



This policy paper is part of a series of six on the priorities of the Netherlands for the EU for 2019-2024

# EU Internal Security

Europe is facing major and complex challenges in the area of internal security: terrorism, cyber related threats and organized crime are ever increasing. Considering the cross-border dimension and effects and impact of these crimes on our citizens, societies and economies, strengthening security is a joint endeavor of the European Union and its Member States. To effectively respond to these challenges a common and comprehensive approach is needed. An approach by which the European Union shows its true added value in facilitating and supporting Member States, whilst respecting their essential state functions including safeguarding national security. By further streamlining the security domain, a more effective and efficient cooperation and comprehensive approach could be fostered. This requires further strengthening and improving the exchange of information and operational cooperation for the years to come, without prejudice to existing legislation and arrangements. Furthermore, it is essential that Member States transpose and apply EU legislation timely and fully, both in their national legislation and in practice.

In the domain of internal security, The Netherlands emphasizes the following top priorities:

1. The **fight against terrorism**. Even though cooperation in this domain has improved in recent years, the Netherlands considers that monitoring and decision-making is currently conducted at many levels, both political and technical. In order to further enhance and provide for a more effective and efficient EU cooperation and decision-making in the domain of internal security, **stronger coordination and cooperation is essential**. Therefore, the Netherlands proposes to launch a **reflection process** with both the European Commission and Member States **on a possible framework for stronger coordination and cooperation in the near future**.
2. In a joint effort with other Member States, the European Commission and other stakeholders, the Netherlands will work on the **next Internal Security Strategy**, that should be **based on risk and threat assessments, upstream disruption, criminal phenomena the EU commonly faces and the needs of the services on the ground**. Pursuing **multidisciplinary cooperation** including administrative authorities and strengthening public private partnerships should be **important cornerstones of the EU security cooperation** as well.
3. Given the priority of security for the European Union, the Netherlands stresses that **a European Commissioner particularly devoted to the security union, including cybersecurity**, should again be appointed. This Commissioner should **bring together all relevant stakeholders and policies in the security domain**.

The EU's internal and external security are closely connected and related, and so should be the priorities in both domains. Therefore, the instruments of the **Common Security and Defense Policy (CSDP) including the military missions** could be used in **tackling threats and challenges across the internal-external nexus**. The Netherlands supports the recently adopted Civilian CSDP Compact, which contains strategic guidelines for the strengthening of civilian CSDP as well as commitments by the Council and the Member States. **Further cooperation among Member States, the Commission and JHA agencies** is important in order to **enhance synergies and coherence**.

### Cross Border Crime

A future-proof EU approach to fight cross-border crime is a priority for the Netherlands. The EU internal security strategy 2015-2020 is of fundamental importance in this respect, providing guidance on amongst others the fight against trafficking in human beings, child sexual abuse and exploitation, illegal trafficking in arms, drug related crimes and money laundering. In view of the upcoming internal security strategy the Netherlands emphasizes:

- The need to *reinforce measures to counter drug production and trafficking in drugs*. These types of crime lead to high criminal profits and criminal investments that threaten our society. This requires a redoubling of the EU's efforts:
  - A common effective EU solution to stop the trafficking of drugs precursors and raw material for those precursors is required in order to tackle the production of and trade in synthetic drugs.
  - EU support for so-called upstream (law enforcement) disruption efforts in source and transit countries regarding drugs and other illicit commodities and services.
  - Increased EU support in protecting vulnerable transport hubs (harbors, airports and air strips) and the vulnerability of certain professions for corruption is required.
  - Further development of crime information cells in Common Security and Defense Policy (CSDP) missions, such as the EUNAVFOR MED Sophia mission.
- In the area of *human trafficking*, the Netherlands considers that a joint effort against criminal organizations in source, transit and destination countries by the EU and its Member States is essential.
- To address *financial and economic related crimes, money laundering and asset recovery* the Netherlands strongly urges measures to enable further intelligence gathering to determine proceeds of crime and assets financed by crime:
  - Strong cooperation with the private sector, such as banks and other financial service providers, is of paramount importance.
  - The actions in the EU Council plan adopted in 2016 to support financial investigations should be embraced in the many EU organized crime measures considering the importance of following the money in fighting organized crime.

### Counterterrorism

Sharing of information and the use of central EU-systems are essential to combat terrorism. Even though information exchange, such as by expanding the role of Europol and central EU databases, has increased significantly in recent years, *only a relatively small number of Member States contribute* for a large part the information that is shared and make most use of the systems and databases. It is of the utmost importance that all Member States are strongly involved in sharing information with and making use of the relevant systems and databases. Furthermore:

- The EU approach to fight radicalization should be further strengthened and terrorist attacks prevented at all cost, amongst others by preventing access to means and information to commit attacks.
- Fighting terrorist content online is a priority as well as full and timely application of the regulation on the marketing and use of explosives precursors.
- The Netherlands calls for a consistent transposition of the directive on firearms.

