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The Lord Roper
Chairman of the European Union Committee
Committee Office
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London SW1A 0PW

Dear Lord Roper,

25 JUL 2011

**EUROPEAN UNION COMMITTEE – SEVENTEENTH REPORT OF
SESSION 2010-12- THE EU INTERNAL SECURITY STRATEGY**

I am writing in response to the European Union Committee's 17th report of session 2010-12, entitled "The EU Internal Security Strategy".

The Government welcomes this report and is pleased the Committee broadly shares our view of the importance of a comprehensive EU security strategy which will serve to enhance and strengthen security across the EU, particularly on what we also view as the five priority areas for Internal Security within the Communication. We concur that none of this can be achieved without solid evidence, cost benefit analyses and full impact assessments.

The attached response details the Government's reactions to the Committee's recommendations on a point by point basis.

The Government welcomes your analysis and looks forward to the eventual debate on your report.

I am copying this letter to Bill Cash, Chair of the Commons European Scrutiny Committee; Jake Vaughan, Clerk to the Lords Committee; Alistair Doherty, Clerk to the Commons Committee; Paul Hardy, Legal Adviser to the Commons Committee; Les Saunders, Cabinet Office and to Deborah Maggs, Departmental Scrutiny Co-ordinator.

Yours sincerely,

JAMES BROKENSHERE

The EU's role in Internal Security: Government response

Conclusion 201: For the purposes of this report we are treating internal security as the ground covered by the Commission Communication, and believe this provides reasonable and pragmatic boundaries for a strategy and for its implementation. (paragraph 16)

Conclusion 202: The security of the United Kingdom does not begin or end at the water's edge, and cannot be defended independently of the security of other States. (paragraph 17)

Conclusion 203: Member States' national security and the EU's internal security are inextricably linked. We do not believe that these proposals intrude upon or threaten Member States' primary responsibility for national security. (paragraph 22)

Response: This Government agrees that the security of the United Kingdom does not begin and end with our borders and that it cannot be defended independently of the security of other States. Organised crime and terrorist plots will in many cases have originated outside of UK borders and illegal migration is inherently a trans-border crime. As such, the EU can play a key role in helping Member States work together to address such threats.

Like the Committee, the Government is content with the priorities set out in the Communication on the Council's Internal Security Strategy and agree that these should be the EU's priorities. We also agree that the proposals in the Communication do not intrude upon Member States' primary responsibility for national security and we will be vigilant to ensure that this remains the case as specific proposals are brought forward.

Conclusion 204: We welcome the Communication as the first pragmatic attempt to articulate a comprehensive approach to the EU's internal security. (paragraph 23)

Conclusion 205: The five objectives proposed in the Communication, while broad and demanding, are sensible, practical and achievable, with the potential to raise standards among Member States and therefore to enhance the EU's security as a whole. All future proposals in this area should be developed on a sound evidential base, with priority given to tackling identifiable threats, and with full impact assessments and cost-benefit analyses. (paragraph 24)

Response: We share the Committee's view that the Communication represents a first, rational attempt on the part of the EU to articulate a comprehensive approach to the internal security of the EU area. We agree that the five areas proposed as EU priorities in the Communication, namely serious and organised crime; terrorism; cybercrime; border security and natural and man-made disasters, are important ones. We believe that the Strategy as a whole provides a useful platform for the Commission, Member States, EU Agencies and others to work together to enhance security across the EU but agree with the Committee that proposals coming forward from it must be underpinned by cost-benefit analyses, impact assessments and sound evidence. We also emphasise that the focus of the ISS must be on improving

existing structures and processes and not on creating new bodies, which is time-consuming and an expensive process.

Conclusion 206: We believe that it is short-sighted of the Government to criticise some Commission proposals solely on the ground that they go beyond what was agreed in the Stockholm Programme or the Internal Security Strategy itself. Achieving internal security is a moving target; over the five years covered by this Communication it may well require action beyond what is envisaged in the Stockholm Programme. Each proposal should be assessed on its merits. (paragraph 26)

Response: We reject the suggestion that the Government is taking a short-sighted view. We agree that each proposal must be assessed on its merits against clear evidence of need. However, the Stockholm Programme was established as the basis for JHA work over the 5 year period it covers and remains the starting point for any assessment. When this Government states that it does not want the remit of the ISS to extend beyond the Stockholm Programme, we seek to underline the importance of not reinventing the wheel with each new strategy that comes along. Furthermore, in a time of austerity it is critical to query the costs involved in new proposals, and ensuring that those proposals fall within the scope of the Stockholm Programme is key to managing the national and the EU justice and home affairs budget.

