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## Finland's response to European Commission's Public Consultation on the renewal of EU's Internal Security Strategy - English translation 15 October 2014

**Question 1: Which specific challenges need to be tackled by EU action in the coming five years regarding international crime, radicalisation and terrorism, cybercrime and cyber attacks, natural and man-made disasters? What role should the border security have in addressing those challenges?**

### **Operational cooperation with third countries**

In Finland's view, in the area of internal security, there is currently **no established, permanent framework for operational cooperation** for law enforcement purposes with third countries to which the expert level can rely on in facilitating this cooperation. Such a framework would be useful when implementing the EU policy cycle, for example. All interested parties also need to be encouraged to commit themselves more to operational cooperation. Cooperation with third countries needs to **be based on helping third countries to maintain their internal security and border management independently.**

### **More efficient exchange of information**

Finland considers that the **efficient and secure exchange of information**, carried out with respect for fundamental and human rights, is crucial for meeting the EU's internal security objectives. With good cooperation we can ensure, both proactively and in concrete individual cases, that law enforcement authorities have access to information. The EU needs secure channels that enable efficient exchange of information between Member States' law enforcement and judicial authorities and EU agencies. **The quality and uniformity of information need to be improved.** Competent authorities need to be able to easily find out which Member State holds the information they need to combat and investigate crime in cross-border situations as well.

### **Action against organised crime**

The increasing infiltration of organised crime in the legitimate economy is a challenge that needs to be addressed at EU level. Many criminal organisations try to use illegal and inappropriate means to influence criminal proceedings or political or administrative decision-making and to exploit economic structures. These actions must be tackled efficiently. In addition to law enforcement and judicial authorities, administrative authorities also hold information that can be vital in combating and investigating organised crime. The challenge lies in making administrative information available to other Member States and enabling them to use the information to combat crime.

As mobility increases, its negative side effects will also grow more widespread. Illegal immigration and various abuses as well as human trafficking and the exploitation of other vulnerable individuals continue to increase. These phenomena are often linked to organised crime, and their increase has direct and indirect implications on internal security.

### Cybercrime

What makes investigating and combating crime committed in or through information networks more complicated than traditional crime is that the challenges presented by the development of the cyberworld are more difficult to address. In information networks, crime is not restricted by geographical borders, and the operating environment poses challenges to global cooperation. The investigation of cybercrime requires rapid exchange of information. Problems are posed especially in terms of identifying offenders and securing evidence. This is especially relevant with regard to operational police cooperation, especially when requesting mutual legal assistance to ensure sufficiently quick access to evidence at different stages of criminal proceedings. Combating and investigating cybercrime require highly specialised expertise.

### Terrorism

The phenomenon of fighters travelling to conflict areas outside Europe has also raised the terrorist threat level in EU Member States. Some of these foreign fighters have returned to the EU, and it is possible that they make use of their combat experience and skills to plan and carry out terrorist attacks within the EU, or radicalise and recruit other persons to terrorist activities. However, it must be taken into consideration that not all those who go to and return from conflict areas pose a terrorist threat. It is expected that the conflicts in Syria and Iraq will be reflected in terrorism in the EU for a long time.

**Violent extremists, who operate independently or in small groups, pose a security challenge that is difficult to predict.** Finland considers that advance and reliable information on foreign fighters' travel plans should be exchanged between EU Member States to enable competent authorities to assess and tackle this threat in a reliable and efficient way.

In Finland's view, the EU should **prevent violent radicalisation** with the aim that such individuals will stop the violent thoughts and not go to conflict areas in the first place. Efficient prevention is a key to all other anti-terrorist actions.

More and more terrorists use various **online communications tools for the purpose of terrorist recruitment** and dissemination of violent and radical propaganda across language barriers. In Finland's opinion, it is worrying that violent radicalisation can happen very quickly and almost solely on the basis of violent and terrorist material available online. Banning or removing illegal material from the internet is not sufficient. The EU **should also introduce counter-communications to discredit extremist propaganda**. One way to do this would be to engage in cooperation with non-governmental organisations, citizens, victims of terrorist acts and former members of extremist organisations. The internet itself is also a potential terrorist weapon, as it can be used to commit cyber-attacks with terrorist intent to attack a country's critical infrastructure, for example.

In Finland's view, issues related to terrorist financing and monitoring money flows still require a lot of attention at EU level.

### Rescue services

International civil protection work has become increasingly diversified in the last decade. Civil protection expertise is used in a range of humanitarian aid operations necessitated by conflicts. Rescue services have grown into one of the instruments of international aid and a genuine contingency tool across the EU as well.

