



EU Counterterrorism Policies and Institutions After the Lisbon Treaty

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In December 2007, the European Union signed in Lisbon the new Reform Treaty amending the existing European treaties. The treaty, now called the Lisbon Treaty, finally entered into force on 1 December 2009.¹ Almost three years into the post-Lisbon era, this policy brief evaluates the impact of the new treaty in a very specific policy dimension: counterterrorism. This policy brief uniquely offers a comprehensive overview of the treaty's consequences on EU internal and external counterterrorism policies and institutions, based on a series of interviews with EU officials as well as on an extensive review of the literature. As a form of conclusion, this policy brief opens a broader reflection on the need to review the existing European strategies related to terrorism and security more broadly.

Internal Security and Counterterrorism in Europe After the Lisbon Treaty

In the realm of counterterrorism, the Lisbon Treaty had a much bigger impact on the internal dimension compared to the external one. This is mostly due to the so-called depillarization of the EU's competences and to the new powers acquired by the European Commission in the field of justice and home affairs.

Depillarization

The Lisbon Treaty abolished the former pillar structure of the EU, which separated

“community matters” in the hands of the European Commission (first pillar) from intergovernmental matters related to foreign policy (second pillar) and justice and home affairs (third pillar). The latter competence is now shared between the EU and the member states, which has three important consequences.

First, post-Lisbon Treaty, the EU has a greater role to play in matters related to internal security, and the decision-making process is “simplified” and more flexible as decisions are taken according to the “community method,” i.e., a qualified majority vote (QMV) among the member states, as opposed to the unanimity rule used previously.²

Second, the European Parliament now has a greater oversight role on these matters, as well as full codecisional powers. National parliaments have also gained greater powers, for instance, with scrutiny over Europol activities as well as over the Common Security and Defence Policy (CSDP).³ The significance of this evolution cannot be understated, as the European Parliament holds traditionally distinct, sometimes antagonistic views from the Commission and the member states on many issues related to security, fundamental liberties, and the maintenance of a balance between the two. There is therefore a good probability that future EU policies in the field of internal security and thus in counterterrorism will be shaped by this new balance of power between the EU institutions. According to practitioners,

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the new role of the European Parliament has already been well internalized by policymakers, which now pay more attention to the Parliament's views while drafting legislative proposals.⁴

Third, the jurisdiction of the European Court of Justice (ECJ) was extended to cover all freedom, security, and justice issues.⁵ Although the new competence of the ECJ will effectively begin on 30 November 2014 after a five-year transitional period, there is already speculation that the ECJ will have a significant impact on internal and external counterterrorism policies.⁶ Among other things, the ECJ will be able to press reluctant member states to implement measures adopted by the EU, a recurring problem which has been deemed the Achilles' heel of EU counterterrorism measures.⁷ Limits to the ECJ jurisdiction, however, are likely to reduce the possibilities of its oversight role in counterterror legislation. The extrapolation of the "community method" to justice and home affairs matters and more precisely to the QMV rule could actually lead to the opposite of the desired effect, i.e. to a further slowdown of the implementation process.⁸

Freedom, Security, and Justice

Another innovation of the Lisbon Treaty came with the clarification of the general objectives of the EU, as Article 3(2) elevates the concept of an area of freedom, security, and justice (AFSJ) to a core aim of the EU, just after the promotion of "peace, [EU] values and the well-being of its peoples" (Article 3(1)) but before establishing an internal market (Article 3(3)) or a monetary union (Article 3(4)). Article 3(2) states that "[t]he Union shall offer its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime."

This article sets internal security as a fundamental objective of the EU. The concrete objectives of the AFSJ are more explicit than in previous treaties.⁹ According to one practitioner, this article gives a greater sense of purpose to anyone working on EU justice and home affairs issues, as it is now clear that they are working to establish an AFSJ "for the citizens," having therefore an explicit reference to their policies that was allegedly absent earlier.¹⁰

Despite the stated priority of establishing an AFSJ, however, matters related to national security remain exclusively the competence of the member states.¹¹ According to one practitioner, around 90 percent of the counterterrorism activities in Europe take place at the national level, and less than 10 percent take place at the EU level.¹² Despite some interesting innovations, the Lisbon Treaty has not modified this ratio, and the EU remains a marginal actor in counterterrorism activities, internally and externally.

More Actors With More Powers

Within the European Commission, there are now arguably more services dealing with counterterrorism broadly defined. To begin with, the former Directorate-General (DG) for Justice, Liberty and Security was divided in 2010 into two different DGs, each dealing with a different dimension of counterterrorism policies: the DG for Home Affairs and the DG for Justice. Although this evolution was the result of a political choice by European Commission President José Manuel Barroso, it was nonetheless at least partly a decision made in light of the new competences granted by the treaty. In addition, some other DGs have now a role to play in the preparation of counterterrorism policies, internally and externally, such as the DG for Humanitarian Aid and Civil Protection (ECHO).

The Lisbon Treaty has conferred a legal personality to Europol, Eurojust, and Frontex, which can now enter into international agreements. The treaty has slightly broadened the remit of these agencies, for instance, to include the establishment of an “integrated management system for external borders” with clear implications for the activities of Frontex, the border-control agency, with limited impact in the short term, but potentially significant impact in the medium term.¹³ The European Parliament also has consequently received power to scrutinize the activities of these agencies.

The treaty foresees the creation of a European Public Prosecutor’s Office, although unanimity of the member states is still required, as well as the consent of the parliament, to establish this office within Eurojust. In 2010 the Belgian presidency of the EU pushed unsuccessfully for the creation of the prosecutor’s office, meeting strong resistance from some other member states.¹⁴ This office would be tasked to combat crimes affecting the financial interests of the EU and possibly serious crimes having a cross-border dimension.

Last but not least was the creation of a new Standing Committee on Internal Security (COSI) in the Council of the European Union in order to “ensure that operational cooperation on internal security is promoted and strengthened” within the EU (Article 71). COSI gathers representatives from the national security services with a view to coordinate, among other things, “police and customs cooperation, external border protection and judicial cooperation in criminal matters relevant to operational cooperation in the field of internal security.”¹⁵ COSI is widely seen as having a huge potential to improve coordination on internal security. As a new body, however, it still needs to find its marks in the complex EU policymaking constellation.

The Solidarity Clause

One specific innovation of the Lisbon Treaty has enormous potential for the EU’s internal and external policies on counterterrorism: the “solidarity clause.” Article 222 of the treaty states that “[t]he Union and its Member States shall act jointly in a spirit of solidarity if a Member State is the object of a terrorist attack or the victim of a natural or man-made disaster. The Union shall mobilise all the instruments at its disposal, including the military resources made available by the Member States.”

The solidarity clause, which is both “rather ambitious and somewhat vague,”¹⁶ offers many opportunities to the member states in terms of counterterrorism action, both on the prevention side and on the response side. Measures can be taken inside the EU but also outside the EU territory, including with military means.¹⁷ Clearly, however, after the recent experiences of terrorist attacks in Madrid and London, a full-fledged EU response to a terrorist attack against a European member state remains unlikely. The role of the EU in such event is likely to remain limited, if not marginal.¹⁸

External Security and Counterterrorism in Europe After the Lisbon Treaty

Assessing the impact of the Lisbon Treaty on the external dimension of the EU’s counterterrorism institutions and policies requires a subtle distinction between “foreign policy”—here in the sense of the traditional tools available to an actor to conduct its foreign policy (e.g., aid or military action)—and “external dimension”—here in the sense of the external aspects of institutions and policies traditionally internally focused (e.g., exchanges of information related to homeland security).¹⁹

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External Dimension

Changes in the external dimension of counterterrorism policies partly result from the internal changes described in the previous section. To begin, the explicit recognition of the EU's international personality in Article 47 of the Lisbon Treaty is likely to have a "positive impact on the external projection of the AFSJ."²⁰ This unification of the international legal status of the EU simplifies the procedures for concluding international treaties and agreements, as well as the issue of EU representation in international organizations and negotiations, in the sense that EU representatives, regardless their institutional affiliation, now sit in principle behind one single nameplate—"European Union." However, the practice shows that there still remains much uncertainty regarding the EU's international representation, including potentially in some bodies or negotiations related to counterterrorism. Although the EU now has one nameplate, it is indeed not always evident who will sit behind this nameplate, leading to (legal) arguments between the European Commission and the European External Action Service (EEAS), and at times the member states.²¹ Such arguments were probably inevitable, but they must now be resolved swiftly for the EU to build credible international credentials.