Implementing the Strategy

Conclusion 243: We note the Government's emphasis on practical cooperation, but do not believe that this should exclude further EU legislation if that should prove necessary. We reiterate the importance of adopting a flexible approach in order to respond in an effective manner to unforeseen events raising issues of internal security. (paragraph 169)

Response: The ambition of the ISS is to establish a 'European Security Model'. This Government believes that such a model should be built upon a coherent and co-ordinated approach to strengthening EU internal security through increased practical cooperation and sharing of best practice rather than harmonising Member States laws or practices.

Fundamental Rights

Conclusion 207: Enhancing security while at the same time safeguarding fundamental rights is best done by careful scrutiny of the individual legislative proposals as they are brought forward, to see whether too much freedom is being sacrificed to achieve a high a degree of security. The European and national Parliaments have an important role to play. (paragraph 37)

Response: Assessing individual legislative proposals on their merits is at the heart of the Government's operation of the opt-in. We are intent on defending security and civil liberties so that Government infringes less on people's freedoms whilst providing the public with effective protection from terrorism and crime. Our experience is that both security and privacy are possible and we must resist attempts to trade one off

against the other. Given the number of data-related dossiers over the coming year which will impact upon security, and given the need to tackle threats to security while at the same time protecting civil liberties, we would have liked to see these issues addressed more directly in the Communication.

We agree that in discharging its first duty, to protect its citizens, Governments must be careful not to sacrifice fundamental freedoms and civil liberties. We acknowledge that national Parliaments have an important role to play in scrutinising legislation, and that the role of European Parliament has been substantially enhanced by the Lisbon Treaty.

Conclusion 208: We look forward to considering the Commission's proposal for a comprehensive data protection framework when it is published later this year. However there is already some risk that the Council and the Government will pursue a line which could result in different principles governing different measures. (paragraph 40)

Response: The Government believes that the Commission's proposals for a new data protection legislative framework should be underpinned by the values of privacy, safety and freedom. The Government believes that any revision of the data protection framework must cater for the operational requirements of law enforcement bodies, given the distinctive nature of law enforcement work. Furthermore, the Government believes there may be some measures where additional sector specific safeguards are necessary, for example, covering the processing of Passenger Name Record data.

European External Action Service

Conclusion 209: We urge the Commissioner for Home Affairs and the High Representative for Foreign Affairs and Security Policy to work closely together to ensure the close alignment of internal and external security. We believe that structures to ensure that alignment is made a practical reality should be established urgently. (paragraph 49)

Response: Whilst welcoming close working between the Commissioner for Home Affairs and the High representative for Foreign Affairs and Security Policy, the Government believes that greater alignment is possible without establishing new structures. Council Conclusions agreed at the JHA Council in June recognised the importance of working together on the internal and external aspects of counter-terrorism. Effective coordination between all relevant actors of the EU's counter-terrorism (CT) policy including EU Member States, the Council, the High Representative assisted by the EEAS, the Commission and the Counter-Terrorism Coordinator (CTC) is crucial. The EEAS and Commission should work to ensure that priorities related to external and internal security are aligned, and to present appropriate policies to that end. The Council Conclusions oblige the EEAS and Commission to present a review of their progress on this issue in 18 months time.

Conclusion 210: COSI and the Political and Security Committee should hold regular joint meetings on a similar basis. (paragraph 50)

Response: The Standing Committee on Operational Cooperation on Internal Security (COSI) and the Political and Security Committee (PSC) met informally on 1 June 2011. We understand a further joint meeting is planned for the Polish Presidency. This Government would strongly favour an informal mechanism that facilitated the regular exchange of information on issues of mutual interest to COSI and the PSC.

Conclusion 211: We welcome the appointment of JHA staff to work in some overseas EU missions, and hope that this will be extended so that the EEAS may become an effective means of achieving good cooperation between those responsible for the EU's internal and external security. (paragraph 51)

Response: As the European External Action Service builds appropriate JHA expertise, the Government agrees that it will have an important role to play in increasing cooperation between those responsible for the EU's internal and external security. Council Conclusions agreed at the JHA Council in June sought to ensure, within budgetary means, appropriate security policy expertise in general and CT 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 to ensure that EU delegations have the capacity to play an active role in coordinating and delivering assistance in third countries.

