exchange in the field of international terrorism and cross-border crime. But the ending checks at Europe's internal borders must not enable criminals to flee to another Member State and thereby avoid detection.

Imagine someone stole your car here in Bologna and drove it to Berlin to commit breaking and entering there. Months later your car is found in Vienna. Under former European provisions for police co-operation, it would have been very difficult – if possible at all – to trace this act of crime.

Therefore, co-operation with a smaller number of Member States less than the EU-27 through a narrow network of bi- and multilateral agreements has so far played an important and vital role to improve and overcome paralysis in the field of EU internal security.

Treaty of Prüm

On the initiative of Germany, seven EU Member States (Germany, Austria, Belgium, Spain, France, Luxembourg, and the Netherlands) agreed in May 2005 on cross-border police operation in order to close the gaps in information exchange. In my function as minister of the interior at the time I started to pro-

pose in 2003 closer co-operation in Justice and Home Affairs to my colleagues from Germany's neighboring countries France, Belgium and Luxembourg. The background to my initiative was the fact that transnational crime had increased after the removal of the Iron Curtain at the end of the Cold War and had been made easier by the ending of border controls between the participants of the Schengen Area. Thus closer co-operation among the police forces was necessary.

However, it was a bumpy road until final agreement was achieved and the Treaty of Prüm was signed. Several obstacles had to be overcome and sensitive issues concerning the handling of police power as a core competency of national responsibility had been discussed in numerous expert meetings and during tough negotiations in ministerial meetings. Four expert meetings in Berlin and a second ministerial meeting in Luxembourg in September 2004, led to the official start of the negotiations on what was later called the Treaty of Prüm.

Probably none of you have ever heard the name of the town Prüm, located near the country triangle Germany/Belgium/Luxembourg with some 6,000 inhabitants before 2005. By proposing to sign the Treaty in Prüm, the town where my ancestors had lived and had participated in the Revolution of 1848, I helped the small town gain some publicity in Europe.

The treaty established a simplified data exchange by the creation of a network of national databases and operational co-operation of the police, law-enforcement and immigration authorities. The data exchange system includes mutual online access to DNA, fingerprint, and vehicle registration databases. In case of a match, personal data are only transferred by the respective prosecution authority if a letter of request procedure is followed. An important aspect of the treaty is the comprehensive range of modern data protection regulations. Concerning the data transfer, the Treaty of Prüm sets the highest possible standards in the observance

of fundamental rights.

By establishing enhanced co-operation outside the legal framework of the EU, these countries played the role of precursor with the aim of strengthening the fight against terrorism, cross-border crime and illegal migration. However, so far many more states joined the agreement or have expressed their interest to accede to the treaty. The treaty has meanwhile entered into force in Austria, Spain, Belgium, France, Luxembourg, Finland, Slovenia, Hungary and Germany, while the ratification processes in the Netherlands is complete, and where the treaty will enter into force in May this year. Furthermore, Italy, Portugal, Bulgaria, Romania, Greece, and Sweden have expressed their wish to accede to the Prüm Treaty.

The special value of the Treaty lies in the substantially improved and efficiently organized procedures for the exchange of information. This amounts to a quantum leap in the cross-border sharing of information.

So far, the automatic information exchange has brought about noticeable operational success: By February 2007 data reported that the German authorities matched DNA profiles of open cases against data held by Austrian authorities and found hits in more than 1,500 cases. In this context, over 700 open traces from Germany could be attributed to persons known to the Austrian criminal prosecution authorities. Broken down by types of crimes, 14 hits in homicide or murder cases, 885 hits in theft cases, and 85 hits in robbery or extortion cases have been found. It can be expected that hitherto unsolved cases in Germany and Austria will be closed and the perpetrators brought to justice.

Within the first few months since Austria, Germany, Spain and Luxembourg began checking each other's databases, already more than 3,700 matches have been found, providing new investigations leads. For example, a cross-border DNA

check revealed that two suspects arrested in Austria on charges of breaking and entering had also committed double homicide in Spain.

The Treaty of Prüm enables the rapid exchange of information on terrorist suspects and the travel of violent offenders such as hooligans. This will allow the authorities to prevent violence by hooligans at football matches, for instance, quickly identify and detain known troublemakers, and will give a real boost to the European Football Championship in Austria this summer.

Transposing the Prüm Treaty into the EU's legal framework would also greatly increase operational police co-operation in Europe as the treaty provides for various types of joint operations. Member States' police units responsible for maintaining public order can also assist each other as needed. It will be possible to deploy police officers to other Member States rapidly and flexibly, not only making more efficient use of resources, but also enabling the people of Europe to travel in greater safety, particularly in connection with major international events.

Thus, for example German police officers will be able to provide local support to their Austrian counterparts during the European football event in a few months. That means that they will also have executive powers in the host country and can effectively assist in encountering potential troublemakers.