Second, in the increasingly globalized world that imposes new kinds of global and transnational threats to the EU, as acknowledged by the *2003 European Security Strategy (ESS)*,²² the high priority given in the treaty to the creation of an AFSJ is likely to translate into a higher level of international activity by the EU and its member states in order to ensure the security of EU citizens.²³ Although the EU will maintain a specific foreign policy, drafted by the newly established EEAS, it is also increasingly likely that the EU will strengthen the external dimension of its

domestic policies. The EU could, for instance, seek more agreements on justice and home affairs issues with third countries on matters related to migration, asylum, or visa, for example. One such instance is the Mutual Legal Assistance agreement concluded with Japan in 2010. The EU could also attempt to conclude more agreements on "information exchange" with third countries, which are highly controversial as they relate to the sensitive debate on data protection. The European Parliament and the European Commission have already clashed over such issues, notably in the context of EU-U.S. agreements.

In addition, the European Commission is likely to multiply and deepen its structural dialogues on domestic issues with various countries (e.g., on countering violent extremism and on diasporas with the United States). In these cases, relevant DGs of the European Commission work in cooperation with the EEAS to enhance internal security via bilateral dialogues with third countries.²⁴

In order to ensure the well-functioning of these various dialogues and agreements, the European services in charge of internal security are expected to strengthen their global footprint, taking full advantage of the provisions foreseen by the Lisbon Treaty and supported by the *Internal Security Strategy (ISS)*,²⁵ but it is yet too early to assess the scope of this trend. There are already justice and home affairs counselors and Europol liaison officers "deployed" in some EU delegations.²⁶ Notably, however, the Lisbon Treaty "does not seek to transform the external AFSJ into an autonomous external policy. The focus is rather on using external powers to achieve (internal) AFSJ objectives and on integrating an AFSJ dimension into other external policies."²⁷

The external dimension of the AFSJ is potentially witnessing two interesting trends: the emergence of a security culture and a new balance between security aspirations and the EU's normative stance. The decision taken by European Commission President José Manuel Barroso to separate justice and home affairs into separate DGs has led to interesting yet unforeseen consequences. On the one hand, the Department for International Affairs, previously responsible for the entire justice and home affairs field, was transferred to the DG for Home Affairs, leaving the DG for Justice without an equivalent structure and apparently showing little interest to develop one, which is not unproblematic.²⁸ On the other hand, the split between justice and home affairs issues is likely to have a significant impact on institutional dynamics. Some insiders already describe what they see as the rise of a “security culture,” as the separation of justice and home affairs issues has created “mental divisions” reinforced at times by explicit orders against the sharing of information with colleagues from the other DG.²⁹ Although this trend should be assessed more carefully, it can be put in parallel with concerns expressed by many scholars that the “freedom” and “justice” aspects of the AFSJ should not be compromised by placing too much emphasis on “security.”³⁰

The second interesting trend, yet to be assessed as well, relates to the new enhanced role of oversight acquired by the European Parliament, together with national parliaments, to scrutinize EU activities in justice and home affairs issues, both inside and outside the EU. Although this new role was already mentioned in the previous section, it also matters in the external dimension. Indeed, the European Parliament now has the power to approve or refuse any international agreement in the field of justice and home affairs. The European Parliament has already used its new power. On 11 February 2010, it opposed the conclusion of the provisional EU-

U.S. Financial Messaging Data Agreement aimed at more effectively following the money related to terrorist activities or groups. This decision might have been historic as it is unusual to oppose a fully agreed international agreement, but it is surely not the last confrontation between the Commission and the Parliament on counterterrorism issues, including in the external dimension, as the European Parliament seeks to reinforce its position in the external action of the EU.³¹

The increased oversight of the European Parliament, which has traditionally acted as a sort of human rights and civil liberties watchdog, and the newly acquired legal force of the Charter of Fundamental Rights of the European Union will undoubtedly have an impact on the external dimension of EU counterterrorism policies. Yet, the European Parliament will have to adapt to its new competences in order to use them effectively, as it will inevitably face a dilemma: the more it pushes for civil liberties and data privacy in a field where European member states are already reluctant to cooperate, the more some of these member states might end up preferring bilateral agreements with third parties to the complex EU system.³² In spite of this dilemma, the changes wrought by the Lisbon Treaty could possibly influence more fundamentally EU counterterrorism foreign policy by establishing a new balance between legitimate security concerns and EU normative foreign policy aspirations,³³ as they are expressed in Article 21 of the treaty.³⁴

Foreign Policy

Although the EU has presented the response to terrorism as one of the key drivers of its foreign policy,³⁵ it has in fact done little in this realm focusing strictly on counterterrorism. The limits of the 2005 EU Counterterrorism Strategy have been largely pointed out by scholars and officials alike.³⁶ Similarly, the 2004 Action Plan was criticized for being too

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narrowly focused on internal security as well as extremely vague. Indeed, it appeared that “the EU will have to solve the world’s problems if it is to truly tackle international terrorism.”³⁷

As opposed to the internal or external dimensions of counterterrorism, where the powers of the EU have been somewhat increased with the Lisbon Treaty, the role of the EU in counterterrorism foreign policy has been traditionally and remains more limited. According to Daniel Keohane, there are three core aspects to the foreign policy dimension of EU counterterrorism *stricto sensu*: promoting UN conventions, dialogues on countering terrorism, and counterterrorism assistance.³⁸ In short, the Lisbon Treaty had no direct impact on these dimensions, but this does not mean that nothing has changed.

The Lisbon Treaty had a subtle impact on the scope and contextualization of the counterterrorism dialogues. Indeed, the EU had initiated high-level political dialogues on counterterrorism issues with third countries prior to the new treaty, notably with the United States, Russia, India, Pakistan, Australia, and Japan. Yet, the Lisbon Treaty can be said to have indirectly affected some of these dialogues because it ignited a new dynamic within the EU to rethink its so-called strategic partnerships with established and emerging powers,³⁹ some of which include a “counterterrorism dimension.”⁴⁰ In addition, the EEAS has replaced the rotating presidency in the driving seat of these dialogues.

The reflection on the strategic partnerships is slowly emerging as a new narrative but also as a new framework for the EU to “punch its weight” on the international stage and, more particularly, with great powers through a more strategic and comprehensive approach. In this context, the development and strengthening of various dialogues on core issues, including security issues such as counterterrorism, comes to be seen as paramount to the EU’s strategic

partnerships. Dialogues on justice and home affairs take a new dimension and become a “central priority” to the EU’s external action within this framework.⁴¹ There are also discussions to deepen and broaden strategic and security dialogues with all strategic partners, as well as discussions to deploy more specialized staff within EU delegations in strategic partner countries, such as justice and home affairs counselors mentioned previously or “defence and security attachés” sent either by the EU or seconded by the member states.⁴² The EU already has two military liaison officers in New York and in Addis Ababa. As a report from the UK House of Lords pointed out, the EU has an interest to “step up its cooperation, however challenging this may be, with other strategically important third countries...in order to mitigate the external risks to the EU’s internal security.”⁴³

Regarding the two other core aspects to the foreign policy dimension—promoting UN conventions and counterterrorism assistance—the Lisbon Treaty had equally little direct impact but some indirect consequences nonetheless. In relation to the UN system, the EU’s legal personality conferred by the new treaty has already led to an upgrade of the EU’s status in the UN General Assembly after intense diplomatic efforts, which should logically strengthen the EU’s voice, including on counterterrorism issues.⁴⁴ The EU also managed successfully to be represented in the Global Counterterrorism Forum, a new informal multilateral forum working in close partnership with the United Nations and focusing on civilian efforts, where it is the sole intergovernmental body. Altogether, the post-Lisbon Treaty EU should be a stronger and more consistent player within the UN system and therefore an even stauncher ally of the UN in countering global terrorism, notably regarding the promotion of the UN counterterrorism strategy and UN counterterrorism conventions.