Conclusion 212: We welcome the recent appointment of the new director of SitCen. We hope that it will continue to develop a wider security assessment role within the new EEAS structure, and will make an effective input to internal security threat assessments. (paragraph 52)

Response: The Government also welcomes the new Director SitCen's appointment. Although now a part of the European External Action Service, SitCen has a role in providing assessments on both the internal and external aspects of CT. We are pleased that this role has been recognised in recent Council Conclusions (*Ref: EUCO 23/11*).

Relations with the United Nations and NATO

Conclusion 213: Vigorous engagement by the EU with the international community on security matters is crucial in order to tackle new and developing security threats. The EU should use its negotiating weight to influence the agenda accordingly. (paragraph 56)

Response: The EU can help tackle new and developing security threats by engaging effectively with its international partners, whilst fully respecting Member States sole responsibility for national security which is recognised in the Treaties. For example, the Government supports the EU's close relationship with the UN on security issues, including through biennial summits to discuss counter-terrorism issues and support for the UN Global Counter Terrorism Strategy.

Conclusion 214: We have repeatedly urged that relations between the EU and NATO should be improved and developed. The current situation should not be allowed to continue. The Government, as a major actor in NATO, must take urgent steps to improve cooperation. (paragraph 57)

Response: The Government agrees that co-operation and co-ordination between the EU and NATO can be improved and developed. We have taken the lead in working within both the EU and NATO to progress relations at a working and operational level. At UK initiative, the Foreign Secretary in May 2011 wrote to the High Representative for Foreign Affairs and NATO Secretary General Rasmussen to urge greater progress, including in new fields of co-operation such as CBRN and cyber security. We have pressed the High Representative and the NATO Secretary General to encourage further information sharing between both organisations, and we continue to encourage increased co-ordination in all areas between the EU and NATO on the ground, including and especially in Afghanistan.

Relations with strategically important third countries

Conclusion 215: We note the continuing importance of EU-US cooperation on security matters, but believe that the EU should also step up its cooperation, however challenging this may be, with other strategically important third countries such as Russia, China, Turkey and Pakistan in order to mitigate the external risks to the EU's internal security. (paragraph 64)

Response: The Government welcomes the Internal Security Strategy's focus on the external dimension of security and the EU has already committed to improving its security cooperation with a wide range of priority third countries. There is already significant EU funding available to support security-related capacity building where such efforts add value to the bilateral activity of Member States. For example, the UK leads a €6 million EU police training project with China. China's economic weight and global interests make it a key player in a wide range of international security issues. We support structured and sustained EU engagement encouraging China to play a responsible and constructive international role.

The Russia-EU Permanent Partnership Council on Freedom, Security and Justice, took place on 19 May 2011. Amongst other issues, the participants emphasized the importance of continued cooperation between the Russian border guard service and Frontex; discussed the EU and Russian strategies to fight against the drugs originating from Afghanistan; supported the idea to develop contacts between the Russian and the EU competent authorities on a wide range of anti-terrorism issues; and welcomed the outcome of the second round of negotiations between Russia and Europol on a strategic and operational cooperation agreement. The EU regularly discusses wider security issues with Russia. At the EU-Russia Summit (9-10 June), international and regional security issues will be discussed including the fight against terrorism and developments in North Africa, the Middle East and the Common Neighbourhood (Georgia, Nagorno Karabakh and Transnistria).

The EU holds regular political dialogues with Pakistan. The EU has drafted a 5-year engagement plan which seeks to encompass its approach to Pakistan as a whole. Security objectives include: strengthening rule of law, strengthening cooperation on

security and strategic stability, developing cooperation on non-proliferation and disarmament, developing cooperation in the fight against organised crime and reinforcing the fight against drugs. The EU has signed a Readmission Agreement with Pakistan that came into force on 1 December 2010, which the UK is party to. This sets out provisions for the identification, documentation and return of individuals from Pakistan who have illegally entered or illegally remain in the territory of an EU Member State.

The meeting of the EU-Turkey Association Council on 19 April 2011 discussed, inter alia, a number of security-related subjects. The EU emphasised that sustained efforts are required in areas such as judicial cooperation in criminal and civil matters and external borders, and emphasised the importance of the effective implementation of the strategy against organised crime. Having noted that Turkey has become more active in its wider neighbourhood and is an important regional player, the EU encouraged Turkey to develop its foreign policy as a complement to and in coordination with the EU, and to progressively align with EU policies and positions. In this regard, the EU stands ready to intensify its existing dialogue with Turkey on foreign policy issues of mutual interest including recent developments in North Africa and the Middle East. The EEAS chaired the EU-Turkey Political Dialogue on 21 June.

