

# A new internal security strategy for the European Union

The European institutions' output of reports, programs, strategies, action plans, conclusions, resolutions, communications, guidelines, recommendations and other roadmaps is probably too abundant to allow us to pay attention to everything that comes out of the offices of the Commission, the Council or the Parliament. In this profusion, however, some documents stand out more than others, and this is certainly the case with the European Union's new internal security strategy, published on 1 April<sup>1</sup>.

The European internal security policy is still not well known: people often ignore that the European Union is actively involved in terrorism, money laundering, drug trafficking, border protection or the harmonisation of criminal legislation<sup>2</sup>. This is all the more the

case as this policy has been built up empirically, and constantly intermingles the competence of the Union and that of its member states, with no clear dividing line between them. It is hardly surprising, therefore, that virtually no one has heard of the spectacular announcements made by President von der Leyen at the start of her second term of office<sup>3</sup>: the doubling of the number of staff at Europol, the agency responsible for supporting Member States in the fight against crime, and the tripling of the number of European border guards, who are under the responsibility of the Frontex agency.

However, the internal security strategy deserves our attention, not only because it sets out guidelines for the coming years, but

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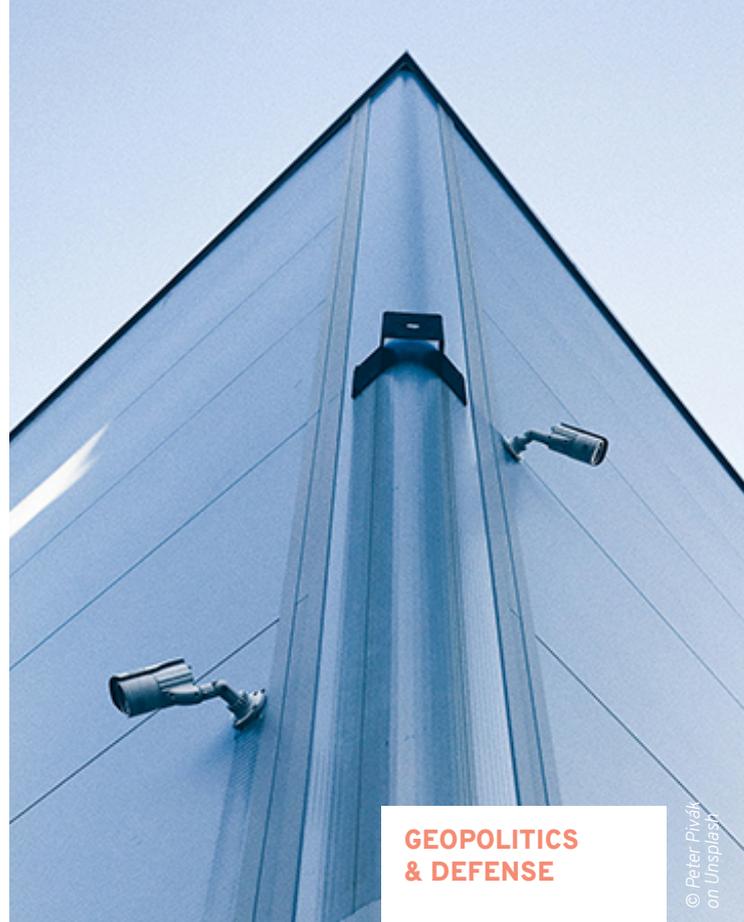
POLICY BRIEF  
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forthcoming)

1 Communication from the Commission on Protect EU: a European Internal Security Strategy, no. COM (2025) 148 final, 1<sup>st</sup> April 2025.

2 Cf. J. Mafart, "L'Europe de la sécurité intérieure, méconnue, mérite intérêt et moyens", *la Libre Belgique*, 6 March 2025.

3 Speech to the European Parliament, 18 July 2024. See also *Europe's Choice - Political Guidelines for the next European Commission 2024-2029*, 18 July 2024.



also because it responds directly to strong social expectations, unlike other European policies which are undoubtedly more integrated but more abstract for the European citizen. Terrorism and organised crime remain very serious threats, requiring a response on a European scale – the scale of the area of free movement – and several tragic episodes in France and Germany have recently drawn attention to the Union’s shortcomings at its external border, at the risk of weakening the legitimacy of free movement.

## I • The need for strategic planning

The document published by the Commission is part of a long tradition of programming; European internal security policy, in particular, has been built on the basis of major “programmes”. It is probably worth briefly reviewing its origins.