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In terms of counterterrorism assistance, the EU has been an active but limited player in its region and beyond for several years through its various existing instruments, although this assistance is not without challenges. Four key challenges associated with how the EU prioritizes, mobilizes, and delivers assistance to third countries have been identified: (1) the receptiveness of third countries (willingness and ability to cooperate); (2) the willingness of EU member states to cooperate (willingness of some member states to operate bilaterally rather than through the EU); (3) coordination of EU institutions and delegations (importance of internal dynamics within the European Commission and its relations with other European institutions); and (4) coherence of the international community (cooperation with the UN).⁴⁵

The Commission has generally been reluctant to get involved in counterterrorism issues ever since the ECJ ruled in 2007 that the Commission's funding of a border management project in the Philippines through the Instrument for Stability was illegal. This decision reportedly had a "chilling effect" on the enthusiasm of the Commission and of its delegations to shape or fund counterterrorism activities.⁴⁶

The Lisbon Treaty has not fundamentally changed the EU's instruments for assistance, nor does it bring a single solution to the aforementioned challenges. Yet, it opens some opportunities for improvement, notably through the newly established EEAS, which was precisely intended to make European policies, including counterterrorism measures, more coherent and more consistent. Finally, the new budget for the external instruments (2014–2020) foresees a significant increase for various instruments that have a counterterrorism dimension (e.g., the Instrument for Stability or the Development Cooperation Instrument). It also introduces a "differentiation approach," meaning that some

middle-income countries, including strategic partners Brazil, China, and Mexico, no longer qualify to receive financial assistance under these instruments.⁴⁷

Beyond counterterrorism assistance, the EU can act much more directly and forcefully in the face of terrorism, deploying civilian and military personnel through so-called CSDP missions. Since the early 2000s, the EU has launched more than 20 missions and operations worldwide, from Bosnia and Herzegovina to Somalia and Afghanistan.⁴⁸ Although most of these missions were rather modest in size and scope, they suggest a growing "actorness" of the EU on the global stage. They also offer the possibility for the EU to take action externally to ensure its security and prosperity, including responding to terrorist threats.⁴⁹ A close look at all EU missions, however, suggests that the counterterrorism dimension has been completely absent from most if not all missions' objectives.⁵⁰

The Lisbon Treaty introduces a certain amount of changes related to the CSDP, some of which open interesting perspectives for the future development of a European defense policy.⁵¹ The extent to which these opportunities will be exploited eventually depends on the willingness of the member states. Indeed, decisions related to foreign, security, and defense policies (the Common Foreign and Security Policy [CFSP] and CSDP in Brussels jargon) must still be approved unanimously, meaning in practice that the former second pillar, i.e., CFSP/CSDP, has not really disappeared. The Lisbon Treaty is therefore an evolution but not a revolution for European foreign, security, and defense policies.

Nonetheless, the treaty includes some provisions that could become useful to prioritize and clarify the EU's external action, notably in counterterrorism issues. Article 42 of the Lisbon Treaty complements the range of

missions that may be carried out in the name of the EU.⁵² These missions are joint disarmament operations; humanitarian and rescue tasks; military advice and assistance tasks; conflict prevention and peacekeeping tasks; tasks of combat forces in crisis management, including peace-making; and post-conflict stabilization. Even more specific, Article 43 clearly states that CSDP missions, through the completion of specific tasks, “may contribute to the fight against terrorism, including by supporting third countries in combating terrorism in their territories.”

It is thus possible to imagine a greater European contribution to global counterterrorism efforts through its CSDP missions, relying on a smart combination of civilian and military tools under a single authority, i.e. the High Representative for Foreign Affairs and Security Policy. Yet, the limited political appetite for such missions and the permanent shortage of resources available inherently limit the potential role of the CSDP in EU efforts against terrorism, at least for the foreseeable future. According to Rik Coolsaet, a professor of international politics, “Member States remain genuinely divided over whether the EU should engage ESDP [now CSDP] resources in direct military intervention against terrorist activity.... Since 2004, the CFSP and its defence component the ESDP have not played a major role in European counterterrorism.”⁵³

The Lisbon Treaty, Counterterrorism, and Institutional Innovation

This policy brief has already mentioned a certain amount of institutional change related to the implementation of the Lisbon Treaty, including the increased competencies of the European Parliament and the ECJ, the upgraded status of some EU agencies (e.g., Europol, Eurojust, or Frontex), and the legal

possibility to create a European Public Prosecutor’s Office. The importance of these changes to the fight against terrorism has been emphasized. This section focuses on the most significant institutional innovation of the Lisbon Treaty: the establishment of the EEAS. It discusses as well the future role of the EU Counterterrorism Coordinator (EU CTC).

The European External Action Service

As illustrated in Annex “A,” the EEAS is a sort of foreign ministry bringing together various instruments, services, and agencies dealing with diplomacy, defense, and development (the so-called 3 Ds) under the authority of the High Representative. It was meant to make EU external action more visible, coherent, and consistent, as the system of rotating presidencies (assumed by one member state every six months) had shown clear limitations in the field of foreign policy. The EEAS was meant to be the remedy to the EU’s cacophony.

Concretely, the High Representative “shall conduct” the EU’s common foreign and security policy; and as one of the vice-presidents of the European Commission, he/she “shall ensure the consistency” of the EU’s external action (Article 18). He/she represents the EU on the international stage accordingly and chairs the Foreign Affairs Council (which gathers the 27 foreign affairs ministers). The High Representative has therefore a central role to coordinate simultaneously various EU external policies as well as the foreign policies of the 27 member states. This makes the High Representative responsible for coordinating both the external dimension and the foreign policy dimension of counterterrorism. This task is particularly daunting, not the least because High Representative Catherine Ashton faces resistance from other EU institutions and member states keen to protect their own international prerogatives.

The High Representative is supported by the EEAS, which is an “autonomous body” separate from the European Commission and the Council of the EU. The EEAS absorbed staff from the former DG for External Relations, from the Council’s Secretariat General, and from national diplomatic services. It is divided into geographic and thematic units that are not without logic but risk hampering an integrated and comprehensive policy approach. In other words, “such compartments should not become silos, and ad hoc horizontal joint task forces may have to be established to fill possible gaps.”⁵⁴ Counterterrorism is one obvious issue where coordination is needed between the counterterrorism unit and the various geographic desks, although a similar division already existed prior to the EEAS. The Lisbon Treaty did not clarify how these coordination mechanisms could operate. Nevertheless, two regional strategies recently adopted by the EU suggest that the EEAS is indeed showing progress regarding the integration and coordination of existing policies and instruments, notably in terms of security and development, under a single strategic framework: the EU Strategy for Security and Development in the Sahel, adopted by the Foreign Affairs Council on 21 March 2011;⁵⁵ and the Strategic Framework for the Horn of Africa, adopted by the Foreign Affairs Council on 14 November 2011.⁵⁶

In order to make EU foreign policy more consistent, the Lisbon Treaty foresees that the EEAS will assume from the rotating presidency the chair of various EU Council working groups on foreign and security policies.⁵⁷ Under the previous system, the agenda of each working group was established by the rotating presidency, meaning in practice a variation of priorities over short periods of time. The Lisbon Treaty constituted therefore a major improvement in this regard. Perhaps unsurprisingly, however, work on counterterrorism appears to be an exception;

the CFSP Working Group on Terrorism, gathering representatives from foreign ministries, continues to be chaired by the rotating presidency with the support of the EEAS.⁵⁸ Other working groups on counterterrorism that do not belong to the CFSP, such as the Terrorism Working Group, gathering representatives from interior or justice ministries, remain under the chairmanship of the rotating presidency as well. This institutional exception seems to confirm that counterterrorism activities remain mostly driven by the member states.

Within the EEAS, counterterrorism *stricto sensu* is located in the Conflict Prevention and Security Policy Division of the Global and Multilateral Issues Directorate, “which is tasked with coordinating the response to external threats to the EU and its partners countries, including the external aspects of internal security.”⁵⁹ Yet, clearly the counterterrorism unit can only work in cooperation with the geographic desk, as well as with other relevant services or units, such as the EU Military Staff (EUMS) or the EU Situation Centre (SITCEN).