Conclusion 216: We welcome the endorsement by the Council of a readmission agreement with Turkey, but regret the delay in its implementation. We also regret that the Government have decided not to participate in the Decision authorising negotiation of a readmission agreement with Belarus. (paragraph 65)

Response: Given the high level of transit migration through Turkey to the EU, cooperation on migration is important. We welcome the conclusion of negotiations regarding the EU-Turkey Readmission Agreement, and agree that timely implementation is important. We did not consider that the Belarus readmission agreement would deliver clear benefits for the UK. Returns numbers to Belarus are small and we do not have any re-documentation problems which an EU readmission agreement would help address. Participation in the readmission agreement would not add any administrative value to the UK returns effort and would be outweighed by the administrative effort in terms of time, costs and resources to take negotiations forward.

Serious & Organised Crime

Conclusion 217: We welcome the establishment of the organised crime “policy cycle” by the Council and commend SOCA’s positive engagement with COSI on organised crime matters. (paragraph 70)

Response: We welcome the Committee's conclusion on the establishment of the EU Policy Cycle for serious and organised international crime and its recognition of SOCA's ongoing engagement with COSI in organised crime matters. We would like to see more senior law enforcement representation at the COSI alongside Member States' policy officials to encourage a stronger operational focus. We see this as important to ensure effective delivery of operational initiatives in the

framework of the EU policy cycle and in line with the ISS, to support the coordination of a collective response to the threat of organised crime.

Money Laundering

Conclusion 219: The Government's continuing failure to ratify the Warsaw Convention on Money Laundering and Terrorist Financing is inexcusable. We repeat our view that this prevarication sends out a negative message about the Government's commitment to this important matter. We again urge the Government to sign and ratify the Warsaw Convention without further delay. (paragraph 74)

Response: The UK already has robust legislation and other measures in place to combat money laundering, terrorist financing and to seize and confiscate the proceeds of crime. Indeed, the UK is essentially compliant with, and largely goes beyond the minimal requirements of, the Warsaw Convention. The UK is also widely seen by international counterparts as having a strong anti-money laundering regime with effective international cooperation between law enforcement agencies under existing legislation.

Confiscation of Criminal Assets

Conclusion 220: The establishment of functioning Asset Recovery Offices in each Member State should be given a higher priority before the conferral of additional functions is considered. (paragraph 76)

Response: This Government concurs with the Committee on the importance of establishing functioning Asset Recovery Offices (AROs) in all Member States. This reflects the need to mainstream both asset recovery and financial investigation so they are seen throughout law enforcement as a core part of business. We believe the powers needed by the AROs and law enforcement to function more effectively are already there but need to be operationally recognised and better utilised. While a general strengthening of and coordination between AROs is important, we do not think new legislation to increase their powers is necessarily the most effective solution. We do however welcome the Strategy's focus on confiscating criminal assets in general and for highlighting the deficiencies of AROs in many Member States.

Joint Investigation Teams

Conclusion 221: We share the Government's enthusiasm for the work of Joint Investigation Teams and support the greater use of this tool in the fight against cross-border organised crime. (paragraph 79)

Response: We welcome the Committee's views on the greater use of Joint Investigation Teams (JITs) as a tool in the fight against cross-border organised crime. It is vital in this current financial climate that we work flexibly and more closely with Member States where relevant and where possible- JITs can provide a useful mechanism for supporting such international, operational engagement. We also welcome Eurojust and Europol's ongoing engagement in supporting the establishment and operation of JITs

Counter Terrorism

Conclusion 222: We commend the work of the Counter-Terrorism Coordinator but believe that his role needs to be clarified and reviewed following the entry into force of the Treaty of Lisbon. In the meantime, we believe that he could play a useful role as a bridge between the internal and external aspects of terrorism. (paragraph 84)

Response: We agree with the Committee that the EU CT Coordinator has proven adept at identifying gaps in EU engagement on CT questions, and initiating efforts to plug these gaps and improve coordination. The value he has added to the EU's CT external engagement is something that should be capitalised upon. We recognise that the role has yet to be formally reviewed in the context of post-Lisbon structures. In the meantime, Council Conclusions which were recently agreed at the Justice and Home Affairs Council assign clear tasks on the EU CT Coordinator in the context of internal and external aspects of terrorism.

