

**Contribution by the Minister for Justice and Equality, Mr. Charlie Flanagan T.D., on the occasion of the consideration by the Joint Committee on Justice, Defence and Equality of the exercise by the State of its option under the Twenty-First Protocol annexed to the Treaty of Lisbon in respect of the following draft Regulations of the European Parliament and of the Council:**

**Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing the Internal Security Fund.**

**26 September 2018**

## **Introduction**

I would like to thank the members of the Joint Committee for making time available today to discuss this proposal. As the members are aware the purpose of these motions is to seek Oireachtas approval to exercise Ireland's options under the 21st Protocol annexed to the Lisbon Treaty in respect of the proposal for a Regulation of the European Parliament and of The Council establishing the Internal Security Fund

## **Background**

Events of the last few years unfortunately demonstrate that security threats have intensified and diversified across the European Union. The nature of these threats has not remained static and has evolved. We see today that the threats European citizens face are increasingly cross-border in nature, meaning that Member States must cooperate. The European budget can support Member States as we work to keep our citizens safe and, together, build a Union that is resilient to future security challenges and is better equipped to respond to emergencies.

The continued attractiveness of the EU as a politically and economically stable place in which to live, travel and do business depends greatly on its reputation as a genuine area of freedom, security and justice. Among many other things, this requires that we minimise the threats from terrorism and from serious cross-border criminality, including the scourge of terrorism, the ongoing menace of organized-crime and new frontier of cybercrime, which can have potentially devastating consequences for businesses, individuals and IT security. Ireland has always been, and will continue to be, an enthusiastic and proactive supporter of co-operation in these areas.

The objectives of the Internal Security Fund are based on the scope of its predecessor instruments, the 'security and safeguarding liberties' programme in the period 2007-2013; the instrument for police cooperation, preventing and

combating crime and crisis management (ISF-P) which was established by Regulation (EU) No 513/2014 and formed part of the Internal Security Fund in the period 2014-2020; and the drugs policy part of the Justice programme established by Regulation (EU) No 1382/2013 in the period 2014-2020.

All of these imperatives require financial support for the development of closer co-operation between law enforcement authorities, for the exchange of personnel, ideas and best practice.

Ireland participates in the current ISF regulation (ISF-P) for the period 2014-2020. The current ISF fund has enabled high-volume investments, especially in IT systems, from which Ireland has benefitted - for example Ireland's connection to the Fixed Interpol Network Database (FIND) for linked member countries to access Interpol's global databases. Under the current ISF An Garda Síochána act as both the Responsible Authority and the Audit Authority. My Department regularly reviews expenditure under the current ISF fund in Ireland through the ISF Monitoring Committee. The ISF Monitoring Committee is comprised of officials from both my Department and An Garda Síochána and works to ensure that Ireland achieves the maximum benefit from our allocated funding in full compliance with Union law.

### **Main features of the proposal**

The future ISF structure will contain a single general objective, which will be to contribute to ensuring a high level of security in the Union, in particular by tackling terrorism and radicalisation, serious and organised crime and cybercrime and by assisting and protecting victims of crime. This reflects the Unions security policy. The overall objective is supplemented by the following three important horizontal objectives:

1. to increase the exchange of information among Member States' law enforcement and other competent authorities and other relevant Union bodies as well as with third countries and international organisations;

2. to intensify cross-border joint operations among Member States' law enforcement and other competent authorities in relation to serious and organised crime with a cross-border dimension; and,
3. to support efforts at strengthening the capabilities in relation to combatting and preventing crime including terrorism in particular through increased cooperation between public authorities, civil society and private partners across the Member States.

These are important objectives for all Member States and the Union as a whole. Ireland welcomes the commitment to enhancing the safety of all citizens by improving the capacity of Member States to cooperate.

*Greater funding;*

Reflecting the increased threats faced by European citizens and the attendant increased need for Member States to work collectively to fight such threats, an important development in the proposal for the future ISF is the Commission's intention to multiply Union funding for internal security by a factor of 1.8. The financial envelope of the Internal Security fund in the period 2021-2027 will be €2.5 billion (in current prices). This increase in funding is welcome, and demonstrates the Unions determination to be a place of safety and security for all Europeans.

*Flexibility;*

The main challenge the proposal aims to address is the need for greater flexibility in managing the future fund, along with tools to ensure that funding is steered towards EU priorities and actions with a significant added value to the Union. The funding is implemented through shared management by the Member States and direct/indirect management by the Commission. A new thematic facility comprising €1 billion will be allocated periodically allowing the funds to, at the initiative of the Commission, support targeted actions by Member States and allow for a rapid response to immediate security challenges or emergencies. The programming of actions under the thematic facility would be implemented through annual and multiannual work programmes adopted by Commission Implementing Decision. This new thematic facility will make it possible to address new priorities or take urgent action and to implement them

through the delivery mode that is best placed to achieve the policy objective, as time progresses during the funds period 2021 - 2027.

*How funding is allocated;*

Allocations under the future Internal Security Fund will be based on a 60%-40% split. 50% (€1.25 billion) will be allocated to Member States initially, with a later mid-term allocation of 10% (€250 million) The remaining 40% (€1 billion) will be assigned to the new thematic facility.

Each Member State will receive a one-time fixed amount of €5 million to ensure a critical mass at the start of the programming period, plus an amount varying according to a distribution key weighted on the following criteria:

- 45% in inverse proportion to gross domestic product;
- 40% in proportion to the size of the population; and
- 15% in proportion to the size of the territory

*Compliance;*

Importantly, this proposal also sets out the general principles that expenditure under the ISF must be consistent with EU policies and priorities, must be implemented in close cooperation between the Commission and the Member States, and must be subject to sound financial management. The proposal also contain provisions on management and control of the Fund. The proposal makes provision for the inclusion of the Union Agency for Law Enforcement Cooperation (Europol), the European Union Agency for Law Enforcement Training (CEPOL) and the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) in the process of developing of Member States' national programmes, and for these agencies participation in monitoring and evaluation tasks under the proposal. Member States will be required to submit annual performance reports from 2023 onward. I am confident these measures and others to be further set out by the Commission in implementing acts will ensure that the future ISF achieves its objectives and delivers the maximum benefit for European citizens.