Some of the agencies and services that have been transferred to the EEAS are particularly relevant to counterterrorism issues. This is the case for EU SITCEN and the EUMS Intelligence Directorate (EUMS INT), both of which were part of the Council’s General Secretariat prior to the Lisbon Treaty. EU SITCEN is a strategic analytical body producing intelligence reports. It has a staff of approximately 80, mostly analysts, divided into seven units, including one dedicated to terrorism. It does not collect intelligence itself but relies on reports from member states, EU delegations, CSDP missions, and open sources. It also receives imagery from the EU Satellite Centre. It produces threat and situation assessments on internal and external security but does not make policy recommendations.

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EUMS INT has a staff of approximately 40, mostly analysts. In close cooperation with EU SITCEN, it produces intelligence for the EEAS, but like EU SITCEN, it does not “own” any intelligence collection capabilities. Although EUMS INT is naturally more military oriented, it looks at threats and risks affecting the security of the EU in a comprehensive way beyond the purely military dimension.

EU SITCEN and EUMS INT are now directly at the service of the High Representative and at the heart of CFSP/CSDP structures. They are the only specific intelligence bodies of the EEAS. Mainly based on the support provided by the member states’ intelligence organizations, they cover the civilian and military dimensions. The cooperation between these two bodies is defined in the Single Intelligence Analysis Capacity, which is an internal EEAS arrangement to bring together intelligence analysis capacity in a single functional arrangement.

The demand for intelligence has allegedly increased and is likely to continue increasing.⁶⁰ Against this background, EU SITCEN and EUMS INT have developed a concept to promote cooperation with all other potential EEAS intelligence actors to include EU delegations and CSDP missions. It is now easier for them, for instance, to request support from the delegations or from CSDP missions, although they can “ask but not task,” or to arrange a fact-finding mission via the delegations.⁶¹ This kind of cooperation is still at an early stage, but it will evolve with time, particularly as EU delegations begin to focus more heavily on political and security issues. In the future, one could envisage that the intelligence support function will play a more prominent role in CSDP missions.

The EU delegations are yet another major institutional innovation of the Lisbon Treaty.

Formerly, the delegations represented the European Commission strictly, and their activities were therefore limited to former first-pillar issues (e.g., trade, finance, development, or education). With the Lisbon Treaty, the delegations have been integrated into the EEAS and upgraded to represent the EU in all its dimensions, including the former second pillar (foreign, security, and defense policies) and the former third pillar (justice and home affairs). The delegations have thus acquired important competencies, some of which relate to counterterrorism in its external and foreign policy dimensions (the roles of justice and home affairs counselors and security attachés were already mentioned). The delegations also act as producers of political and security assessments, which can prove particularly useful to policymakers in Brussels. Finally, EU delegations act as a relay on the ground to implement and monitor EU policies, including counterterrorism ones. In the current phase of transition coupled with budgetary constraints due to the economic crisis, however, the EU delegations remain notoriously understaffed. Member states also complain that the delegations are not yet assuming their full potential.⁶² As a matter of fact, the role of the EU delegations in counterterrorism issues has been very limited to this day, perhaps even more since the 2007 ECJ decision.

The EEAS could benefit from other institutional innovations, such as the Strategic Planning Unit, which reports to the High Representative and could play an interesting role in the identification of new challenges and how to confront them. The unit could also play the necessary coordinating role between and among geographic and thematic desks. The newly created Crisis Response and Operational Coordination Department also has a likely role to play. In light of the multitude of actors dealing with counterterrorism issues just within the EEAS, time will be necessary to oil the process and optimize cooperation and coordination between the various actors.

The EU Counterterrorism Coordinator

The EU CTC, for his part, has not been transferred to the EEAS.⁶³ Instead, he remains within the Council's General Secretariat, in spite of his well-known lack of powers and resources. As a result, he has lost his formal connection to the High Representative, who is no longer Secretary-General of the General Secretariat, although informal contacts survived. This decision surprised most observers because there was an obvious case to make for him in the EEAS.⁶⁴ To a certain extent, it is a visible sign of below-the-radar turf battles and organizational tensions inherent to such major transition as the ones resulting from the Lisbon Treaty. Nonetheless, the unchanged position of the EU CTC appears as a missed opportunity to bring greater coordination at the external level and to avoid duplication with the EEAS counterterrorism unit.

There are some reasons to believe that this decision might not prove so disastrous. First, the role of the EU CTC has an important internal dimension, coordinating policies related to internal security, that would fit oddly within the EEAS structures. Gilles De Kerchove, the incumbent, has indeed focused more on internal coordination than his predecessor, Gijs De Vries. Arguably, the changes brought by the Lisbon Treaty in the field of justice and home affairs, including the resulting separation of the DG for Justice and the DG for Home Affairs, call for even more internal coordination and thus for a continuous or greater involvement of the EU CTC.⁶⁵ Second, in the external dimension, coordination is needed not only within the EEAS, as explained above, but also between all EU institutions dealing with the external and foreign policy dimension of counterterrorism (e.g., in the European Commission, the DG for Home Affairs, and the DG for Justice). Here again, the EU CTC has a possible role to play. Third, as a sort of “free-floating position,” the

EU CTC could act as an interface between the internal and external dimensions of counterterrorism and actively help bridge the gap between internal and external security—two dimensions that remain heavily separated.⁶⁶ Finally, acting from outside the most influential European institutions might prove useful vis-à-vis the member states—the current EU CTC might understand this better than anyone else—as it is partly because of his independence from the European Commission and the EEAS that he receives the ear of the member states.⁶⁷

Counterterrorism After the Lisbon Treaty: Some Broader Reflections

This last section opens a broader debate on the EU's role on counterterrorism issues in the post-Lisbon Treaty context, with an eye on current discussions on the European identity and purpose in challenging times of multipolarity and austerity.

More Versus Less European Union?

Our contemporary era is marked by two sets of conflicting trends: one leading to a greater role for the EU on counterterrorism issues, and the other leading to a more modest role.

On the one hand, the heavy emphasis on counterterrorism that has characterized the first decade of the 21st century seems to be on the decline. Following the death of Osama bin Laden and the military withdrawal from Iraq and Afghanistan and in the absence of a major terrorist attack in Europe or in the United States, the attention of policymakers has gradually shifted from terrorism to other issues, such as the rise of China. Terrorism is now one concern among others. As the threat perception declines significantly in Europe,⁶⁸ there is a risk of a decreasing interest for counterterrorism activities and more particularly for counterterrorism cooperation at the European level, which has developed

“...the unchanged position of the EU CTC appears as a missed opportunity to bring greater coordination at the external level and to avoid duplication with the EEAS counterterrorism unit.”

“The end of the terrorism frenzy and the return to a certain normality is probably a good thing, but only as long as governments and societies learn the right lessons from the past decade and continue to develop more effective means of cooperation, including at the European level, to reduce the risk and the impact of a future terrorist attack.”

historically in reaction to terrorist attacks. In some countries, this trend is already visible, for instance, in some foreign ministries where the counterterrorism units have been reduced, merged with other units, or simply suppressed following strategic reallocation of resources.⁶⁹ De Kerchove, the EU CTC, talks about a “growing sense” of counterterrorism “fatigue.”⁷⁰ The end of the terrorism frenzy and the return to a certain normality is probably a good thing, but only as long as governments and societies learn the right lessons from the past decade and continue to develop more effective means of cooperation, including at the European level, to reduce the risk and the impact of a future terrorist attack.

