

## EUROPEAN SECURITY COOPERATION: THE FINAL FRONTIER OF EU INTEGRATION AND ITS IMPACT ON THE TELECOMMUNICATIONS INDUSTRY

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**Abstract:** In recent years, the European Union (EU) has emerged as a security actor. In a global context, the EU has become an actor with the aim of combatting a myriad of evolving threats. Additionally, its member states increasingly appreciate its value as an international actor. As security threats change and multiply, there seems to be a concurrent intensification of EU cooperation. The policy area has evolved into a supranational competence following September 11th, 2001. Leveraging a keen combination of academic work and current events and policy developments, this paper presents the evolution of the EU from a political alliance to a modern-day security actor. Contributing to the body of literature of European security and intelligence, this paper informs on the intersection security and European cooperation as well as considers industry specific implications of this EU development.

### 1. INTRODUCTION

Intelligence cooperation among European Union (EU) member states has evolved organically, albeit sometimes haphazardly, since the early 2000s. The EU formally began cooperation in this area in November 2001, two months after the attacks of September 11<sup>th</sup>. Meeting merely days after the attacks, the European Council proclaimed the importance of closer security cooperation and adopted the Declaration on Combatting Terrorism, on 21 September 2001. This became the basis for further integration in this area, while emphasizing solidarity with the United States.<sup>1</sup> Nevertheless, talk of security cooperation in Europe date back much further and traces of this are seen in much earlier documents, as discussed in greater detail below. This paper explores these foundations of security

cooperation in Europe and highlights recent developments in this area of EU cooperation. In addition, it considers the far-reaching impact of European security cooperation on industry and presents recent EU developments impacting telecommunications.

### 2. HISTORY OF COOPERATION

In The Treaty on the European Union signed in 1992 – a foundational EU document – offers security as an EU authority: “The 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.”<sup>2</sup> It is on these grounds that the European Union

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<sup>1</sup> "Conclusions and Plan of Action of the Extraordinary European Council Meeting on 21 September 2001." Council of the European Union. September 21, 2001. Accessed November 18, 2018.

<http://www.consilium.europa.eu/en/workarea/downloadasset.aspx?id=40802198169>.

<sup>2</sup> "Consolidated Version of the Treaty on European Union." EUR-Lex. Accessed November 18, 2018. <http://eur->

originally began its development of strategies, policies, and structures in the areas of intelligence and security to combat the immeasurable threats to the European continent. Nevertheless, integration in this area – particularly intelligence – has not come without opposition.

Emerging from a war-torn continent, the European Union and its institutional predecessors sought to combat widespread nationalism and promote economic cooperation. While the European Union began primarily as an economic union, its original name – the European Coal and Steel Community (ECSC) – indicates “political ambitions that transcended economic goals.”<sup>3</sup> Undeniably, the ECSC’s successors have acted upon and advanced the presumed political ambitions. Limiting the sovereignty of a Member State in a policy area, albeit slightly, has a significant impact on the power of the nation and Union. In many policy areas, Member States are keen, willing participants. Other areas, such as intelligence, prove to be challenging, as national histories conflict and national and EU bodies have dissimilar interests and approaches.

There are inherent challenges and concerns regarding shared intelligence services, such as the need for centralized intelligence agencies at the EU level that operate well within the EU framework; thus, requiring national and EU intelligence agencies to work in harmony.<sup>4</sup> Unfortunately, efforts toward greater cooperation do not

miraculously synchronize dissimilar national and EU views, preferences, or practices; therein lies the issue and persistent challenge. Nevertheless, it is possible that integration will help synchronize these dissimilarities. Müller-Wille suggests, “sharing knowledge is a first step toward harmonizing views, formulating and implementing common policies, and exploiting potential synergies in the fight against new threats.”<sup>5</sup> Moreover, synchronization may be achieved by means of intermingling intelligence analysts and officers representing different interests rather than simply including high-ranking officials and decision-makers in decision making; this may organically result in a common interest and goal.<sup>6</sup> Furthering this proposition, Fägerstein writes, “a shared view of common European interests and security priorities would make cooperation much easier among the different actors involved in supporting these efforts.”<sup>7</sup>