Conclusion 223: The proposal to establish an EU radicalisation-awareness network will be a positive step if its functions are clear and well-defined. However we believe that Member States should continue to have the primary role in this area. We are less convinced that production by the Commission of a "handbook of actions and experiences" would either be practical or add value. (paragraph 90)

Response: We welcome initiatives to share experience with our EU counterparts but believe that preventing radicalisation is only one aspect of work to tackle terrorism. We agree that initiatives taken forward as part of this work should not duplicate existing work at a bilateral level without adding value. In particular, we share the Committee's concerns about the production by the Commission of a 'Handbook of actions and experiences'. We will therefore continue to encourage the Commission to focus its future work on where it will add value.

Conclusion 224: We believe there is in principle a case for the establishment of an asset-freezing regime applicable to individuals resident within the EU. To be effective this will require the cooperation of third countries, in particular Switzerland and Liechtenstein. (paragraph 93)

Response: The UK supports efforts by Member States and at the EU-level to make it harder for terrorists to raise, move and use funds. The UK recognises the need for the Commission to reconsider the approach to listing for 'internal' terrorists in the light of the Lisbon Treaty. We believe that the most appropriate solution would be an Article 74 measure that maintained the important obligation on Member States' law enforcement agencies to co-operate. We do not support the creation of a new internal EU asset freezing regime which we regard as an unnecessary expansion of EU activity in this field. The UK believes that Member States should, rather, develop their own asset freezing regimes given these are more a more effective mechanism for dealing with 'internal' terrorists. The UK stands ready to provide technical support to help Member States introduce their own domestic frameworks.

Conclusion 225: The security of transport networks is a vital component of the security debate. However we reserve judgment on the EU's role in this area pending

the publication of the Commission's Communication on Transport Security Policy later this year. (paragraph 95)

Response: The UK supports EU efforts to improve security of transport networks. The sector is both complex and broad in nature and we should work together to avoid duplication of effort. In particular, we should try to avoid setting up additional groups or layers of bureaucracy, wherever possible. We welcome the position taken by the Committee to wait for the Commission's Communication on Transport Security before making judgement. The UK priority remains implementing measures to increase aviation security standards across the EU as a whole, in particular in the field of air cargo security in light of the attempted attacks in October 2010. Activity in this area is focusing primarily, though not exclusively, on means of improving the security of cargo entering EU airspace from third countries.

On maritime security the UK priority is fully implementing the Port Security Directive. Piracy is also a high priority activity both nationally and internationally and the Government is considering the legal and operational aspects of a policy which would recognise that engaging armed personnel is an option for UK ship owners to combat piracy. The Department for Transport continues to work with both EU and IMO partners on this issue. In terms of land transport security we are working closely with EU and other international partners to ensure a common approach to international traffic through the Channel Tunnel, and as passenger services develop as a result of the Rail Passenger Liberalisation Directive 2007/58. We are also involved in a number of EU and other international groups in sharing best practice and research.

Passenger Name Records

Conclusion 218: We welcome the Government's decision to opt in to the draft Directive, and support their intention to continue to argue that the Directive should apply to intra-EU flights. (paragraph 72)

Response: We are grateful for the Committee's support for our approach to the EU PNR Directive. Securing the ability to mandate the collection of PNR on intra-EU flights was critical to the UK's decision to opt in. The UK proposed an amendment to extend coverage of the Directive to intra-EU flights, and the Home Secretary pressed the argument for it at the April Justice and Home Affairs Council, where the UK was supported by 15 Member States. The UK will continue to play an active role in the ongoing negotiations.

Border management

Conclusion 226. We welcome the Government's commitment to make an effective contribution to the development of EUROSUR and the future work of Frontex. Despite the United Kingdom's inability to participate fully in EUROSUR and Frontex, we believe that their work will make a positive contribution to the protection of the United Kingdom and EU borders. (paragraph 102)

Response: The Government thanks the Committee for supporting the UK's contributions to the work of Frontex and development of Eurosur. We will continue our positive engagement with these initiatives.

Civil Protection and disaster relief

Conclusion 227: We are surprised to find no reference to the armed forces in the Communication. They make a major contribution to civil protection and disaster relief, especially in the early stages. Their role must feature in the implementation of the strategy. We urge the EU institutions to give more thought to this. (paragraph 106)

Conclusion 228: The Solidarity Clause does not seem to empower Member States to do anything which they could not do without it, or require them to do anything they would not otherwise be required to do. It does however serve to emphasise the political will of the Member States to stand together in the face of adversity. (paragraph 108)

Response: The Government notes the Committee's recommendation to reference the role of the armed forces in the Internal Security Strategy. The Government recognises that military assets can play a significant role in supporting disaster relief activities, but stress that these should be used only when there are no civilian alternatives and that decisions are for national authorities acting on a case-by-case basis. It is unclear how the Common Security and Defence Policy, as an outward-facing part of the Common Foreign and Security Policy (CFSP), should contribute to disaster response within the EU. The Lisbon Treaty's Solidarity Clause refers to all instruments at the EU's disposal including the military resources made available by Member States. The Government will consider the Committee's recommendation in the context of the forthcoming proposals for implementing the Solidarity Clause.

