

# European Security Structures and Institutions after the Lisbon Treaty

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*After the Treaty of Lisbon, certain changes have been made to the European Security and Defence Policy (ESDP) as an integral part of the Common Foreign and Security Policy (CFSP). Based on the results achieved so far, member states of the European Union have expressed their wish to take more responsibility in protecting the security of Europe and the whole world, through civilian, police-led or combined action. Europe is also starting to demonstrate its readiness for military action, either independently or in cooperation with NATO. At this point, however, there is no fully organized and complete security and intelligence system at the level of the European Union and it could be stated that the EU is still searching for a common European security and intelligence policy. Each of the three EU umbrella institutions (European Parliament, European Commission and European Council) is comprised with bodies in charge of security-related issues, whose work is purely analytical. Reports related to general threats to the Union and its member states are sent individually by each state and are then put together at the European Council's SITCEN. Unlike bodies within NATO, the EU security and intelligence elements do not act multilaterally. Operational cooperation among member states and accession countries are mostly bilateral.*

**Key words:** European Union, Treaty of Lisbon, security institutions, security and defence policy

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## 1. Introduction

In scientific circles and among the professional public, assessments are often heard suggesting that in the period after the Treaty of Lisbon security and intelligence mechanisms of the EU have not been fully constructed and defined. These assessments indicate the existence of numerous oddities in terms of conception, methodology and organization. In the search for the common European security and intelligence policy, various models of action are being tested within the

EU structures, which rather often include the introduction of certain elements to reorganize newly established institutions and bodies. Within this security and intelligence architecture of the European Union, which has not been completely built yet, there are certain institutions that play a significant role, namely the European Defence Agency (EDA), Joint Situation Centre (SITCEN), Political and Security Committee (PSC), European

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Body for the Enhancement of Judicial Cooperation (EUROJUST) and the European Police Office (EUROPOL). The objective of this report is to present the above institutions, their field of activity and the situation in the period following the Treaty of Lisbon.

## 2. European External Action Service – EEAS or EAS

The person predominantly in charge of the security and intelligence issues within the EU after the Treaty of Lisbon is Baroness Catherine Ashton, High Representative for Foreign Affairs and Security Policy of the EU and First Vice-President of the European Commission. Baroness Ashton heads the *European External Action Service (EEAS or EAS)*<sup>10</sup>. In accordance with her powers, she appoints the Director of the SITCEN, Chair of the PSC and the Chief Executive of the EDA. This makes her the dominant figure in charge of creating Europe's security policy. The Head of Crisis Management Agostino Miozzo, and Special Advisor on Intelligence and Security Matters, Patrice Bergamini also play important roles in this EU intelligence and security structure. Baroness Ashton appointed both.

As a direct consequence of the Treaty of Lisbon, the EEAS has become Europe's central security and intelligence body. Its work is connected with a number of security institutions and some function as part of it. The EEAS started its activity on January 1, 2011. After the foreseen two-year transition period, it will become a fully independent organizational unit within the EU structure. At present, the EEAS staff consists of members of the EU Delegations and national experts' contributions. It currently has some four thousand members (the foreseen full personnel structure of the EEAS is five to six thousand).

The *European Defence Agency (EDA)* is the EU service, situated in Brussels, organizationally located within the European External Action Service (EAS). The EDA was established on June 12, 2004, and it reports to the Council of the European Union. Although the EDA was established back in 2004 and has been functioning since, it was only with the Treaty of Lisbon that it assumed a firmer legal basis and legal personality. In other words, the Treaty of Lisbon marked the

beginning of the EDA's official existence. The position of the EDA Head is held by the High Representative and its Steering Board is composed of defence ministers from all active member states.

All EU member states participate in the Agency's work through their representatives, with the exception of Denmark, which does not wish to be represented by the EU in the matters related to the security and foreign policy. The position of Norway is also specific - although not a member of the EU, it participates in some of the EDA programmes, but has no right to vote. In addition, Great Britain has announced that it will revise its membership within the next two years and make a final decision about whether it will withdraw or remain in the EDA.