In Finland's view, it is important that **strategic objectives relating to crisis and catastrophe response are also included in the EU's next internal security strategy**.

### Border security

In many cases the first place where challenges facing internal security are encountered is the EU's external borders. Finland stresses the importance of **efficient management of the external borders** with regard to both people and goods as an integral part of the EU's internal security and a means of recognising and responding to threats originating from outside its borders. Management of the external borders also contributes to detecting and combating cross-border crime.

In Finland's view, strengthening the EU's Integrated Border Management Strategy requires **better situation awareness regarding the external borders**, efficient operational cooperation and shared information systems. Management of external borders can make a major contribution to internal security as long as public authorities both nationally and between Member States are able to collaborate efficiently (including exchange of information).

In addition, Finland considers that **maritime security** should be taken into account as a horizontal dimension of the development of the EU's internal security policies. The EU Maritime Security Strategy addresses a wide range of maritime operations, but it is also linked to the objectives of the Internal Security Strategy.

### Question 2: Taking into account the developments in the next five years, which are the actions to be launched at the EU level?

#### Operational cooperation with third countries

In Finland's view, responding to internal security challenges requires stronger operational cooperation between the law enforcement and judicial authorities of the EU and third countries. Finland considers that it is vital that **we build a more permanent framework for operational cooperation with third countries, with the aim of identifying shared priorities. Thus all parties would commit themselves** to promoting efficient operational cooperation in the fields of organised crime, cybercrime and terrorism. This kind of permanent framework for operational cooperation could be built on joint meetings between the EU and relevant third countries within the framework of COSI, for example. The goal of the joint meetings should be to set up a platform for expert-level operational cooperation and to promote the implementation of the EU policy cycle.

#### More efficient exchange of information

In Finland's view, **barriers to the exchange of information need to be identified and removed**. One tangible suggestion is to enhance and expedite the mutual legal assistance procedure, especially with regard to cybercrime.

In order to implement the principle of availability, technological solutions that enable the automated and efficient exchange of information need to be developed. The **interoperability** of systems needs to be improved. The interoperability of Europol and Interpol systems, for example, is important. Pilot projects relating to the interoperability of systems could be useful in this respect.

Finland considers that, in order to promote the efficient exchange of information, it is important to **improve the possibilities for law enforcement authorities to identify where the information that they need is located**. Law enforcement authorities should be able to run automated hit/no-hit searches in the police registers of other Member States. Once the information has been located, normal police cooperation or mutual legal assistance procedures can be used to request the information.

Finland stresses the role of EU agencies as valuable partners in the exchange of information. Procedures for exchanging information between EU agencies need to be assessed and analysed in order to establish **whether EU agencies could play an even bigger role in the exchange of information**.

In Finland's view, existing **channels for the exchange of information need to be put to better use**. This can be promoted by sharing best practices and by means of training the users of these channels. More efficient exchange of information could also be promoted by **using a single secure channel** for exchanging criminal intelligence and secured information as recommended by the Commission in its EIXM Communication (COM(2012) 735 final). A secure channel, such as SIENA, could also be used for requesting mutual legal assistance.

Any exchange of information must be carried out with respect for fundamental and human rights.

#### Action against organised crime

**Establishing criminal liability and confiscating the proceeds of crime** are efficient ways of influencing the operations of organised criminal groups. Finland considers that close cooperation between judicial and law enforcement authorities is vital in order to achieve this shared goal. **Europol and Eurojust** play a key role in fostering such cooperation.

Finland stresses that current EU-level legislative instruments (such as the Directive on the freezing and confiscation of proceeds of crime) must be implemented efficiently and their impact assessed. Consideration should also be given to expanding the role of the Asset Recovery network. Finland also considers that the role and rights of victims of crime should be strengthened and claims for damages facilitated in cross-border cases. In Finland's view, the EU should **promote more efficient administrative procedures and alternative methods for combating organised crime**. Procedures need to be established to enable information about business prohibitions imposed by Member States to be exchanged more efficiently for the purpose of administrative decision-making. The EU should also consider ways in which administrative and law enforcement authorities could cooperate in order to prevent the infiltration of organised crime into legal business, such as conclusion of public contracts, and to make it possible at EU level to check the backgrounds of businesses participating in public tenders, for example.

In Finland's view, formulating and implementing a comprehensive EU strategy **against people smuggling** would give the EU more power to intervene in the side effects of increased mobility. In order for progress to be made with regard to combating human trafficking and people smuggling, action needs to be taken to intervene in the activities of criminal groups in collaboration with third countries and thus establish closer contacts between the EU, EU agencies and Member States and the authorities in the countries of origin.