Conclusion 229: We support more coordination between different Situation Centres and repeat our call for a closer working relationship between the EU and NATO Situation Centres. We also support a reduction in the number of existing rapid alert and notification processes for crisis management. (paragraph 111)

Conclusion 230: We have practical concerns about the operation of a European Emergency Response Capacity. We believe that any pre-commitment of assets should be on a voluntary basis, and that Member States should retain discretion to decide how their assets are best deployed. (paragraph 114)

Response: On risk assessments and cooperation between Situation Centres, we concur with the Committee's recommendation. Regarding the development of a European emergency response capacity, the Government shares the Committee's practical concerns. The Government supports the principle of a genuinely voluntary asset pool but will resist moves to introduce a legal presumption that Member States will pre-commit disaster response assets for EU operational deployment in any way limiting their right to decide how such assets should be deployed whether domestically or internationally.

Cybercrime & Cyber-Security

Conclusion 231: We congratulate the Government on the priority they give to cyber-security in the United Kingdom National Security Strategy. But there is no room for complacency. All Member States, individually and collectively, must devote greater resources and urgency to meeting this challenge, given that their overall security is only as strong as the weakest link. (paragraph 122)

Conclusion 234: We welcome the Government's commitment that the United Kingdom will ratify the Budapest Convention on Cybercrime before the end of this year. (paragraph 131)

Response: The Government welcomes the Committee's view that both this Government and the ISS rightly take cyber security as a priority and we agree that there is no room for complacency. The Government continues to work on implementing the National Cyber Security Programme across UK Government, the private sector and the general public. The UK has also now ratified the Budapest Convention (25th May 2011), and will promote the Convention and the principles within as part of our international engagement on this issue.

Conclusion 232: The EU institutions should take the lead by ensuring the security of their own networks and agencies. They are a natural target for malicious and criminal attack; weaknesses have been and will be exploited. They must take responsibility for their own cyber-security; it is in the interests of the United Kingdom to help them to do so. (paragraph 123)

Conclusion 233: We strongly welcome the emphasis on cyber-security in the Communication and believe that this is an urgent and fast evolving challenge in which the EU can play an important part in raising standards and awareness in the Member States. (paragraph 126)

Response: We welcome the Committee's view that the EU institutions should take the lead by ensuring the security of their own networks and agencies. The UK will support the EU institutions on security matters as appropriate. The Government agrees with the Committee that the EU can play an important part in raising standards in and awareness around cyber-security among Member States. Our own national strategy recognises the significant international component of any policies to protect cyberspace and thereby allow its full economic and social benefit to be realised. We are keen to work as part of the EU to shape an agenda that will see the EU playing a significant role in promoting cyber security policies at the international level, EU level and at the level of the Member States.

Conclusion 235: The establishment of a Cybercrime Centre will enhance the EU's ability to contribute in this area. This is not an end in itself, but only one of many measures that must be deployed. (paragraph 146)

Conclusion 236: Europol would be best placed to host such a body. However, we believe that finding staff with the necessary expertise may not be easy. Additional staff and funding will be essential if the Cybercrime Centre, wherever it may be situated, is to achieve its key aims. The Government's view that this can be done

within existing resources is unrealistic, and inconsistent with their making additional resources available for the United Kingdom's programme. (paragraph 147)

Response: On the establishment of an EU Cybercrime Centre, we support the Committee's view that this will enhance the EU's ability to contribute in this area. We agree that Europol would be the best place to host the Cybercrime Centre, and recognise the concerns regarding the availability of expertise. The budget for the Centre is a matter for the EU, and we would expect the funding for the Cybercrime Centre to be managed within the existing EU budget. The United Kingdom's programme budget for cyber security is a separate issue from that of the EU resource allocated to tackling cyber crime. The National Cyber Security Programme (£650m) has been allocated under the UK Strategic Defence & Security Review and as such is focused on UK sovereign capability in this area. It is right that EU Member States look to their own cyber security maturity whilst encouraging collective improvements to national capabilities at the EU level.