The Council of the European Union established the EDA as "professional support to EU member states and the Council in their efforts to improve Europe's defence capability, especially in the field of crisis management and in the area of the European security and defence policy and its future development". This main task defines its following functions: development of defence capability in the field of crisis management, promotion and improvement of European cooperation in armament, improvement of defence technology and industrial basis for the production of European defence equipment competitive on the international market and perfecting research and technology in the field of defence in Europe.

According to available information, the EDA has a staff of 109 and its budget for the year 2010 was 31 million €. The EDA Chief Executive is Ms Claude-France Arnould, appointed to this duty in January 2011 by Baroness Catherine Ashton. It is interesting to note that the position of EDA Chief Executive had been vacant since October 2010, and the word among the "EU circles" was that the appointment of Ms Arnould was blocked by the Italian Government, which wanted to appoint their own representative.

The *Joint Situation Centre (JSC)* or the *SITCEN* is the intelligence body of the European Union. In terms of formation, since the adoption of the Treaty of Lisbon, the SITCEN is also situated within the *European External Action Service - EEAS or EAS*, and is based in Brussels. The SITCEN's primary role is producing notes



and short reports on the current events relevant from the perspective of security and intelligence (the so-called *Flash Reports*), security analyses for the needs of Baroness Ashton's Cabinet and the *Political and Security Committee - PSC*. These reports and analyses are made based on classified information forwarded to the SITCEN by the appropriate member states services and open source information. For this reason, the SITCEN is sometimes also referred to as the Intelligence-sharing Bureau. The reports and analyses mentioned above are made by a team of intelligence analysts delegated to the SITCEN by their own national services. Estimations are that the team consists of about twenty analysts and an increase in number is planned. Within the SITCEN, there is also a sort of a monitoring service in charge of following the media twenty-four hours a day and informing the EU officials on the most important events, two to three times a day via text messages. There is also a team of twelve police and military officers collecting and processing reports from the EU Missions worldwide. According to information, the SITCEN has been joined with the *Commission's Crisis Room*, which follows conflicts around the world based on open source information and reports from the EU Missions throughout the world. Available information indicates that the SITCEN should soon have about 160 members and a yearly budget of about ten to twenty million Euros. Future SITCEN staff should be composed of analysts and operatives from EU member state services, IT experts, scientists in various fields, etc. There is also a possibility for the SITCEN in the future to send its operatives to hotspots (reportedly at present there are none in the SITCEN ) from which they would be able to provide independent assessments, describe the situation and present operational findings directly to the High Representative for Foreign Affairs and Security Policy and her team in Brussels.

The SITCEN originates from a working group of analysts formed in 1999 by High Representative Javier Solana to support the implementation but also shape the so-called 'European Security and Defence Policy'. After the terrorist attacks in the United States on September 11, 2001, the so-called *Counter-Terrorism Group (CTG)* was established within the SITCEN. During 2002, the SITCEN became a kind of forum for the exchange of classified information among the secret services of France, Germany, Italy, Holland, Spain, Sweden

and Great Britain. The SITCEN and the CTG were later joined by members of services from the new member states.

The SITCEN Director is Ilkka Salmi, appointed on December 17, 2010. Prior to his appointment Salmi was the Director of Finland's secret police - *Suojelupoliisin (SUPO)*. Finnish security secret police specializes in counterterrorism, counterintelligence protection and security-related work. Prior to his appointment as SUPO Director, Salmi held different positions in the service, spent a certain period of time as member of the Finnish Parliament, where he was particularly active in the Committee for Foreign Policy and Defence. During 1998, he was a member of the Finnish Mission to the EU and special advisor to Finland's Prime Minister Paavo Lipponen.

Explaining her decision, Baroness Ashton stated that "as a respectable figure in the member states' intelligence circles, Ilkka Salmi would have an important role in building the credibility of EAS in the key fields of its activity, leading the fight against terrorism, proliferation of weapons of mass destruction and other global threats".

Professional circles estimate that the appointment of Mr Salmi from Finland to the position of the head of the SITCEN – the EU's most sensitive body in terms of security - was in fact the result of a compromise.