It is without question that the European Union has emerged as a security actor in recent years. In a global context, the EU has become an actor with the aim of combatting a myriad of evolving threats. Additionally, its Member States increasingly appreciate its value as an international actor. As security threats change and multiply, there seems to be a concurrent intensification of EU cooperation. As aforementioned, the policy area has evolved into a supranational competence following September 11<sup>th</sup>, 2001.<sup>8</sup> So, too, did EU-U.S. intelligence and security cooperation increase in the wake of

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lex.europa.eu/legal-content/EN/TXT/?uri=celex:12012M/TXT.

<sup>3</sup> Dinan, Desmond. *Europe Recast: A History of European Union* (Boulder, CO: Lynne Rienner Publishers, 2014), 54.

<sup>4</sup> Müller-Wille B. (2004), *For our eyes only? Shaping an intelligence community within the EU*, WEU Security Studies Institute. Available at: <https://www.iss.europa.eu/sites/default/files/EUISSFiles/occ50.pdf>.

<sup>5</sup> Ibid.

<sup>6</sup> Fägersten, Björn. “For EU eyes only? Intelligence and European security.” *European Union Institute for Security Studies, Brief 8* (2016): 7-19.

<sup>7</sup> Ibid., 19.

<sup>8</sup> Müller, Björn. “The Effect of International Terrorism on EU Intelligence Cooperation.” *JCMS: Journal of Common Market Studies* 46, no. 1 (2008): 49-73.

9/11.<sup>9</sup> In Europe, while there have been more drastic measures following the terrorist events in the early 2000s, security and defense policy has a rich history that predates the Union itself. Before the EU's conception, European countries worked in cooperation to defend against external threats using more formal avenues (e.g. the Berne Group) and informal means. Moreover, following the birth of the Union, countries maintained partnerships and worked together inter-governmentally. Nevertheless, as the threat evolved, the EU began to gain support – from its Member States and international allies – as an actor. Of course, this did not occur without skepticism and a few bumps in the road.<sup>10</sup>

The aforementioned terror threats and attacks – notably those on European soil, such as Madrid in March 2004 and London in July 2005 – served as significant catalysts in the development of intelligence coordination in Europe.<sup>11</sup> The development and expansion of policy, as well as the creation of bureaucratic institutions and working groups around intelligence coordination, indicate continued integration in this area. Svendsen suggests, “we are witnessing the development of an ever more complex web of international intelligence liaison arrangements, which collectively provide a form of regional intelligence coverage in Europe. One can, therefore, conclude that intelligence cooperation in Europe is on ‘a continuum with expansion’, although some operational limits remain.”<sup>12</sup>

The evolution of threats as well as subsequent security cooperation have resulted in multilateral intelligence cooperation in Europe. Intelligence cooperation supporting the ‘European intelligence system’ is best explained by function and relationship; it exists to support law enforcement, foreign and security policy, and societal protection.<sup>13</sup> To bolster this system and set of functions/relationships, the coordination at the EU level consists of a diverse set of EU agencies and informal assemblies; this includes the EU Intelligence Analysis Centre (INTCEN), Intelligence Division of the EU Military Staff (INTDIR), European Policy Office (EUROPOL), Counter Terrorism Group (CTG), The European Border Management Agency (FRONTEX), The EU Satellite Centre (SATCEN).<sup>14</sup>

Over the years, Europe has sought to maintain a delicate balance between intergovernmental cooperation, thereby respecting national sovereignty, and supranational integration in the sensitive areas of security and defense. There has been cooperation in Brussels in the context of EU institutions but also outside of Brussels through purely intergovernmental cooperation. Nevertheless, security and defense cooperation remains at the forefront of national and EU interests.

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<sup>9</sup> Aldrich, Richard J. "Transatlantic intelligence and security cooperation." *International affairs* 80, no. 4 (2004): 731-753.

<sup>10</sup> Walsh, James I. "Intelligence-sharing in the European Union: institutions are not enough." *JCMS: Journal of Common Market Studies* 44, no. 3 (2006): 625-643.