### Cybersecurity

Considering the recent strides taken by the EU on both the internal and the external Common Foreign Security Policy (CFSP) dimension of cyber policy, the implementation, integration, consolidation and further development of both internal EU legislation and external cyber security policy will remain a priority for the Netherlands. Therefore, the Netherlands:

- Continues to push for further strengthening and professionalizing information exchange in the EU, including by the EU Computer Security Incident Response Team (CSIRT) Network.
- Following the adoption of the Cybersecurity Act, the Netherlands strongly encourages a timely development of effective (mandatory) certification for ICT-products, processes and services.
- Attaches great value, both at EU level and in the Member States, to establishing and strengthening 'coordinated vulnerability disclosure' policies.
- Stresses the need to be able to offer a strong joint EU diplomatic response to cyber operations for which further operationalization of the Cyber Diplomacy Toolbox is crucial.

### Countering foreign interference (hybrid threats)

- EU cooperation to prevent unwanted foreign interference and hybrid threats should be strengthened in order to identify threats and interference at an early stage and be able to respond to it. This includes issues related to economic security.
- Disinformation campaigns, especially those linked to state actors can undermine trust of citizens in national and international institutions. These threats go to the heart of our democratic societies, targeting free and fair elections. The Netherlands calls for a swift European response respecting the competences of both Member States and EU.

- It is of the utmost importance to bring together actions and different domains within the EU. Effectively sharing information and cooperating within the EU and Member States is essential in this respect.

### EU information databases and sharing

- The EU legislative information exchange measures in the area of migration, border management and security, including the interoperability regulations are crucial in order to safeguard our security.
- Correct implementation of these legislative measures is a priority and requires an effective support from the EU to ensure that the envisaged benefits will be realized within the required deadlines.
- The focus should be on the implementation of the abovementioned measures instead of new major initiatives considering the implementation challenges and limited resources Member States are facing.
- The Netherlands is committed to the further development and modernization of the Prüm decisions.

### Criminal justice

The interests of citizens and the actual, real needs of law enforcement and judicial practice should be at the forefront when considering new legislation initiatives at EU-level. The present ways of mutual recognition support a method of cooperation that is essential for effective action when combatting cross border crime. However:

- If practice or jurisprudence shows that improvement and reinforcement of these instruments is indicated, the Netherlands will start from a positive attitude when considering initiatives to that end.
- The balance between interests of law enforcement and respect for fundamental rights needs permanent attention.
- This also concerns detention conditions in Member States. Improvement by Member States themselves, if possible with support of and exchange of best practices with other Member States, is desirable for the purpose of effective cooperation.
- The Netherlands is not in favour and not convinced of the added value of extending the competences of the European Public Prosecutor's Office (EPPO) to cross-border terrorist crimes. The focus should be on establishing the EPPO within the deadlines set by the EPPO regulation.

Considering the cross border and electronic dimension of many crimes, there is a great need for law enforcement authorities to effectively access electronic evidence across borders. Therefore, the European Commission has proposed a regulation and a directive in the field of *E-evidence*:

- The Netherlands supports the swift adoption of these measures provided that there is an appropriate balance between security, data protection, the position of service providers in respect of providing legal certainty and minimizing as much as possible the administrative burden, as well as guaranteeing fundamental rights.
- The Netherlands encourages initiatives to alleviate the situation in which criminal investigations are hampered because of the loss of knowledge of the location of data. In those situations there is no (Member) state and, or, internet service provider to whom police and justice can turn for assistance.

The Netherlands calls on the Commission to conduct a comprehensive study on *data retention* and on the possible solutions in this respect, including the possibility of a legislative initiative, taking into account the necessity of data retention for effective law enforcement and the development of the case law of the European Court of Justice.

### Digitalisation

- The Netherlands is committed to further digitalisation at EU level in the security and judicial domain. The *E-Justice programme*, for which a new strategy and accompanying action plan has been adopted for the period 2019-2023, provides for important guidance in this respect. The Netherlands fully endorses all efforts in this domain and attaches great importance to the adoption of these measures in practice. E-codex is the digital infrastructure for the exchange of case related data for cross-border legal procedures. A legislative proposal and its deployment in the next mandate would *firmly promote e-CODEX*. Also specific funds to set up e-CODEX connections in the Member States would be beneficial. In particular, accelerating and facilitating the exchange of digital evidence is a priority.
- The Netherlands strongly supports the development by the European Commission of an EU framework in the field of *Artificial Intelligence (AI)*. Such a framework should encourage the development and the use of AI technologies for the benefit of a secure Europe, by providing possibilities for research, innovation and operational use, while at the same time addressing all relevant aspects such as transparency of algorithms, accountability, liability, oversight, security impact, protection of personal data and fundamental rights and ethics including the establishment of a framework with minimum standards. Achieving the common European goals might be best pursued by reinforcing the respective strengths that Member States have in the field of AI.