#### Cybercrime

Combating and investigating cybercrime require **rapid exchange of information**. In Finland's view, the rapid exchange of information between countries needs to be possible with regard to both **intelligence and evidence**. Such exchange of information is critical for detecting, combating and, above all, investigating crime regardless of crime type. As cybercrime is not restricted by geographical borders, **the possibility of enabling cross-border searches of data in devices, or remote searches, could be explored within the Council of Europe**, taking account of national sovereignty, the guarantee of legal protection and opportunities for influence by the authorities of countries concerned. The competent law enforcement authorities' access to information held by service providers must be guaranteed, with respect for fundamental rights and subject to data protection provisions as well as national and international provisions and competences concerning mutual legal assistance. The legal certainty of mutual assistance procedures must be respected but, in Finland's view, implementing a **flexible and expedited mutual legal assistance procedure** is vital for establishing criminal liability.

In Finland's opinion, with regard to cybercrime, the EU needs to work towards strengthening **global cooperation**. The ratification of the Council of Europe's Budapest Convention needs to be promoted, in addition to which consideration should be given to revising the Convention in order to respond to current challenges.

**Research and education** need to be promoted. In Finland's view, it is important that law enforcement authorities contribute to research and consider what forms of combating cybercrime should be developed and how. Research could, for example, lead to new solutions for preventing crime in the cyberworld.

### **Terrorism**

Finland considers that **the 2005 EU Counter-Terrorism Strategy should be updated**. The threat of terrorism has changed shape and, above all, has become more fragmented in the last 10 years. The EU Counter-Terrorism Strategy should ideally reflect these changes.

Finland also considers that security authorities need **concrete tools and timely and reliable information** to tackle the complex and ever-changing threat.

In Finland's view, existing EU instruments should be used more efficiently and comprehensively in combating terrorism.

Finland stresses the importance of improving the exchange of passenger name record data (PNR data) and promoting the **EU PNR Directive**.

Finland considers that timely access to information is vital with regard to foreign fighters. Current information channels need to be put into more efficient use and developed in terms of monitoring travel routes and money flows (including SIS II and PNR).

Sharing experiences, best practices and lessons learnt between Member States is important for combating radicalisation and violent extremism. Finland supports the work of the Radicalisation Awareness Network (RAN) in this undertaking.

Combating terrorism must be carried out with respect for fundamental and human rights.

### **Rescue services**

Finland considers that the Decision on a Union **Civil Protection Mechanism needs to be efficiently implemented in the Member States, and the Commission needs to support this process**. This will ensure the Union's ability to provide assistance efficiently and in a timely manner and to respond to changes in the operating environment.

The Decision on a Union Civil Protection Mechanism establishes a European Emergency Response Capacity built on the resources of the Member States. The capacity consists of a voluntary pool of pre-committed response capacities of the Member States as well as coordination services provided by the Commission.

Finland would like to point out that, **due to scarce economic resources, the importance of regional cooperation in the field of civil protection will continue to grow**, especially in Europe's sparsely populated northern areas (e.g. the development of multinational rescue organisations). This needs to be taken into consideration when providing assistance beyond the Union as well.

### **Border security**

Management of external borders can be an efficient response to the challenges of internal security as long as the external borders of the Member States are secured by means of shared tools and systems. Finland wishes to promote the

**revision of the EU's Integrated Border Management Strategy, the modernisation of border surveillance and border controls, and efforts to improve cooperation between authorities.** When revising the Border Management Strategy (including the IBM manual), attention needs to be given to recent developments in border management, the challenges facing border and internal security, and the need to incorporate border management more coherently into internal security management.

Similarly to the earlier Internal Security Strategy, in Finland's opinion it is important that the need to **strengthen the status of the EU External Borders Agency Frontex and incorporate the new European System of Border Guards (ESBG) into the border management concept** is included in the new strategy. Frontex plays an important role in supporting Member States and implementing and developing the Border Management Strategy. Frontex needs to become more efficient at coordinating returns. An efficient returns system that respects human rights is essential to maintaining internal security and managing immigration.

**Technology** also enables better security at external borders, as it allows human resources to be targeted at combating cross-border crime instead of routines. In Finland's view, **the Entry/Exit System (EES) and the Registered Travellers Programme (RTP)** included in the "Smart Borders" package need to be implemented and the systems introduced as soon as possible.

With regard to border surveillance, Finland considers that it is important to fully adopt and further develop the **EUROSUR** system, as it allows the Member States and the EU to improve situation awareness and management at the Union's external borders, therefore making it easier to predict and react to threats and changes at borders. EUROSUR offers a means to reinforce the Integrated Border Management Strategy and to improve the level of internal security in the EU.