Conclusion 237: We believe that the Centre should form a close working relationship with ENISA, and we support the extension of that agency's role and mandate to cooperate with law enforcement agencies. (paragraph 148)

Conclusion 238: The dispersal of agencies dealing with cyber matters is especially unfortunate. In particular, we continue to have concerns about ENISA's ability to operate effectively from its geographical location. We endorse the European Parliament's proposal that the agency's operations could be "frontloaded" in Athens. (paragraph 149)

Response: The Government agrees that the Cybercrime Centre should establish a mutually beneficial working relationship with the European Network & Information Security Agency (ENISA) which is based in Greece. The Government also agrees that new mandate for ENISA should reflect the need for the Agency to work with its stakeholders to improve the ability of networks and information systems to withstand attacks from criminals. Law enforcement agencies are clearly a stakeholder in that context. A number of bodies in the EU have a stake in the cyber security issue. As with the development of the UK national approach, the key for the EU going forward will be to take a broad view of the problem and understand that it touches on many discrete agendas and deliver a high degree of co-ordination and partnership working across the institutions and agencies. The Government understands the Committee's concerns about the location of ENISA, in particular its impact on the recruitment and retention of good quality staff. The location has to remain a matter for the Greek Government but we will support any ideas that can help address problems related to the seat of the Agency. The idea of moving the subject expert staff to Athens to be nearer a major transport hub is certainly worthy of serious consideration.

Conclusion 239: Many Member States already have an adequate emergency response capacity and do not need to change their existing CERT structure. But it is essential that every Member State should have an adequate emergency response capacity, and this may need to take the form of a national CERT. Where this is lacking, it should be addressed as a matter of urgency. Individual weaknesses will undermine the collective security of the EU. (paragraph 155)

Response: On improving response capabilities, the Government agrees with the Committee that the capability embodied in Computer Emergency Response Teams (CERTs) is vital for Member States to be able to address the problems of cyber security. Both the 2009 and 2011 Communications from the Commission on Critical Information Infrastructure Protection pointed to the need for all Member States to make progress in this area. At the June Telecoms Council, Commissioner Neelie Kroes emphasised in strong terms the need for progress in all Member States and for the Council to actively monitor that progress. The Government fully agrees with both the Committee and the Commissioner on this point.

Conclusion 240: A strong working relationship between the public and private sectors will be crucial in raising awareness of the threats from cyberspace. This needs to happen at both Member State and EU level through joint forums involving all of the key players. The EU can and should add value in this area by improving public awareness. (paragraph 159)

Response: We believe that raising public and business awareness of the threats from cyberspace is essential, and we fully support the Committee's view that this should include strong relationships between the public and private sectors and the development of consistent and informed messages. We will continue to work with EU awareness campaigns, such as the EU wide Safer Internet Day campaign, to ensure continued collaboration in this area.

Conclusion 241: The global nature of the cyber threat requires an international response. Proactive collaboration within the international community, including the EU, UN and NATO, will be indispensable if agreement is to be reached on the nature of the threat, and on whether it can realistically be addressed. (paragraph 164)

Response: The Government agrees with the Committee that cyber security is an issue that requires an international response. We believe that this would be best achieved by gaining consensus on international norms of behaviour in cyberspace. This will be discussed at the London International Cyber Conference in November.

Conclusion 242: We commend the United Kingdom initiative to host an international conference on cyber-security, and hope that a wide range of countries and organisations with a legitimate interest will be invited. We look forward to considering the outcome and the effect it may have on the EU. (paragraph 166)

Response: We welcome the Committee's view, and intend the conference to have representation from a wide range of countries and organisations.

Council & Commission structures

Conclusion 244: A fundamental culture change within the EU institutions is needed to achieve a more effective approach to working practices, including in particular more integrated working and investment in the necessary training. (paragraph 170)

Conclusion 245: The work of Council groups involved in internal security should be further streamlined, with a reduction in their number as an overall objective. We also

urge the different parts of the Commission to coordinate their work more closely. (paragraph 175)

Response: We support the need for efficiency within Council structures. Decisions on the creation or deletion of working groups are generally within the remit of the Committee of Permanent Representatives (COREPER). That Committee reviewed the working group structures at the time of the entry into force of the Lisbon Treaty not least given the creation of COSI. In particular, two existing groups on police cooperation and Europol were merged to create the Law Enforcement and Europol Working Party.