On the other hand, some countertrends are pushing EU counterterrorism activities in the other direction, toward more coordination and cooperation. The Lisbon Treaty has opened new avenues in this regard, and it is up to the relevant actors to engage further in this avenue. There are some signs that this is taking shape, at least regarding the necessary bridging between internal and external aspects of counterterrorism. Then, well beyond counterterrorism, the economic crisis could be used as an argument for more European integration and rationalization of resources. The case has already been made for more pooling and sharing of resources in various fields, such as defense,⁷¹ diplomacy, or even consular affairs.⁷² There is certainly a similar case to be made with intelligence and counterterrorism. As a matter of fact, the European Parliament has already made the case: in September 2011, a Dutch member of the European Parliament, Sophie in’t Veld, asked for a broad assessment of the effectiveness and efficiency of EU counterterrorism policies on the basis that, “during an economic crisis, it is fair to ask how much we spend, if the money is well spent, and if we have the right priorities.”⁷³ Efforts of rationalization could take many forms (e.g., merging services or competences) and operate

at various levels (member states or European). When it comes to EU counterterrorism efforts, “less [structures, institutions, and agencies] may actually mean more [results].”⁷⁴

The Internal-External Security Nexus

A second reflection in this final section concerns the so-called internal-external security nexus. There is a broad recognition that internal and external security are strongly intertwined. As a 2010 EU report noted, “[M]ost threats to the internal security of the EU either originate outside Europe or have a clear nexus to other parts of the world. All heroin and cocaine consumed in Europe, for example, is trafficked here from a different continent. So, too, in the case of the estimated 900,000 illegal migrants entering the EU each year, while Colombian, Nigerian, Russian, Albanian, Turkish and other non-EU groups have important roles in organized crime activity in the region.”⁷⁵

Efforts to integrate external security concerns in the internal dimension of security go back to the Tampere summit in 1999, which first acknowledged the need for “stronger external action” in the field of justice and home affairs.⁷⁶ An important document was produced in 2005, entitled *Strategy for the External Dimension of JHA: Global Freedom, Security, Justice*, defining geographical and thematic priorities.⁷⁷ *The Stockholm Programme – An Open and Secure Europe Serving and Protecting Citizens*, the most recent five-year work program for internal security, includes a significant 14-page chapter entitled “Europe in a Globalized World – The External Dimension of Freedom, Security and Justice,” which broadens further the geographical scope of action, notably to include the EU’s main strategic partners.⁷⁸ European policies vis-à-vis its neighborhood to the east and to the south are just one illustration of the natural interactions between internal and external policies.⁷⁹

The Stockholm Programme, which called for the elaboration of the *ISS*,⁸⁰ stated explicitly that the latter should “take into account the external security strategy [i.e. the *ESS*] developed” by the EU.⁸¹ Clearly, this recommendation was followed, as there is a substantial overlap between the *ISS* and the *ESS* in terms of thematic priorities, as both documents identify terrorism, serious and organized crime, cybercrime and cybersecurity, and natural and man-made disasters as key challenges and fundamental threats to European security.

On paper, however, the Lisbon Treaty does little to bridge the gap between internal and external security policies. The abolition of the former pillarized structure of the EU is positive for crafting more coherent policies at the EU level. But, this depillarization is only partial in practice, as the shadow of the pillars remains, notably between internal and external policies given that CFSP/CSDP policies maintain separate structures and decision-making processes. Yet, initiatives have seen the light at various levels (between EU and member states, between EU institutions, and within EU institutions) to bridge the internal-external security nexus.⁸²

Under the overall framework of the Stockholm Programme and following an initiative of the rotating presidency under Hungary, the EU Council adopted a “working method for closer cooperation and coordination in the field of EU security.”⁸³ The document proposes to “convene a regular inter-institutional information meeting, once per quarter or when necessary,” between bodies dealing with internal or external security in order to “improve planning and information flow in the field of EU security.” The Political and Security Committee (PSC) and COSI, each body gathering representatives from the 27 member states, would be responsible for coordinating with the relevant bodies dealing, respectively, with external and

internal security. The Permanent Representatives Committee (COREPER), gathering the 27 EU ambassadors, would assume a limited overall coordinating role. A description of potential joint meetings between Council preparatory bodies is reproduced in the table seen in Annex “B.”

In matters related to counterterrorism, the Council of the European Union has adopted specific conclusions to enhance “the links between internal and external aspects” of counterterrorism.⁸⁴ These conclusions will be reviewed in December 2012. Interestingly, this important document was obviously prepared in connection with the “working method” mentioned above, but it was furthermore triggered by other discussions and documents, including the *ESS*, the *ISS*, and the EU Counterterrorism Strategy, as well as the EU’s debate on its strategic partnerships in which counterterrorism considerations “play a crucial role.”⁸⁵ The Council “conclusions on enhancing the links between internal and external aspects” of counterterrorism include many recommendations to foster coordination and cooperation on all dimensions of counterterrorism among various EU institutions. Among the recommendations, we highlight the following.

It calls on the EU CTC “to continue to contribute to ensuring the implementation and evaluation of the EU Counter Terrorism Strategy as well as coordination and coherence between the various policy strands in the implementation of the Strategy, to support, in close cooperation with the Member States, the EEAS and the Commission, coordination and coherence between the EU’s internal and external [counterterrorism] policies, and to foster better communication between” the EU and third countries.

It calls on the member states, the European Commission, and the High Representative “to work together to obtain tangible results on

“All the elements that have been emphasized mean in practice that the ESS and to a certain extent the ISS should be reviewed and updated. New powers granted by a new treaty in a new global context call for new strategies.”

[counterterrorism] capacity building efforts focused on countries and regions that are of particular priority to the EU and to ensure that EU’s internal and external [counterterrorism] priorities are consistent.”

It calls on the High Representative assisted by the EEAS “to ensure that the external aspects of [counterterrorism] are integrated into the overall external policy of the European Union in cooperation with EU Member States, the Commission and the [EU] CTC; to ensure, within the budgetary means, appropriate security policy expertise in general and [counterterrorism] expertise in EU delegations in third countries and regions that are of priority to the EU, such as Afghanistan, Pakistan, Yemen, Central Asia, Southeast Asia, the Horn of Africa, Maghreb and the Sahel, and in particular ensure that EU delegations have the capacity to play an active role in coordinating and delivering assistance in third countries; [and] to arrange that EU delegations coordinate their activities with those of the EU Member States, identifying areas of synergy and overlap.”

The Need for a Strategic Review

The third and ultimate reflection in this section regards strategy. The Lisbon Treaty had a nonnegligible impact on EU security institutions and policies, both internally and externally. As a result, one can wonder whether the European strategies in place are still relevant, particularly in the case of the outdated *ESS*. The *ISS*, on the other hand, was elaborated with a post-Lisbon Treaty mind-set and is therefore more compatible with the new institutional environment.

Having said this, institutional evolution is just one single dimension in the strategic debate. Indeed, one could wonder whether the *ESS* is still fit to the rapidly changing environment. In less than 10 years, it has become obvious that the world has fundamentally changed:⁸⁶ Global

power is shifting away from traditional power centers (from the “West” to the “rest,” but also from nation states to sub- and supranational entities); the definition of power itself has evolved; the global security environment is more complex and less predictable than ever; and our societies are increasingly interdependent. In addition, the economic crisis has affected the global environment in depth, with an impact on global security broadly speaking, on strategic choices, and on global ambitions and perceptions. In Europe, the crisis is particularly pregnant, with heavy consequences on many policies, including strategic ones such as defense.⁸⁷ More fundamentally, the European response to the crisis has triggered debates on the very *raison d’être* of the EU.⁸⁸ How credible are European values such as solidarity if they are not applied at home? How relevant is the European primary purpose of spreading prosperity when there is no prosperity to spread? These are no superficial questions. Yet, another source of concern for Europe is the U.S. strategic reorientation, shifting strategic focus from the Atlantic to the Pacific.⁸⁸ As Europe now enters the “post-American age,” it critically needs to assess the implications of this U.S. withdrawal for Europe’s internal and external security, as well as for Europe’s strategic choices.

All the elements that have been emphasized mean in practice that the *ESS* and to a certain extent the *ISS* should be reviewed and updated. New powers granted by a new treaty in a new global context call for new strategies.

Looking critically at existing documents, one could argue that the *ESS* and the *ISS* were never considered to be real strategies anyway. The *ESS* has been widely criticized for failing to provide overall strategic guidance to the EU’s foreign policy, as the document tells how to do things but is less clear on what to do.⁹⁰ The Lisbon Treaty has provided new foreign policy instruments to the EU, but as recently

noted, “[M]eans only acquire meaning if they serve an end. That, unfortunately, is less evident. The EU lacks clear foreign policy priorities.”⁹¹ Similar criticisms have been voiced regarding the *ISS*, which, according to the UK House of Lords EU Committee, “is hardly a strategy at all.”⁹² For instance, Wyn Rees, a professor of international security, argued that the *ISS* has no “big, underlying vision” and little in the way of a “grand objective.”⁹³

The EU’s counterterrorism strategy has been subject to similar criticisms. Indeed, as one practitioner put it, “[I]t is not terribly well articulated and lots of bits of it are pulling in slightly different directions.”⁹⁴ It was also observed that there is a “lack of prioritization in EU counterterrorism”⁹⁵ notably because the strategy does not indicate which policies are the most important to the EU’s fight against terrorism. Finally, the counterterrorism strategy clearly maintains an “increasingly artificial separation of internal and external security.”⁹⁶

Strategies need to be revised. The consensus is growing in that direction among member states regarding the *ESS*, with few but important exceptions, notably the United Kingdom, but a revision of the *ISS* is unlikely at the moment given its short existence. What is really needed, however, is more than a mere revision of existing documents. The EU needs to better integrate existing strategies, most of which are intimately interconnected but still lack harmonization. So far, most policies continue to be shaped in silos, as if European policies could be completely separated from one another and cut off from broader strategic objectives. Foreign policy makes sense only when it pursues clearly defined interests and promotes common values. Similarly, counterterrorism efforts only make sense when they are included in a broader framework, for counterterrorism is not an end in itself.