Future changes in the work of the SITCEN announced by the High Representative, which have been made possible by the Treaty of Lisbon, will include additions to the institution's tasks. Along with its task of making strategic, long-term assessments and analyses (which took weeks to complete), ad-hoc analyses of ongoing events made in real time or with a several hours delay should also be made.

*European Body for the Enhancement of Judicial Cooperation (EUROJUST)* was established pursuant to Council Decision (2002/187/JHA) from February 28, 2002, with the aim of achieving better efficiency in detecting and prosecuting perpetrators of organized criminal activities transcending state boundaries in all member states. EUROJUST is based in The Hague, Holland and its basic objectives include supporting and improving cooperation between member states authorities in the field of investigation and criminal



prosecution, in the field of mutual legal assistance and carrying out extradition requests, efficient investigations and procedure handling. In order to achieve these goals, EUROJUST cooperates with all the relevant agencies thus bringing criminals more quickly to justice. EUROJUST fills this unique role as a new permanent body in the European legal area. It consists of fifteen members - experienced prosecutors and judges appointed by member states.

Apart from the fact that it foresees a concrete inclusion of national parliaments in the political oversight of EUROJUST's work<sup>2</sup>, the Treaty of Lisbon has introduced crucial changes stipulated in Articles 85 and 86 of the Treaty on the Functioning of the European Union (TFEU)<sup>3</sup>, which are related to the future of EUROJUST. Article 85 now opens a possibility for new acts to determine EUROJUST's structure, operation and field of action. Other important novelties for EUROJUST introduced by the Treaty of Lisbon include a qualified majority vote, widening of the authority of the European Court of Justice and strengthening the roles of the European Commission and the European Parliament.

Although the new acts to determine its structure, operation and field of action, are still under consideration, the Treaty of Lisbon clearly outlines the future changes (determination of minimum authority for EUROJUST prosecutors, establishment of the *Emergency Cell for Co-ordination* for crisis management, appointment of judges for liaison with third countries, improvement of information flow between member states and EUROJUST, etc.). The Treaty of Lisbon also widens the scope of EUROJUST's tasks in concrete terms. As opposed to the Council's Decision from 2002, tasking EUROJUST with providing support only to bodies of criminal prosecution, the Treaty of Lisbon expands this to coordinative support to judicial but also investigative bodies (prosecution and investigation)<sup>4</sup>.

The Treaty of Lisbon has also made an addition to Article 86 of the Treaty on the Functioning of the European Union, thus enabling the establishment of the *European Public Prosecutor Office* (EPPO). The Article envisages as follows:

- The Council of the EU may apply a special legislative procedure to establish the EPPO within EUROJUST;
- This has to be achieved unanimously in the

Council with the consent of the European Parliament;

- If the Council is unable to reach a unanimous decision, a group of at least nine member states may request that from the Council of the EU;
- Those member states may also continue to enhance mutual cooperation after informing the Parliament, the Council and the Commission;
- The EPPO shall, in cooperation with EUROPOL, be responsible for investigation, criminal prosecution and bringing to judgement the individuals suspected/accused of offences against the financial interests of the European Union;
- The Office shall carry out its activities in cooperation with the appropriate national courts;
- The regulations determining the establishment of the Office shall also determine the rules related to the performance of its functions;
- The Council of the European Union may, after consulting the Commission and receiving consent from the European Parliament, alter/amend the Decision to extend the powers of the EPPO.

*European Police Office (EUROPOL)* was established with the establishment of the EU, upon the signing of the Treaty on European Union in Maastricht in February 1992 and came into force in November 1993. The establishment of the Europol Drugs Unit (EDU) on 3 January 1994 is considered the beginning of EUROPOL's limited operations and it commenced its full activity in 1999. EUROPOL coordinates police cooperation between member states in the field of prevention and combating international organized crime and terrorism, as well as all other forms of serious offences committed on the territory of two or more member states.

EUROPOL is based in The Hague, the Netherlands, and its main objective is to establish close cooperation between member states in order to efficiently combat organized crime. That especially includes drugs trade, illegal immigration networks, trade in stolen vehicles, human trafficking, child pornography, forging of money and other means of payment, trade in radioactive and nuclear substances, and terrorism.