<sup>11</sup> Kaunert, C., & Léonard, S. Eds. (2013). *European Security, Terrorism and Intelligence: Tackling New Security Challenges in Europe*. London: Palgrave Macmillan.

<sup>12</sup> Kaunert, C., & Léonard, S. Eds. (2013). *European Security, Terrorism and Intelligence: Tackling New Security Challenges in Europe*. London: Palgrave Macmillan. P. 5.

<sup>13</sup> Fägersten, Björn. "8 European intelligence cooperation." *The Future of Intelligence: Challenges in the 21st century* (2014): 94.

<sup>14</sup> Fägersten, Björn. "Intelligence and decision-making within the Common Foreign and Security Policy." *SIEPS, European Policy Analysis* (2015).

### 3. PRESENT STATE AND CURRENT EVENTS

At the member state level, many leaders have made their positions on Europe's future known. Since his election, French President, Emmanuel Macron, has called for a more united, whole Europe with regard to security and defense, insofar as Europe can stand on its own and rely less on its allies (i.e., the United States) and neighbors (i.e., Russia). He has called for a common defense budget and security doctrine. At the Ambassadors' Conference in August 2018, Macron reiterated his vision:

France has reaffirmed its ambition, vision and project for Europe. France has proposed a protective, more sovereign, united and democratic Europe; yet at the same time, extremisms have gained ground and nationalisms have awoken. Is that a reason to give up? Certainly not. Is it a reason to say that we have made a mistake? On the contrary! We are paying the price for decades of a Europe that – and we must understand this – has sometimes been bland and weak and has perhaps not always offered enough. In reality, we have to step up our efforts.<sup>15</sup>

As a key leader in Europe, France's position on European integration does not go unnoticed.

At the EU level, leaders have emphasized the need for further integration in security and defense. On 17 January 2017, President Donald Tusk wrote a letter entitled "United

we stand, divided we fall" on the future of the EU. Prior to the Malta summit in the month that followed, the EU leader addressed the key threats in Europe. He writes, "The challenges currently facing the European Union are more dangerous than ever before in the time since the signature of the Treaty of Rome. Today we are dealing with three threats, which have previously not occurred, at least not on such a scale."<sup>16</sup> With 2017 marking the 60<sup>th</sup> anniversary of the Treaty of Rome, President Tusk's words carry significance. In the letter, the president identifies key external threats which challenge European security. He also addresses internal challenges (e.g. xenophobia); however, this section will focus primarily on external threats. Of concern, President Tusk mentions an "increasingly assertive" China, "aggressive" Russia, as well as war and terror driven by radical Islam in the Middle East and Africa.<sup>17</sup> In 2015, General Philip M. Breedlove, commander of U.S. European Command and NATO's supreme allied commander for Europe, pointed to Russia's "aggressive actions and malign influence" in Europe.<sup>18</sup>

The threats facing Europe extend beyond one specific aggressor, although ISIS and Russia tend to dominate media coverage. External threats, however, are not limited to the Middle East or Russia. Moreover, the challenge of historical alliances is increasingly concerning to European leaders.

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<sup>15</sup> Ministère De L'Europe Et Des Affaires étrangères. "Speech by President Emmanuel Macron - Ambassadors' Conference 2018." France Diplomatie: Ministère De L'Europe Et Des Affaires étrangères. August 27, 2018. Accessed January 1, 2019. <https://www.diplomatie.gouv.fr/en/the-ministry-and-its-network/events/ambassadors-week/ambassadors-week-edition-2018/article/speech-by-president-emmanuel-macron-ambassadors-conference-2018>.

<sup>16</sup> "United we stand, divided we fall": letter by President Donald Tusk to the 27 EU heads of state or government on the future of the EU

before the Malta summit." European Council - Council of the European Union. January 31, 2017. Accessed January 1, 2019. <http://www.consilium.europa.eu/en/press/press-releases/2017/01/31/tusk-letter-future-europe/>.

<sup>17</sup> Ibid.