In order to set clear foreign policy priorities, a true European security strategy must take into account the various geographic and thematic strategies, such as the *Sahel Strategy*, the *CT Strategy*, or the *WMD Proliferation Strategy*.⁹⁷ A true European security strategy would also take full advantage of existing alliances and strategic partnerships to pursue these priorities. Shaping a coherent and consistent foreign policy is the core purpose of the EEAS; a new strategic document would provide useful guidelines to this new service.

The EU should not merely attempt to harmonize its various external strategies. It should reflect deeper on the nexus between internal and external security and perhaps elaborate an overarching strategy, a document that would come closer to being a true European security strategy beyond geographic and thematic priorities, as well as beyond artificial boundaries between internal and external security.⁹⁸

Conclusion

The Lisbon Treaty had a variable but positive impact on EU internal and external counterterrorism policies, as well as on its institutions. As a result, the EU has become a stronger, more coherent, and more consistent counterterrorism actor at home and abroad. Yet, the Lisbon Treaty must be seen as an evolution, not a revolution. In comparative terms, the EU remains a marginal actor in counterterrorism activities, as the member states remain in charge of the vast majority of European powers and levers in this field. At best, the EU can be seen as a “coordinator” or a “facilitator.”⁹⁹

However marginal, the EU has acquired new tools and legitimacy to play a greater role in counterterrorism activities. The added value of the EU should not be completely overlooked. According to the 2005 counterterrorism

“... the EU counterterrorism policy might still be a “paper tiger,” but it is one with growing teeth.”

The views expressed in this policy brief are those of the author and do not necessarily reflect those of the Center on Global Counterterrorism Cooperation, its staff, or advisory council.

strategy, the EU's added value lies in the four following dimensions: strengthening national capabilities, facilitating European cooperation, developing collective capabilities, and promoting international partnerships. The Lisbon Treaty has certainly reinforced the EU's added value in some of these dimensions, at least partially. Thus, the EU

counterterrorism policy might still be a "paper tiger," but it is one with growing teeth.¹⁰⁰ The problem is that unless a major terrorist attack occurs, "swings in political will and a lack of strategic coherence will remain familiar features."¹⁰¹ The question is not so much whether the tiger has teeth, but rather whether he is able and willing to bite.

Notes

¹ For a consolidated version of the treaties as amended by the Lisbon Treaty, see

<http://www.consilium.europa.eu/treaty-of-lisbon.aspx?lang=en>.

² For information on what areas move to the qualified majority voting/"co-decision" process after Lisbon, which areas were already subject to such process, and which areas remain under unanimity rules, see General Secretariat of the Council of the European Union, *The Lisbon Treaty's Impact of the Justice and Home Affairs (JHA) Council: More Co-Decision and New Working Structures*, December 2009, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/111615.pdf.

³ Maroš Šefčovič, "New Role of National Parliaments Under the Lisbon Treaty," Real Instituto Elcano, 3 November 2010,

http://www.realinstitutoelcano.org/wps/wcm/connect/81382f00448da7f69be79fb769acd8f9/Maros_Sefcovic_rol_e_national_Parliaments_Lisbon_Treaty.pdf?MOD=AJPERES.

⁴ DG for Home Affairs official, interview with author, Brussels, 8 November 2011 (hereinafter DG for Home Affairs official interview); senior DG for Home Affairs official, interview with author, Brussels, 17 November 2011 (hereinafter senior DG for Home Affairs official interview).

⁵ Exceptions include assessing the validity and proportionality of police operations and measures taken in the member states to maintain internal security. Juan Santos Vara, "The External Dimension of the Area of Freedom, Security and Justice in the Lisbon Treaty," *European Journal of Law Reform* 10, no. 4 (2008): 577–597.

⁶ Xiana Barros, "The European Parliament Challenges in Front of the European Court of Justice in the External Dimension of EU Counter-Terrorism" (forthcoming).

⁷ Javier Argomaniz, "Before and After Lisbon: Legal Implementation as the 'Achilles Heel' in EU Counter-Terrorism?" *European Security* 19, no. 2 (June 2010): 297–316.

⁸ *Ibid.*

⁹ See Treaty of Lisbon, art. 67.

¹⁰ Senior DG for Home Affairs official interview.

¹¹ Treaty of Lisbon, art. 4.

¹² Senior DG for Home Affairs official interview.

¹³ Oldrich Bures, *EU Counterterrorism: A Paper Tiger?* (Farnham, UK: Ashgate Publishing, 2011), chaps. 4–5 (on Europol and Eurojust).

¹⁴ Valentina Pop, "Belgian Presidency in Push for EU Prosecutor's Office," *EUobserver*, 22 September 2010.

¹⁵ See EU Council General Secretariat, *Lisbon Treaty's Impact of the Justice and Home Affairs (JHA) Council*.

¹⁶ Jacques Keller-Noellet, "The Solidarity Clause of the Lisbon Treaty's," in *Think Global – Act European: The Contribution of 16 European Think Tanks to the Polish, Danish and Cypriot Trio Presidency of the European Union* (June 2011), p. 329, http://www.notre-europe.eu/uploads/tx_publication/TGAE2011-web_02.pdf. See also Sara Myrdal and Mark Rhinard, "The European Union's Solidarity Clause: Empty Letter or Effective Tool?" *UI Occasional Paper* no. 2 (2010), http://www.sipri.org/research/security/euroatlantic/eu-seminar/documentation/2010_Myrdal%20Rhinard_EU%20Solidarity%20Clause_UIOP.pdf.

¹⁷ In case of a military response, the decision must be taken at unanimity among the member states, whereas in other cases (e.g., judicial or police), a qualified majority suffices.

¹⁸ Hugo Brady, interview with author, Brussels, 18 November 2011 (researcher at the Centre for European Reform) (hereinafter Brady interview).

¹⁹ On the distinction between the "external dimension of counterterrorism" and "foreign policy counterterrorism," see Alexander MacKenzie, "The European Union's Increasing Role in Foreign Policy Counterterrorism," *Journal of Contemporary European Research* 6, no. 2 (2010): 147–163.

²⁰ Vara, "External Dimension of the Area of Freedom, Security and Justice in the Lisbon Treaty."

²¹ Brady interview; EU Council General Secretariat official, interview with author, Brussels, 21 November 2011

(hereinafter EU Council General Secretariat official interview). See also Michael Emerson et al., “Upgrading the EU’s Role as Global Actor: Institutions, Law and the Restructuring of European Diplomacy,” Centre for European Policy Studies (CEPS), January 2011.

²² Council of the European Union, *A Secure Europe in a Better World: European Security Strategy*, 12 December 2003, <http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf> (hereinafter ESS).

²³ See Ramses A. Wessel, Luisa Marin, and Claudio Matera, “The External Dimension of the EU’s Area of Freedom, Security and Justice,” in *Crime Within the Area of Freedom, Security and Justice: A European Public Order*, ed. Christina Eckes and Theodore Konstadinides (Cambridge: Cambridge University Press, 2011), pp. 272–300.

²⁴ DG for Home Affairs official interview.

²⁵ EU Council General Secretariat, *Internal Security Strategy for the European Union: Towards a European Security Model*, March 2010, http://www.consilium.europa.eu/uedocs/cms_data/librairie/PDF/QC3010313ENC.pdf.