In Finland's view, EU Member States **still need to improve the efficiency of cooperation between different authorities.** Smooth border crossings and border security management require efficient cooperation between authorities at external borders. Cooperation between authorities needs to be developed with tangible objectives in mind.

#### **Customs cooperation**

Customs use risk analysis as a tool to ensure the security of the supply chain and flow of goods and EU citizens across the Union's external borders. Security and safety risk analyses based on common risk criteria and models have been carried out on goods arriving in and departing from the customs territory of the Community for several years now. **The results of the work to review the risk analysis, launched as a result of the problems and gaps identified in the Commission's 2013 analysis of the implementation of the EU customs risk management policy, need to be efficiently implemented.**

#### **Question 3: Which specific research, technology and innovation initiatives are needed to strengthen the EU's capabilities to address the security challenges?**

Finland believes that the training and therefore the networking of law enforcement authorities strengthens mutual trust and understanding. **The EU should strive to encourage security technology businesses to give more attention to the EU's internal security needs when developing their services and technology.**

In Finland's view, with regard to combating cybercrime, EU-level criminological research, studies relating to offenders and modi operandi, forensic IT research and product development are needed. **Cooperation related to research and education should be promoted.** Agencies (Cepol, EASO, Frontex, eu-LISA and FRA) need to make use of research when developing operational actions



and training. On the other hand, research needs to be more customer-orientated in order to enable full exploitation of research findings. Research needs to have more of a practical impact. The progress and findings of research need to be reported more transparently.

Finland proposes that **a European standard for the secure exchange of (law enforcement) information with third parties (countries, businesses, etc.) should be developed.** The standard should factor in the security classification levels of different kinds of information, cost-effectiveness, and the ability of third countries to adopt the systems and acquire them in accordance with the COTS (commercial off-the-shelf) principle.

The exchange of information with third countries often involves urgent, sensitive data, such as personal information or information relating to the daily activities of different kinds of law enforcement organisations. At the moment, files often need to be sent via public email. Third countries may communicate with multiple EU Member States, each of which has its own network of authorities. As for the EU, an individual authority or even an individual country may not have enough power to demand an information technology solution, and non-standardised investments always carry a risk of both financial loss and overlap.

**Question 4: What is needed to safeguard rights of European citizens when developing future EU security actions?**

**Safeguarding fundamental and human rights** and meeting the requirements of internal security are mutually supportive goals. Actions to improve internal security must respect human rights and aim at safeguarding fundamental rights in accordance with the comprehensive concept of security.

**Question 5: How can the EU's foreign policy improve the security within the EU and/or your country?**

The EU's internal security objectives, including the effects of migration on internal security, need to be factored into the EU's external policies. Responding to internal security challenges requires stronger operational collaboration, both within the EU and with third countries.

Finland stresses that EU institutions need to engage in **more coherent cooperation** and ensure that the EU does not simultaneously engage in dialogue concerning internal security on one hand and external security on the other. This is why it is important to sharpen the role **of the EU's various actors in internal security matters with regard to external relations.** Dialogue between the EU's external relations administration and the law enforcement authorities of third countries with regard to regional programmes and strategies (e.g. the Sahel region and the EU strategy concerning the whole region) should be planned in collaboration with EU-level internal security authorities and incorporated into cooperation models. The dialogue with third countries could address, among other things, the priorities of the EU policy cycle. The EU's internal security objectives could also be promoted by strengthening the internal security know-how of EU representations.

One important cross-cutting objective related to internal security is to adopt a comprehensive EU-level approach to conflicts and crises outside the EU. In Finland's view, this comprehensive approach needs to be based on a shared **situation analysis** that incorporates different authorities and policies and takes account, in a realistic manner, the impacts of these various factors on **internal security.** The central role of the EU's external policies **with regard to the effects that conflicts and crises in areas near the EU have on internal security needs to be given more attention.** The EU's internal and external policies, actions and instruments should support and complement each other. The EU's economic aid to third countries needs to be tied more tangibly to achieving results with regard to internal security according to the "more for more" principle. Developing links between actions related to the common security and defence policy, Freedom, Security and Justice actions as well as

development aid is one way to strengthen the EU's internal and external security. In order to achieve sustainable development outcomes and impacts, more consistency is needed across different policies.

Finland considers that objectives relating to managing migration and the associated **building of preparedness in third countries** need to be incorporated more comprehensively into external policies. **Returning persons who are residing in countries illegally** is one major theme that has a direct impact on internal security, and solving challenges related to this needs to be promoted more by means of external policy. Efforts must be made to promote the enforcement of EU-level provisions concerning readmission.