The drafters of the Treaty sought to further develop European co-operation; thus the Treaty has been designed with its adoption into EU law in mind. The reason is simple: as more countries take part in this process, the number of hits will increase constantly and the participating countries will be able to solve numerous open cases. As step closer to this idea was taken last year under the German Presidency when a political agreement on this issue was reached. The formal adoption however, is still pending. After the adoption the decision needs to be implemented into nation-

al legislations. The general deadline for this transposition into national law is one year after the entering into force of the decision. The hearing in the European Parliament on this council decision will take place next week, on April 10, 2008.

By stepping up cross-border co-operation, particularly in combating terrorism and cross-border crime, incorporating into the framework of the Union, essential parts of the Prüm Treaty dealing with police co-operation and information exchange on DNA-profiles, fingerprints, and vehicle number-plates will pass into EU law.

The Council Decision is designed to improve the exchange of information between authorities responsible for the prevention and investigation of criminal offences. To this end the Decision contains rules in the following areas:

- on the conditions and procedure for the automatic transfer of DNA profiles, dactyloscopic data and certain national vehicle registration data;
- on the conditions for the supply of data in connection with major events with a cross-border dimension;
- on the conditions for the supply of information in order to prevent terrorist offences;
- on the conditions and procedure for stepping up cross-border police co-operation through various measures.

Thus these elements of the Prüm Treaty now become part of the legislative framework of the European Union and will be implemented in all Member States. After this implementation, designated contact points of the law enforcement agencies in the Member States will have mutual access to each other's DNA, fingerprint

and vehicle registration systems. This will provide the foundation for an up-to-date police information network which will make it possible to take effective, Europe-wide action against criminals.

It should be noted that the treaty's extensive data protection provisions which comply with the latest high standards of data protection will be incorporated into EU legislation. Closer police and judicial co-operation in criminal matters will go hand in hand with respect for fundamental rights, especially the right to respect for privacy and to protection of personal data, which will be guaranteed by special data arrangements tailored to the specific nature of different forms of data exchange.

To summarize, transposing the Prüm Treaty into EU law will take police co-operation in Europe to an entirely new level and a great step closer to the aim of improving police co-operation between EU Member States for more efficient and effective action against organized crime as it was envisioned in the Hague Program of November 2004. European police forces were thus able to link cross-border crime evidence from 27 countries in a timely manner, and therefore, become more effective in their struggle against criminal gangs and the danger they pose to our economies and citizens.

The Treaty of Lisbon

The recently adopted Lisbon Treaty, however, could be a major step forward in this respect. The draft Treaty of Lisbon, which shall be ratified by all EU member states within this year and enter into force at the beginning of 2009, is meant to simplify and unify the operations of the European Union. As such what is now known as the European Community is to be fully absorbed into the European Union. If successfully ratified, it could open the door to a new phase of European integration.

One of the most relevant amendments compared to the present regime will be the formal scrapping of the Pillar division. With the entering into force of the Treaty of Lisbon, police and judicial co-operation in criminal matters will be incorporated as a shared competence into the general framework of the treaty. What then will be "the area of freedom, security and justice" will contain all provisions in the field of justice and home affairs.

The direct consequence of this reconstruction will be the expansion of what is – at present – called the Community method to police and judicial co-operation in criminal matters. In doing so, the Reform Treaty will provide a necessary and positive response to the deficiencies and vulnerabilities that characterize the current legal duality of Pillars.

The ordinary legislative procedure (Qualified Majority Voting in the Council and co-decision with the Parliament) will be the rule in this entire policy area, not only for civil justice, asylum, immigration, and visa policies. In contrast to the current state of affairs, the co-decision and Qualified Majority Voting will apply to police and judicial co-operation in criminal matters. This could facilitate the decision-making process considerably in areas where unanimity previously prevailed.

The Commission's right of initiative will be also somewhat strengthened compared to its powers under the current third-pillar rules – although Member States will still have the right to make proposals if one quarter agrees to launch an initiative. So there will be a shared right of initiative between the European Commission and one quarter of the Member States in judicial co-operation in criminal matters, police co-operation, and co-operation between administrative departments. This is a partial exception to the rule that only the Commission shall be entitled to propose EU legislation.

This goes along with a broadening of the legal basis in some areas, especially for asylum and immigration issues, the approximation of criminal law, training for judges, and the powers of Eurojust and Europol. According to the new treaty, structure, operation, field of action and tasks of Europol can be the subject to regulation adopted in accordance with the ordinary legislative procedure.

The task description of Europol will be slightly expanded through the treaty of Lisbon; this expansion was envisioned already in the constitutional treaty. However, in accordance with Article 88, para. 1 TFEU, Europol shall only support and coordinate for preventing and combating serious crime affecting two or more Member States, terrorism, and forms of crime which affect a common interest covered by a EU-policy.