²⁶ Justice and home affairs counselors are present in the EU delegations in Washington and in Moscow.

²⁷ Sijbren de Jong, Steven Sterkx, and Jan Wouters, “The EU as a Regional Actor: Terrorism,” *EU-GRASP Working Paper* no. 9 (February 2010), p. 9.

²⁸ DG for Home Affairs official interview; former DG for Home Affairs official, interview with author, Brussels, 22 November 2011.

²⁹ DG for Home Affairs official interview.

³⁰ UK House of Lords European Union Committee, “The EU Internal Security Strategy,” *HL Paper 149* (24 May 2011), p. 14.

³¹ See Florian Trauner, “The Internal-External Security Nexus: More Coherence Under Lisbon?” *ISS Occasional Paper* no. 89 (March 2011).

³² EU Council General Secretariat official interview.

³³ Trauner, “Internal-External Security Nexus.”

³⁴ Article 21 of the Lisbon Treaty:

The Union shall define and pursue common policies and actions, and shall work for a high degree of cooperation in all fields of international relations, in order to:

(a) safeguard its values, fundamental interests, security, independence and integrity;

(b) consolidate and support democracy, the rule of law, human rights and the principles of international law;

(c) preserve peace, prevent conflicts and strengthen international security, in accordance with the purposes and principles of the United Nations Charter, with the principles of the Helsinki Final Act and with the aims of the Charter of Paris, including those relating to external borders;

(d) foster the sustainable economic, social and environmental development of developing countries, with the primary aim of eradicating poverty;

(e) encourage the integration of all countries into the world economy, including through the progressive abolition of restrictions on international trade;

(f) help develop international measures to preserve and improve the quality of the environment and the sustainable management of global natural resources, in order to ensure sustainable development;

(g) assist populations, countries and regions confronting natural or man-made disasters; and

(h) promote an international system based on stronger multilateral cooperation and good global governance.

³⁵ See, for instance, the ESS.

³⁶ Hugo Brady and Daniel Keohane, “Fighting Terrorism: The EU Needs a Strategy Not a Shopping List,” *Centre for European Reform Briefing Note*, October 2005, http://www.cer.org.uk/sites/default/files/publications/attachments/pdf/2011/briefing_terrorism_11oct05-1217.pdf.

³⁷ Daniel Keohane, “The Absent Friend: EU Foreign Policy and Counter-Terrorism,” *Journal of Common Market Studies* 46, no. 1 (2008): 125–146.

³⁸ Ibid.

³⁹ The 10 strategic partners of the EU are Brazil, Canada, China, India, Japan, Mexico, Russia, South Africa, South Korea, and the United States.

⁴⁰ Thomas Renard, “The Treachery of Strategies: A Call for True EU Strategic Partnerships,” *Egmont Paper* no. 45 (2011).

⁴¹ See for instance EU Directorate-General for Home Affairs, “A Strategy for the External Dimension of EU Home Affairs,” 29 July 2011, http://ec.europa.eu/home-affairs/policies/external/external_intro_en.htm.

⁴² Senior European External Action Service (EEAS) official, interview with author, Brussels, 18 November 2011 (hereinafter senior EEAS official 1 interview). See also Toby Vogel, “Ashton on Defensive Over EU’s

Diplomatic Service,” *European Voice*, 5 January 2012.

⁴³ UK House of Lords European Union Committee, “EU Internal Security Strategy,” p. 22.

⁴⁴ BBC, “UN Votes to Give European Union Special Rights,” 3 May 2011, <http://www.bbc.co.uk/news/world-europe-13276053>.

⁴⁵ Peter Wennerholm, Erik Brattberg, and Mark Rhinard, “The EU as a Counter-Terrorism Actor Abroad: Finding Opportunities, Overcoming Constraints,” *EPC Issue Paper* no. 60 (September 2010).

⁴⁶ Erik Brattberg and Mark Rhinard, “The EU as a Global Counter-Terrorism Actor” (forthcoming).

⁴⁷ European Commission, “Strengthening Europe’s Place in the World: An External Budget for 2014–2020 to Respect EU Commitments and Promote Shared Values,” 7 December 2011, <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/11/1510> (press release).

⁴⁸ Giovanni Grevi, Damien Helly, and Daniel Keohane, eds., *European Security and Defence Policy: The First Ten Years (1999–2009)* (Paris: EU Institute for Security Studies, 2009).

⁴⁹ For an official view on the CSDP contribution to counterterrorism, see EU Council General Secretariat, *Conceptual Framework on the ESDP Dimension of the Fight Against Terrorism*, 2004, http://www.consilium.europa.eu/uedocs/cmsUpload/14797Conceptual_Framework_ESDP.pdf.

⁵⁰ Bruno Oliveira Martins and Laura Ferreira-Pereira, “Stepping Inside? CSDP Missions and EU Counter-Terrorism” (forthcoming).

⁵¹ Sven Biscop and Jo Coelmont, *Europe, Strategy and Armed Forces: The Making of a Distinctive Power* (Abingdon, UK: Routledge, 2012).

⁵² Previous to the Lisbon Treaty, the so-called Petersberg tasks were narrower in scope, although in theory the EU’s action was not strictly limited to these missions, i.e., humanitarian and rescue tasks, peacekeeping tasks, and tasks of combat forces in crisis management, including peacemaking. The Lisbon Treaty “institutionalized” missions that had been foreseen by the 2003 ESS.

⁵³ Rik Coolsaet, “EU Counterterrorism Strategy: Value Added or Chimera?” *International Affairs* 86, no. 4 (2010): 871. Prior to the Lisbon Treaty, the CSDP was known as the European Security and Defence Policy (ESDP).

⁵⁴ CEPS, Egmont – Royal Institute for International Relations, and European Policy Centre (EPC), “The Treaty of Lisbon: A Second Look at the Institutional Innovations,” September 2010, p. 153, <http://www.ceps.eu/ceps/download/3736>.

⁵⁵ EU Foreign Affairs Council, *Strategy for Security and Development in the Sahel*, 21 March 2011, http://eeas.europa.eu/africa/docs/sahel_strategy_en.pdf.

⁵⁶ EU Foreign Affairs Council, *Strategic Framework for the Horn of Africa*, 14 November 2011, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/126052.pdf.

⁵⁷ There are more than 20 working groups related to foreign and security policy, gathering representatives from the 27 member states and now chaired by the EEAS, such as COASI on Asian issues and CONUN on UN issues.

⁵⁸ The European Commission, previously represented by the DG for External Relations, is now represented by other relevant DGs depending on the issues addressed.

⁵⁹ Rosa Balfour, Alyson Bailes, and Megan Kenna, “The European External Action Service at Work – How to Improve EU Foreign Policy,” *EPC Issue Paper* no. 67 (January 2012), pp. 31–32.

⁶⁰ Senior EEAS official 1 interview.

⁶¹ Two senior EEAS officials, interview with author, Brussels, 6 December 2011.

⁶² See the letter addressed by 12 member states (Belgium, Estonia, Finland, France, Germany, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, and Sweden) to the High Representative on 8 December 2011.

⁶³ It is not entirely clear whether this decision was imposed on the EU CTC or whether it was a deliberate choice from the EU CTC himself. “It is illustrative that when suggestions were made during the Lisbon negotiations regarding the possibility of moving the post of EU Counter-Terrorism Coordinator from the Council structure into either the EEAS or the Commission’s Directorate-General for Home Affairs, governments chose to leave it where it was – clearly in the service of their own political will.” Balfour, Bailes, and Kenna, “European External Action Service at Work,” p. 30.

⁶⁴ See Hugo Brady, “The EU and Counter-Terrorism: Next Steps,” in *Think Global – Act European: The Contribution of 14 European Think Tanks to the Spanish, Belgian and Hungarian Trio Presidency of the European Union* (March 2010), pp. 117–122, http://www.notre-europe.eu/uploads/tx_publication/TGAE2010--EN.pdf.

⁶⁵ Hugo Brady, on the contrary, argued that the creation of a DG for Home Affairs would “take over the current responsibilities of the counter-terrorism co-ordinator.” Hugo Brady, “Intelligence, Emergencies and Foreign Policy: The EU’s Role in Counter-Terrorism,” *Centre for European Reform Essays*, July 2009, p. 27, http://www.cer.org.uk/sites/default/files/publications/attachments/pdf/2011/essay_912-1267.pdf.