One of the duties of EUROPOL is to establish and maintain a computer system that enables data storing, utilization and analysis. A special Supervisory Body composed of two experts in the area



of data protection from each member state, monitors the contents and utilization of all personal data held by EUROPOL in order to prevent misuse.

The Treaty of Lisbon has introduced a number of new facts, which have affected EUROPOL's everyday functioning. It introduced a closer parliamentary oversight and judicial control of EUROPOL's work<sup>5</sup>. EUROPOL formally became an agency of the EU. It widened EUROPOL's powers in the field of information collection and its competence in investigating serious offences. It also constrained member states from blocking further widening of EUROPOL's powers. It encouraged further improvement of protection of the information held by EUROPOL<sup>6</sup> and a more active participation of national parliaments in the political oversight of EUROPOL's work. It also encouraged participation of EUROPOL representatives in the work of the Standing Committee on Operational Cooperation on Internal Security (COSI)<sup>7</sup>.

EUROPOL has a Managing Board composed of one representative of each member state. Each member has one vote. The European Commission may attend Managing Board sessions but has no right to vote. Board sessions take place at least two times a year to revise the conducted activities and their future development. EUROPOL reports to the Council. The Council is composed of justice and interior ministers and is responsible for the control and management of EUROPOL's functions. It also appoints its Director and two deputies and adopts the budget. Furthermore, it makes executive decisions necessary for EUROPOL's undisturbed functioning. Each year the Council submits a special report to the Parliament on the work that has been done and on future activities. EUROPOL staff is composed of representatives of national law enforcement agencies, such as the police, customs, immigration services, etc.

*Political and Security Committee (PSC)* is a permanent body of the European Union in charge of the Common Foreign and Security Policy (CFSP), including Common Security and Defence Policy (CSDP). The main objective of the PSC is to monitor the international political and security situation and provide support to other EU bodies in creating the policy in the area of the CFSP and CSDP. The PSC also makes position and opinion drafts for the Foreign Affairs Council, which is a part of the Council of the European

Union. In that sense, the PSC is one of the main users of the information and analyses delivered by the SITCEN. SITCEN's official reports are available to all EU member states through their representatives at the PSC, who meet on a regular basis to analyze security-related issues. The Head of the PSC (one of the most important positions within the EAS) is Ambassador Olof Skoog, appointed to this position by Baroness Ashton on November 18, 2010. Prior to his appointment, Olof Skoog was the Director-General for Political Affairs at the Swedish Foreign Ministry and a close associate of Carl Bildt, the Swedish Foreign Minister.

Apart from the classical security bodies mentioned so far, the Treaty of Lisbon has enabled the existence of a number of other bodies that collect information from open sources and are in a way under the sponsorship of the bodies of the European Union. At the initiative of the European Commission and in cooperation with the Foreign Ministry of the Republic of Hungary, *the Budapest Club* was established in 2007. The Budapest Club gathers intelligence officers from EU member states and experts from the private sector. The purpose of the Club is to encourage an exchange of ideas and OSINT (*Open Sources Intelligence*) between EU institutions and member states in order to support crisis prevention or crisis management. The activities of the Budapest Club include studying and exchanging experiences in browsing the media, blogs and chat programmes used by terrorist and radical groups, *pay-per-view* databases, video recordings from commercial satellites and methods of searching the so-called *deep web* (internet sites that may not be found or opened with popular browsers or tools such as the *Internet Explorer*, *Opera*, *Google*, *Yahoo*, etc.). Eight big working meetings of the Budapest Club have taken place in the past few years - in Budapest, Bucharest, Rome and Brussels. Over 150 experts from fourteen EU member states participated in the last meeting held in mid 2010 in Brussels.