The Standing Committee on Operational Cooperation on Internal Security (COSI)

Conclusion 246: We trust that over time COSI will emerge as the lead organisation in all matters of EU internal security, and that this will provide the opportunity for other groups and bodies to be rationalised and their number reduced. (paragraph 179)

Response: As a body established by the Treaties, COSI has yet to punch its weight, although the development of the EU Policy Cycle was a step in the right direction. It needs a greater concentration on issues identified as priorities and a membership sufficiently senior to commit to the action necessary to implement them. There may be a case for COSI co-ordinating or overseeing the activities of Council working groups with a similar operational focus and we would be prepared to consider them once COSI has established itself. We do not consider that there is a case for COSI to replace or oversee bodies with a legislative role, such as the Article 36 Committee or SCIFA (Strategic Committee on Immigration, Frontiers and Asylum).

Conclusion 247: We believe that COSI would benefit from having greater consistency and continuity in its membership. The Home Affairs Commissioner should be invited to attend each meeting of COSI as a matter of course. (paragraph 181)

Response: The Government agrees with the Committee that COSI would benefit from increased consistency and continuity in its membership. Moreover, given COSI's remit for monitoring operational cooperation, we reiterate here that it ought to be attended regularly by senior operationally-focused officials with the authority to commit national operational resources. Our officials are raising this issue with the Committee. However, COSI is a group for senior officials not Ministers and as such it would not seem appropriate for the Home Affairs Commissioner to attend directly. The Commission does send representatives as it does to all Council working group meetings. And the work of COSI is overseen by the JHA Council, which is attended by the Commissioner.

Conclusion 248: COSI would benefit from less frequent changes in its chairmanship. It is a less political body than the Council, so there is no conceivable logical connection between the nationality of the person best qualified to chair COSI and the identity of the Member State holding the Presidency. We believe that a suitably

qualified chairman of COSI should be appointed for a minimum period of two years, renewable once. (paragraph 183)

Response: With regard to chairing arrangements for the Committee, we emphasise that COSI is a high-level working group and therefore subject to the same chairing arrangements as other Council Working Groups, that is to say that it is chaired on a six-monthly rotational basis under the Council Presidency. While there is, as with any working group, a risk that this might have a detrimental impact on the Committee, we think this is mitigated by the adoption of the new 'Trio Presidency' approach to COSI's work plan.

Conclusion 249: There should be greater openness about COSI's activities so that it does not appear to be secretive and lacking in transparency. (paragraph 185)

Conclusion 250: We have recommended that inter-parliamentary oversight of the work of Europol could be by bi-annual meetings of the Chairmen of the home affairs committees of national parliaments and the LIBE Committee of the European Parliament. We believe that such meetings could also consider the work of COSI. (paragraph 186)

Response: On the matter of transparency, we underline that COSI observes the same rules as regards publication of documents as other working groups do, though certain documents pertaining to sensitive security issues are not released. Major recommendations emanating from COSI go to the Council of Ministers and the Justice and Home Affairs Council to which COSI, like other bodies, is accountable. Furthermore, relevant COSI documents are subject to parliamentary scrutiny thereby introducing another level of national accountability. The Council Decision that established COSI also established a requirement for COSI to report to the European Council every 18 months setting out its activities over that 18 month period. The first report of this kind will be sent to the European Parliament this month (July) and we anticipate that it will be a public document.

EU Agencies

Conclusion 251: We welcome the moves already being made for better coordination and cooperation between EU agencies, and hope that the Government will press for further action on this front. (paragraph 190)

Response: Like the Committee, the Government welcomes the moves already underway to improve coordination and cooperation between EU agencies in the field of internal security. We seek to assure the Committee that we will continue to press for further action on this front.

The Internal Security Fund and security research

Conclusions 252: We welcome the proposal for the creation of an Internal Security Fund and endorse the proposed amalgamation of the ISEC and CIPS funding streams. We believe that a case may be made for increasing the level of funding for the Internal Security Fund under the next Multi-annual Financial Framework, contingent upon reductions being made in other budget headings. (paragraph 195)

Response: We welcome the conclusions on funding in this report and will keep the Committee informed as negotiations on the next financial perspective and the creation of an Internal Security Fund progress.

Conclusion 253: EU-funded research projects will continue to play an important role in underpinning future EU internal security action and initiatives. Future funding allocations should be informed by the threat assessments and should also be more closely aligned with the priorities of the relevant Commission Directorates General and EU agencies. (paragraph 198)

Response: We welcome the conclusions on research in this report. Negotiations on the next financial perspective will begin in earnest in late 2011 and we will keep the Committee informed of the progress of negotiations.

The Government welcomes a debate on this report.