⁶⁶ UK House of Lords European Union Committee, “EU Internal Security Strategy,” p. 29.

- ⁶⁷ Brady interview.
- ⁶⁸ Bures, *EU Counterterrorism*, pp. 39–45.
- ⁶⁹ This was the case in Belgium and in Sweden, notably, in 2011.
- ⁷⁰ EU Council, *EU Counter-Terrorism Strategy – Discussion Paper*, 15359/1/09 REV 1, 26 November 2009, <http://register.consilium.europa.eu/pdf/en/09/st15/st15359-re01.en09.pdf>.
- ⁷¹ Biscop and Coelmont, *Europe, Strategy and Armed Forces*.
- ⁷² Emerson et al., “Upgrading the EU’s Role as Global Actor.”
- ⁷³ Alliance of Liberals and Democrats for Europe, “EU Must Put Counter Terrorism Policies Under Evaluation,” 8 September 2011, <http://www.alde.eu/videos/single-news/article/eu-must-put-counter-terrorism-policies-under-evaluation-37587/>.
- ⁷⁴ Bures, *EU Counterterrorism*, p. 234.
- ⁷⁵ EU Council, *The Joint Report by EUROPOL, EUROJUST and FRONTEX on the State of Internal Security in the EU*, 9359/10, 7 May 2010, <http://www.statewatch.org/news/2010/aug/eu-council-eurojust-europol-frontex-int-sec-9359-10.pdf>.
- ⁷⁶ “Presidency Conclusions: Tampere European Council,” 16 October 1999, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/00200-r1.en9.htm.
- ⁷⁷ EU Council, *A Strategy for the External Dimension of JHA: Global Freedom, Security and Justice*, 14366/3/05 REV 3, 30 November 2005, <http://register.consilium.europa.eu/pdf/en/05/st14/st14366-re03.en05.pdf>.
- ⁷⁸ EU Council, *The Stockholm Programme — An Open and Secure Europe Serving and Protecting Citizens*, 2 December 2009, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:115:0001:0038:en:PDF>.
- ⁷⁹ See for instance EU Council, *Council Conclusions on Cooperation in the Area of Justice and Home Affairs Within the Eastern Partnership*, 13 December 2011, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/126870.pdf. For an academic assessment, see Thierry Balzacq, ed., *The External Dimension of EU Justice and Home Affairs: Neighbours, Governance, Security* (Basingstoke, UK: Palgrave MacMillan, 2009).
- ⁸⁰ The ISS adopted by the EU Council in March 2010 was complemented by another document produced by the European Commission. European Commission, *The EU Internal Security Strategy in Action: Five Steps Towards a More Secure Europe*, COM(2010) 673 final, 22 November 2010, http://ec.europa.eu/commission_2010-2014/malmstrom/archive/internal_security_strategy_in_action_en.pdf.
- ⁸¹ EU Council, *Stockholm Programme*.
- ⁸² See Trauner, “Internal-External Security Nexus.”
- ⁸³ EU Council, *Working Method for Closer Cooperation and Coordination in the Field of EU Security*, 10715/11, 6 June 2011, <http://register.consilium.europa.eu/pdf/en/11/st10/st10715.en11.pdf>.
- ⁸⁴ EU Council, *Council Conclusions on Enhancing the Links Between Internal and External Aspects of Counter-Terrorism*, 10 June 2011, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/122505.pdf.
- ⁸⁵ Ibid.
- ⁸⁶ Thomas Renard and Sven Biscop, eds., *The European Union and Emerging Powers in the 21st Century: How Europe Can Shape a New Global Order* (Farnham, UK: Ashgate Publishing, 2012).
- ⁸⁷ Christian Mölling and Sophie-Charlotte Brune, “The Impact of the Financial Crisis on European Defence,” EU Directorate-General for External Policies, April 2011, <http://www.europarl.europa.eu/document/activities/cont/201106/20110623ATT22404/20110623ATT22404EN.pdf>.
- ⁸⁸ See Janis A. Emmanouilidis, “Europe’s Role in the Twenty-First Century,” in *The European Union and Emerging Powers in the 21st Century: How Europe Can Shape a New Global Order*, ed. Thomas Renard and Sven Biscop (Farnham, UK: Ashgate Publishing, 2012), pp. 83–104; Sven Biscop, “Foreign Policy and the Euro: We Have an Idea,” *Egmont Security Policy Brief* no. 30 (November 2011).
- ⁸⁹ U.S. Department of Defense, *Sustaining U.S. Global Leadership: Priorities for 21st Century Defense*, January 2012, http://www.defense.gov/news/Defense_Strategic_Guidance.pdf.
- ⁹⁰ Biscop and Coelmont, *Europe, Strategy and Armed Forces*.
- ⁹¹ Thomas Renard and Sven Biscop, “Conclusion: From Global Disorder to an Effective Multilateral Order: An Agenda for the EU,” in *The European Union and Emerging Powers in the 21st Century: How Europe Can Shape a New Global Order*, ed. Thomas Renard and Sven Biscop (Farnham, UK: Ashgate Publishing, 2012), pp. 185–198.
- ⁹² UK House of Lords European Union Committee, “EU Internal Security Strategy,” p. 9.
- ⁹³ Ibid.
- ⁹⁴ Bures, *EU Counterterrorism*, p. 72.
- ⁹⁵ Daniel Keohane, “Implementing the EU’s Counter-Terrorism Strategy,” in *International Terrorism: A European Response to a Global Threat?* ed. Dieter Mahncke and Jörg Monar (Brussels: Peter Lang, 2006), p. 65.
- ⁹⁶ Bures, *EU Counterterrorism*, p. 233.

⁹⁷ EU Council, *EU Strategy Against Proliferation of Weapons of Mass Destruction*, 10 December 2003, <http://register.consilium.europa.eu/pdf/en/03/st15/st15708.en03.pdf>.

⁹⁸ This argument bears similarities with but goes beyond existing calls that have been made for a European “grand strategy.” See Sven Biscop, ed., “The Value of Power, the Power of Values: A Call for an EU Grand Strategy,” *Egmont Paper* no. 33 (October 2009).

⁹⁹ Senior DG for Home Affairs official interview.

¹⁰⁰ Bures, *EU Counterterrorism*.

¹⁰¹ Raphael Bossong, “The EU’s Mature Counterterrorism Policy – A Critical Historical and Functional Assessment,” *LSE Challenge Working Paper*, June 2008, p. 22.

Annex B

Understanding the EU's internal-external security coordination mechanisms: Potential joint meetings between Council preparatory Bodies

Country preparatory bodies	EXTERNAL SECURITY	Joint meeting	INTERNAL SECURITY	Council preparatory bodies
Treaty-based preparatory Body	Permanent Representatives Committee (COREPER) PART II			Treaty-based preparatory Body
Treaty-based preparatory Body	Political and Security Committee (PSC)	↔	Standing Committee on Operational Cooperation on Internal Security (COSI)	Treaty-based preparatory body
CSDP preparatory body	Committee on civilian aspects of crisis Management (CIVCOM)	↔	COSI Support Group (COSI SG) concerning mission planning and to prepare PSC-COSI meetings Working Party on Civil Protection (PROCIV) concerning civil protection JAIEX concerning horizontal issues	JHA preparatory bodies
Horizontal CFSP preparatory body	Working Party on Terrorism (International Aspects) (COTER)	↔	Working Party on Terrorism (TWG)	JHA preparatory body
Geographical CFSP preparatory body	Mashreq/Maghreb Working Party (COMAG/MaMa)	↔	JAI-RELEX Working Party (JAIEX)	JHA preparatory body
	Working Party on Eastern Europe and Central Asia (COEST)			
	Working Party on Western Balkans Region (COWEB)			
	Middle East Gulf Working Party (COMEM/MOG)			
	Asia-Oceania Working Party (COASI)			
	Working Party on Latin-America (COLAT)			
	Working Party on Transatlantic Relations (COTRA)			
Africa Working Party (COAFR)				

Source: Working method for closer cooperation and coordination in the field of EU security, 10715/11, Brussels: Council of the European Union, 6 June 2011. Available online: <http://register.consilium.europa.eu/pdf/en/11/st10/st10715.en11.pdf>