



Press release: Embargoed until 00:01, Thursday 11 September 2008

New report on EU security policy from *Statewatch*

The Shape of Things to Come

by Tony Bunyan

The EU is currently developing a new five year strategy for justice and home affairs and security policy for 2009-2014. The proposals set out by the shadowy 'Future Group' include a range of extremely controversial measures including techniques and technologies of surveillance and enhanced cooperation with the United States.

A major new report *The Shape of Things to come* (60 pages) examines the proposals of the Future Group and their relation to existing and planned EU policies. It shows how European governments and EU policy-makers are pursuing unfettered powers to access and gather masses of personal data on the everyday life of everyone - on the grounds that we can all be safe and secure from perceived "threats".

But how, asks Tony Bunyan, *Statewatch* Director, "are we to be safe from the state itself, from its uses and abuses of the data they hold on us?"

Privacy swept away by EU's "digital tsunami"

The report shows how the EU Future Group is seeking to harness the power of what it calls the "digital tsunami" - a rather insensitive concept - for the benefit of law enforcement and security agencies. In the words of the EU Council presidency:

Every object the individual uses, every transaction they make and almost everywhere they go will create a detailed digital record. This will generate a wealth of information for public security organisations, and create huge opportunities for more effective and productive public security efforts.

The Shape of Things to come shows how the EU has substituted the concept that data relating to EU citizens should in principle be kept private from state agencies, in favour of the principle that the state should have access to every detail about our private lives. In this scenario, data protection and judicial scrutiny of police surveillance are perceived by the EU as "obstacles" to efficient law enforcement cooperation. The *Statewatch* report calls for a "meaningful and wide-ranging debate" before it is "too late" for privacy and civil liberties.

EU must make up its mind on formal 'Euro-Atlantic area of cooperation'

In a case study of negotiations between the EU and the USA on justice and home affairs issues, *The Shape of Things to come* shows how the two powers are considering the establishment of a formal security cooperation framework from 2014.

The *Statewatch* report also shows how on substantive issues relating to EU-US security cooperation since 11 September 2001, the USA has “got its way” to the detriment of the privacy and protection of data pertaining to EU citizens.

“EU standards have been by-passed or undermined and the USA has steadfastly refused to offer Europeans the equivalent level of privacy protection to US citizens”, says Tony Bunyan.

On the proposal that the EU should tie itself in with the USA across the whole justice and home affairs field, Tony Bunyan argues that “it is hard to think of a greater danger to our privacy and civil liberties”.

“Convergence principle” = “EU state building”

The EU Future Group also calls for the application of the “convergence principle” to policing and law enforcement in the EU. According to the Group, the principle “would apply to all areas where closer relations between Member States are possible: agents, institutions, practices, equipment and legal frameworks”.

While national law enforcement agencies will still continue to work according to their national legal frameworks, those frameworks will increasingly be determined at the EU level, through ‘harmonisation’ or the development of EU institutions and law enforcement agencies.

The Shape of Things to come shows the extent of the consolidation and extension of police powers at the EU level, from mandatory communications data retention to the continued expansion of agencies like the European Police Office (Europol), the EU prosecutions agency (Eurojust), the fledgling EU border police (Frontex) and the planned Standing Committee on Internal Security (COSI).

Before yet more powers over policing and surveillance are *de facto* granted to the EU, suggests Tony Bunyan, “Europe needs to have a meaningful debate about the direction in which the EU is heading and just what this means for civil liberties and privacy”.

The full Analysis: *The Shape of Things to Come* is on:

<http://www.statewatch.org/analyses/the-shape-of-things-to-come.pdf>

Statewatch: Observatory on “The Shape of Things to Come” - the EU Future group:

<http://www.statewatch.org/future-group.htm>

Tony Bunyan is a writer and journalist and has been Director of *Statewatch* since 1991. He is the author of *The Political Police in Britain* (1977), *Secrecy and openness in the EU* (1999) and has edited numerous *Statewatch* publications including *The War on freedom and democracy - Essays in civil liberties in Europe* (2006). He has taken eight successful complaints against the Council of the European Union to the

European Ombudsman on access to documents on behalf of *Statewatch* as well as two successful complaints against the European Commission. In 2001 and 2004 he was selected by the *European Voice* newspaper as one of the 50 most influential people in Europe.

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