The other EU-sponsored project in the area of OSINT usage is the so-called *Eurosint Forum*. The proclaimed objective of the Forum is to consider EU's policy on the usage of OSINT in the field of security. The Eurosint Forum was founded in 2005 by private companies specializing in services related to intelligence and analysis and secu-



rity-related business. Among the founders of the Eurosint Forum are the European School of Governance, Compagnie Europeenne d'Intelligence Strategique – CEIS, Oxford Analytica, Sail Labs Technology and Jane's Information Group. The Eurosint Forum is managed by a board headed by Gari Owen and the position of its Director General is held by Axel Dyevre. The institution has offices in Brussels, close to the Berlaymont building used by the European Commission. One of Eurosint Forum's significant projects is the development of the *Virtuoso* software, which should enable searching, processing and exchanging OSINT among eleven EU member states participating in the project. The Eurosint Forum organizes several workshops each year for the representatives of EU member states' secret services, EU institutions and private sector experts. In June 2010, for example, the Eurosint Forum organized a working group meeting on technological OSINT solutions for the needs of the European Union.

After the adoption of the Treaty of Lisbon, the institution important for the common foreign and security policy of the EU is the *European Union Institute for Security Studies (EUISS)*, based in Paris. The Institute is the successor of the Institute for Security Studies of the Western European Union (WEU) and its main task is to contribute to the development of the CFSP including the ESDP, by means of research and analysis in relevant fields.

*European Security and Defence College (ESDC)* is the second important educational institution founded in July 2005 to provide training in the area of the European Security and Defence Policy for member states and third countries. Through orientation-related, specialist and high-level courses, the College contributes to the development of a common ESDP culture and security challenges among member states, putting together the means the Europeans already possess in this field.

### 3. Conclusion

After the Treaty of Lisbon, certain progress has been made in the European Security and Defence Policy (ESDP) as an integral part of the Common Foreign and Security Policy (CFSP). Based on the results achieved so far, European Union member states have expressed a wish and demonstrated readiness to take more responsibility in protecting the security of Europe and the world, through civilian, police-led or combined action. In addition, Europe has shown readiness for military action, either independently or in cooperation with NATO. However, although progress in terms of quality has been made in several segments, analyses of the EU's efforts to counter concrete security problems have clearly shown that different countries have different views on security-related problems and crises; depending on how near or far they are from their national territories and depending on possible repercussions in their own back yard.

At this point, after the Treaty of Lisbon, there is no fully organized and complete intelligence and security system at the level of the European Union and it could be stated that the EU is still searching for a common European security and intelligence policy. The European security system is functioning through a number of listed and poorly coordinated institutions and the most important step ahead was made with the appointment of Catherine Ashton to the position of the High Representative for Foreign Affairs and Security Policy. Her appointment enabled the integration of functions in one person that would facilitate efficient management of the security policy. However, looking at the organizations and institutions presented, it is clear that they are not coordinated and they overlap in certain cases. It is also obvious that, even after the Treaty of Lisbon, the process of creating a unified European security policy and its institutions is still at the beginning.



## NOTES

<sup>1</sup> Link to the page containing information on the EEAS structure, scope of activity, management, etc: [http://eeas.europa.eu/background/index\\_en.htm](http://eeas.europa.eu/background/index_en.htm)

<sup>2</sup> As well as that of the EUROPOL.

<sup>3</sup> Pursuant to the Treaty of Lisbon, the former Treaty Establishing the European Community (TEC; Rome, 1957) was renamed to the Treaty on the Functioning of the European Union.

<sup>4</sup> However, the initiative for investigations to be launched by EUROJUST remains limited, as it still depends on information received from national investigative bodies and/or EUROPOL

<sup>5</sup> Closer oversight of the activities but also closer oversight of the budget of EUROPOL by the European Parliament, as well as protection of citizens' rights, which belongs to the scope of work of the European Court of Justice.

<sup>6</sup> EUROPOL has signed an agreement with the SITCEN on mutual exchange of information.

<sup>7</sup> The Treaty of Lisbon has provided a possibility to the Council of the EU to establish the Standing Committee on Operational Cooperation on Internal Security (COSI). COSI's task is to promote and strengthen member states cooperation in the field of internal security. Therefore, the COSI may request assistance from the representatives of EUROJUST and FRONTEX, but also of EUROPOL.

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