<sup>18</sup> Ferdinando, Lisa. "Eucom Commander Cites Threats in Europe, Concern Over Russia." U.S. Department of Defense. October 30, 2015. Accessed January 1, 2019. <https://www.defense.gov/News/Article/Article/626768/eucom-commander-cites-threats-in-europe-concern-over-russia/>.

Specifically, President Tusk cites the change in U.S. leadership as problematic. He writes, For the first time in our history, in an increasingly multipolar external world, so many are becoming openly anti-European, or Eurosceptic at best. Particularly the change in Washington puts the European Union in a difficult situation; with the new administration seeming to put into question the last 70 years of American foreign policy.<sup>19</sup>

The change in the U.S. trade strategy with the EU has led to questions around the transatlantic partnership. The uncertainty in the United States has caused justified concern in Europe. President Tusk closes his letter with words of encouragement to his fellow European leaders, as well as a statement of warning to Europe's friends across the pond: "We cannot surrender to those who want to weaken or invalidate the Transatlantic bond, without which global order and peace cannot survive. We should remind our American friends of their own motto: United we stand, divided we fall."<sup>20</sup>

#### **4. EU SECURITY COOPERATION AND INDUSTRY: WHAT'S THE BIG DEAL?**

Some may wonder if what happens on the European continent is either relevant or requires consideration. It is without question that what occurs on the European continent, specifically within the EU framework, has far-reaching impacts. A recent example, the 2016 General Data Protection Regulation,

more commonly known as GDPR, spurred panic across the globe for those conducting international business when it went into effect May of 2018. European security cooperation has the potential to result in swift agendas and sweeping directives and regulations. Furthermore, security cooperation could challenge domestic policy as well as force regulation and compliance in the commercial space. In the event that Europe indeed forges ahead toward this final frontier of integration, there will be cascading effects. Specifically, industry-relevant agencies, European Union Agency for Network and Information Security (ENISA), and current policies may experience change and growth. With the end goal being security harmonization across Europe, the European Union has already offered several regulations impacting telecoms in recent years; these include the 2016 New Telecom Proposal,<sup>21</sup> 2016 EU Network and Information Security directive<sup>22</sup> as part of the larger EU Cyber Security Strategy,<sup>23</sup> and, of course, the General Data Protection Regulation which came into force in 2018.<sup>24</sup> In the 2016 ENISA *Annual Incident Reports 2016: Analysis of Article 13a annual incident reports in the telecom sector*, the agency recommits itself to the progress made and writes, "As the legal landscape affecting the Telecom industry has undergone recent updates, it is our opinion that the new improvements will certainly contribute to a more secured and harmonized telecommunications environment across Europe."<sup>25</sup>

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<sup>19</sup> "United we stand, divided we fall": letter by President Donald Tusk to the 27 EU heads of state or government on the future of the EU before the Malta summit." European Council - Council of the European Union. January 31, 2017. Accessed January 1, 2019. <http://www.consilium.europa.eu/en/press/press-releases/2017/01/31/tusk-letter-future-europe/>.  
<sup>20</sup> Ibid.

<sup>21</sup> See: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52016PC0590&from=EN>

<sup>22</sup> See: <https://www.enisa.europa.eu/topics/nis-directive>; <https://eur-lex.europa.eu/eli/dir/2016/1148/oj>

<sup>23</sup> See: [http://europa.eu/rapid/press-release\\_IP-13-94\\_en.htm](http://europa.eu/rapid/press-release_IP-13-94_en.htm)

<sup>24</sup> See: <https://eugdpr.org/>

<sup>25</sup> "Annual Incident Reports 2016: Analysis of Article 13a Annual Incident Reports in the

There is an unmistakable correlation between the advancement of the broader EU security agenda and smaller directives and regulations impacting the telecommunications industry. As the EU continues toward greater security harmonization and synchronization, policies with notable impact on the telecommunications industry will certainly arise. The politics in Brussels are constantly changing in the EU's fast-paced and uniquely complex environment. While this topic may not be a main priority, staying aware of changes in Europe will help prepare the industry for the far-reaching policies to come. There is no question that there will be changes to security cooperation in Europe. The question is whether industry is ready for the likely changes to come.

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