On the policy actors' side, it is clearly recognized that the European Council will define the area of freedom, security and justice strategic guidelines. National parliaments will be given a greater role in monitoring the application of the subsidiary principle in relation to justice and police co-operation in criminal matters. This will respond to the democratic shortcomings that have so far characterized European co-operation on police and judicial co-operation in criminal matters.

In many respects, the price which has been paid for the abolition of the third pillar has been the creation of new exceptions. Unanimity will still be required in the Council in some areas, namely: certain provisions concerning passports and ID cards, family law with trans-border implications, and operational police co-operation (which is not precisely defined in the treaty).

Furthermore there will be the possibility of an emergency brake if one Member State considers that a draft legislative act may affect fundamental aspects of its criminal justice system. In this case the Member State may request the draft to be referred to the European Council and the ordinary legislative procedure will be

temporarily suspended. That mechanism has been created in two specific areas: minimum rules in procedural criminal law and the definition of criminal offences. Similar procedures have been introduced for operational police co-operation and for establishing a European Public Prosecutor. However, if there is no agreement on a directive, nine member states can establish an enhanced co-operation. In the area of police co-operation there is no "emergency brake," mechanism for every single Member State but for a group of nine member states. Regulations also foresee in this area the possibility of enhanced co-operation through notification of Council, Commission, and European Parliament in case of the absence of unanimity in the Council.

It is worrying, however, that the UK and Ireland will also have a full opt-out from all areas of Freedom, Security and Justice Measures with the possibility of opting in on a case-by-case basis, including on judicial and police co-operation in criminal matters.

Provided that the Lisbon Treaty gets ratified this year, coherence of police co-operation in criminal matters at the EU level will definitely be strengthened, making a real contribution to the field of police co-operation inside the EU.

Strengthening police co-operation and intelligence sharing in order to improve security in the EU meets the expectations of EU citizens.

When asked which aspects should be emphasized by the European Union Institutions in the coming years to strengthen the European Union in the future, EU citizens named in a Eurobarometer Poll from November 2007 in first place the fight against crime.

As the world is continuously growing closer together, the exchange of information

between European security agencies is becoming increasingly important and strengthens this security.

In recent years the EU has made solid improvements in co-operation between Member States in the area of security. Member States must work together in this area, especially with the European Union coming ever closer together. While remaining diverse in culture, language and traditions, our unity is based on common values: freedom, democracy, the rule of law, and respect for human rights.

Only through a joint effort by all European citizens, the Member States and the EU institutions, can we be successful in countering current and future threats – there are few, if any, problems we can effectively deal with on our own.

Particularly in our globalized world with rapid travel and communications, a single state cannot tackle the threat of terrorism and cross-border crime on its own. We have to share experience and information, and pool resources in order to provide citizens with a high level of security. The EU is still on the right road; however, it should not stop here. If the EU does not go forward, it goes backwards.

Security is a long-term concern. Terrorists and other criminals seek new technology and adapt it to their plans. Thus, we have to take advantage of technological progress to be more innovative than those who threaten our internal security. The scanning of vehicle registration data, the storage of telecommunication, and the introduction of biometric characteristics in passports are necessary instruments in the prevention of potential threats. In my view, these instruments do not conflict with data protection regulations – passports and identity cards have always included biometric characteristics like a photograph, the specification of the color of eyes, or the height of a person.

Critics speak of an Orwellian society, where citizens are constantly kept under surveillance by “Big Brother.” But the prevention and investigation of crime is in the basic interest of the public in every society. However, some argue that with tightened security measures civil liberties will suffer and that there is an antagonistic relationship between security objectives and civil liberties. But there is no categorical trade-off between freedom and security, rather they are two sides of a coin and indispensably belong together under a legal framework. The aim of the area of Justice, Freedom and Security is to establish the free movement of European Union citizens and non-EU nationals throughout the Union while guaranteeing public security by combating all forms of organized crime and terrorism. With the scrapping of the pillar division in the Treaty of Lisbon, Justice, Freedom and Security policy is no longer divided, but rather emerges in the common area of Freedom, Justice and Security. Furthermore, in the Lisbon Treaty the Charter of Fundamental Rights is given binding effect by the insertion of a phrase conferring on it the same legal value as the Treaties. By making fundamental rights clearer and more visible, the Charter helps to create an area of freedom, security and justice.

To offer its citizens an area of freedom, security and justice without internal borders is one of the fundamental objectives of the European Union.

Of course, in ensuring protection and security we have to find the right balance between the fundamental right to security, and other civil, political, and social rights including privacy and procedural rights. In this respect, liberty and security complement one another in a way that cannot be understood in terms of opposites. Let me finish by quoting the liberal philosopher and diplomat Wilhelm von Humboldt, who championed the competencies of the state in a rather restrictive way – except of one competency: the competency of security, because “without security man is neither able to develop his strengths nor to enjoy the fruits thereof; for there is no freedom without security.”

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