

Internal Security Fund: instrument for financial support for police cooperation, preventing and combating crime, and crisis management 2014-2020

2011/0368(COD) - 15/11/2011 - Legislative proposal

PURPOSE: to establish, as part of the Internal Security Fund, the **instrument for financial support for police cooperation, preventing and combating crime, and crisis management**. This Fund takes over from the Specific Programme ['Prevention of and Fight against Crime'](#) which it repeals.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

BACKGROUND: BACKGROUND: the policies related to the Area of Freedom, Security and Justice have been steadily growing in importance over the last years. These policies are at the heart of the European project to create an area without internal borders where Union citizens and third-country nationals may enter, circulate, live and work.

In the field of Internal Security, key documents such as the [Commission's Communication on the Internal Security Strategy](#) have provided clear guidance on the direction of activities in the years to come.

Internal security is an area where the Union will be facing important challenges. Terrorism and organised crime, drug trafficking, corruption, cyber crime, trafficking in human beings and arms will continue to pose serious threats. Aggregate levels of crime are anticipated to remain stable but the nature of crime is expected to change with criminals using new technologies to commit crimes. Cross-border and organised crime can be expected to increase and become more sophisticated and international in nature. To tackle all these future challenges, enhanced actions at Union level are essential to succeed in protecting the citizens from increasingly trans-national threats and support the operational work carried out by Member States' competent authorities, including through adequate Union funding.

Against this background, the Commission in its proposal on the [next multi-annual financial framework for the period 2014-2020](#), suggested to set up an Internal Security Fund, as part of a **simplified two-Fund structure** for future expenditure in the home affairs area which also includes an [Asylum and Migration Fund](#).

IMPACT ASSESSMENT: in accordance with the greater emphasis placed on evaluation as a tool to inform policy making, this proposal is informed by evaluation results, stakeholder consultation and impact assessment.

Work on the preparation of the future financial instruments for home affairs started in 2010 and continued into 2011. It was completed in July 2011 and brought together available evaluation results for the existing financial instruments and informed the problems, objectives and policy options, including their likely impact, examined in the impact assessment.

On the basis of this [study](#), the Commission drafted an **impact assessment report**. The main conclusion may be summarised as follows:

- to **broaden the scope of action for Union funding in the field of internal security**, including as regards its external dimension,
- to work towards more **simplification of delivery mechanisms and greater flexibility**, notably to respond to emergencies.

In the area of internal security, stakeholders considered that the broad thematic priorities have already been fixed by the 2009 Stockholm Programme and the 2010 Internal Security Strategy. A future **funding mechanism** should therefore be defined comprehensively, comprising law enforcement, border guards and customs communities. The need to make greater use of relevant Union agencies, such as Europol and Frontex was also considered important. There was broad support to reduce the number of financial instruments to a **two-Fund structure** on the condition that this leads to simplification. Stakeholders also agreed on the need for a flexible emergency response mechanism.

LEGAL BASIS: Articles 82(1), 84 and 87(2) of the Treaty on the Functioning of the European Union (TFEU)

The creation of the Internal Security Fund requires the adoption of **two legislative instruments which jointly constitute the Fund**. This overall structure was chosen in light of the Treaty obligations. It is not legally possible to draw up one single comprehensive legislative proposal for an Internal Security Fund, despite the coherence of the policy objectives to be addressed.

The Internal Security Fund is therefore created as a comprehensive financial framework which is composed of **two separate acts**, setting up the different components of the Fund and laying down the objectives, the eligible actions and the envelopes of each component:

- This Regulation setting up, as part of the Fund, the component for police co-operation, preventing and combating crime, and crisis management;
- A [Regulation](#) setting up, as part of the Fund, the border management and common visa policy component.

CONTENT: under this proposal, the Commission proposes to establish the instrument for financial support for police cooperation, preventing and combating crime, and crisis management.

Jointly with the Regulation establishing, as part of the Internal Security Fund, the [instrument for financial support for external borders and visa](#), this Regulation establishes for the period from 1 January 2014 to 31 December 2020 the Internal Security Fund.

General objective: the general objective of the Instrument shall be to contribute to ensuring a high level of security in the European Union. Within the general objective, the Instrument shall contribute to the following specific objectives:

- preventing and combating cross-border, serious and organised crime including terrorism, and reinforcing coordination and cooperation between law enforcement authorities of Member States and with relevant third-countries;
- enhancing the capacity of Member States and the Union for managing effectively security-related risks and crisis, and preparing for and protecting people and critical infrastructure against terrorist attacks and other security related incidents.

To achieve these objectives, the Instrument shall contribute to the following **operational objectives** by promoting and developing:

1. preventing and fighting against cross-border, serious and organised crime;
2. raising the levels of security for citizens and business in cyberspace;
3. preventing terrorism and addressing radicalisation and recruitment;
4. raising capabilities to protect critical infrastructure in all economic sectors; and
5. increasing Europe's resilience to crisis and disaster.

These strategic priorities, which are laid down in more detail in the annex to this Regulation, have to be taken into account by Member States when drafting their **multi-annual national programmes**. They can be amended at any time in a simplified procedure through delegated act in the event of newly emerging risks or threats. Moreover, to provide additional incentives, the EU co-financing rate for national measures implementing any of these Union strategic priorities can be increased up to 90%, in accordance with the Horizontal Regulation,

instead of 75%.

For each of these objectives, key indicators are defined.

Eligible actions: Member States operational capacities, such as joint cross-border operations, exchange of best practices, testing and validating of new methodologies and technologies (to close the gap to Union funded security research), the acquisition of technical equipment and infrastructures, training and exchange of staff, analytical activities such as risk and threat assessments as well as networking.

Emergency assistance and actions in or in relation to third-countries: specific provisions are introduced in this regulation and in the Horizontal Regulation to enable the Union to take rapid and effective actions in the event of any security-related incident or newly emerging threat which has or may have a significant adverse impact on the security of people in one or more Member States (emergency situation). Such emergency assistance is always decided upon by the Commission but can also be proposed by Member States, Union Agencies, International Organisations or the Article 71 committee (COSI) represented by the Member State holding the Presidency of the Council. Emergency assistance is not limited to the Union and may also include measures in or in relation to third countries. Generally the list of actions in or in relation to third-countries eligible under this Regulation focuses on short-term operational actions having a direct impact on the Union's internal security, such as:

- joint cross-border operations,
- the acquisition of technical equipment,
- exchange and training measures,
- threat and risk assessments,
- funding support to awareness-raising and communication activities.

Actions in third-countries are primarily implemented by the Commission through direct or indirect management in accordance with the Financial Regulation. Such actions shall not be directly development oriented and shall complement, as appropriate, the financial assistance provided through the Union's external aid instruments, which remain the main source of funding to help third-countries build their relevant capacities. In implementing such actions, full coherence will be sought with the principles and general objectives of the Union's external action and foreign policy related to the country or region in question. Complementarity will be ensured through enhanced coordination with the European External Action Service and relevant Commission services.

Implementation and use of relevant EU agencies: to use more effectively the competence and expertise of relevant Union agencies in the home affairs field, the Commission also envisages to make use of the possibility offered by the Financial Regulation⁷ to entrust, within the resources available under this regulation, the implementation of specific tasks to such agencies in the framework of their missions and in complementary with their work programmes. For the tasks covered by this Instrument this concerns in

particular the European Police Office (Europol), e.g. for the organisation of joint investigation teams or a Prüm helpdesk function, and the European Training College (Cepol), e.g. for the development and implementation of European Training schemes, common thematic curricula and modules including for staff from law enforcement authorities from appropriate third-countries.

Distribution of available resources: the total amount for this Instrument for the period 2014-2020 consists of two parts:

the Union budget (EUR 1 128 million in current prices);

the – not yet known – contributions by the countries associated with the implementation, application and development of the Schengen acquis (Norway, Iceland, Switzerland, Liechtenstein), which shall participate in this Instrument. From the Member States, Denmark will not participate in this Regulation and Ireland and the UK may opt-in to it, in accordance with their respective Protocols.

The total amount of EUR 1 128 million is evenly divided (50/50 ratio): Member States will obtain an indicative amount of EUR 564 million (in current prices) for their national programmes (shared management) and for Union actions, emergency assistance and technical assistance, the Commission will implement the same indicative amount under direct and indirect management.

The criteria chosen for the allocation of available funds to Member States relate to the main goods that Member States have to protect: their population, their territory, persons and cargo processed through their air and seaports and European critical infrastructure designated in accordance with Union law. As, in this context, account has also been taken of Member States' different financial capacities, their Gross Domestic Product (in inverse proportion) has been added as a fifth allocation criteria.

BUDGETARY IMPLICATION: the Commission's proposal for the [next multi-annual framework](#) includes a proposal of **EUR 4 648 million** (in current prices) for the Internal Security Fund for the period 2014-2020. Within this global envelope, the resources indicatively available for the implementation of this Specific Regulation amount to **EUR 1 128 million**. Indicatively, 50% of this amount (EUR 564 million) should be used for national programmes of Member States while the other 50% (EUR 564 million) should be centrally managed to fund Union actions, emergency actions and technical assistance.

DELEGATED ACTS: in order to supplement or amend provisions in this Instrument regarding the **definition of strategic Union priorities**, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission which should carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.