The “Europe of internal security” – including, of course, border security – is inextricably linked to freedom of movement: internal borders could not be abolished without coordination between Member States on criminal phenomena or agreement on rules for controlling the external border, which has become common to all Member States. The expression “area of freedom, security and justice” (AFSJ), coined by the Treaty of Amsterdam, clearly reflects this necessary link. Although it is sometimes forgotten, the Schengen system is not just about migration: from the outset, it has also been about security cooperation, initially intergovernmental and then gradually integrated into the institutions of the European Union – a process completed by the Treaty of Lisbon in 2007.

In October 1999, the Heads of State and Government adopted the “Tampere Programme”, which announced the strengthening of Europol’s role and resources (the agency began its operational activities in 1999) and the creation of a judicial counterpart, Eurojust. It was also the Tampere Programme which, on the basis of the principle of mutual recognition in criminal matters, heralded an essential instrument

of the AFSJ, the European arrest warrant. Adopted in November 2004, the Hague Programme attaches great importance to a subject that will become increasingly important: the availability of information, whether in terms of data exchange between the investigating services of the Member States or European information systems at external borders. In May 2010, the Stockholm Programme, in which the expression “a Europe that protects” appears, testifies to an even more consistent strategy and programming effort; the Commission is charged, for the first time, with drawing up a “global internal security strategy”. The aim is not only to ensure a “clarity on the division of tasks between the Union and the Member States”, but also to assess the progress made. While the document focuses primarily on police cooperation, it explicitly mentions border control and cooperation in criminal matters among the instruments of security policy.

Once the AFSJ construction phase was over, the European Council no longer adopted comparable programmes. A document with a very general scope, the European Council’s “strategic programme” for the period 2024-2029 only mentions internal security in a few lines<sup>4</sup>. However, the European Council still frequently addresses internal security issues in its conclusions. Those of 19 October 2017, for example, contained important guidelines on “Digital Europe”, including cybersecurity and the “fight against terrorism and online crime”. It was also in such conclusions that the European Council “invites the Commission to put forward a European approach to artificial intelligence”, which led to the “artificial intelligence” regulation of 13 June 2024, an important text in terms of its impact on the activities of law enforcement agencies.

In any case, it is not just the European Council that is responsible for strategy and planning. For example, the Council – in its Justice and Home Affairs (JHA) configuration, where the justice and home affairs ministers sit – adopts not only legislative texts but also texts expressing political priorities or announcing guidelines for its future work. In the recent past, ministers have adopted

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<sup>4</sup> *Strategic Agenda 2024-2029* ([www.consilium.europa.eu](http://www.consilium.europa.eu)).

Council conclusions on terrorism on several occasions<sup>5</sup>; such conclusions have no normative value but, since they must be adopted unanimously, they express a consensus among Member States and set out a work programme.

As for the Commission, its role in strategic programming is mainly expressed through “communications” of general or more circumscribed scope. The internal security strategy is supplemented by thematic strategies on drugs, terrorism and cyber security. Another communication, that of April 2016 on information systems, announced the guidelines for a vast European project that is still underway, the “interoperability of information systems”<sup>6</sup>; as such, it is one of the programmatic documents that have truly marked the action of the European Union.

Unusual for many Member States, the obvious advantage of this kind of strategic planning is that it gives meaning and overall coherence – and therefore a certain additional legitimacy – to a plethora of initiatives and non-legislative measures, the profusion of which could be incomprehensible. Another advantage is that it makes it possible to assess the progress made and the inevitable delays: this is the role of the reports on the “Security Union” that the Commission regularly publishes to give an account of the progress of the work or negotiations in progress. These reports, which cover a very broad field, reflect the implementation of the multi-annual strategy, but also the emergence of new projects, which are increasingly likely as time goes by.

We have to recognise, however, that the proliferation of strategy and programming documents can sometimes be disorientating. In this respect, the field of drugs is perhaps a textbook case. In its July 2020 “Anti-Drugs Agenda”<sup>7</sup>, the Commission tells us that it

was “developed through a consultative process with Member States and relevant stakeholders”. But this “Agenda” is followed by a “European Union Drugs Strategy”, this time approved by the Council and published in February 2021<sup>8</sup>; it is stated that this Strategy “provides the overarching political framework and priorities for the European Union’s drugs policy for the period 2021-2025”. How does this Strategy dovetail with the Agenda published a few months earlier? The Strategy provides us with the beginnings of an answer: it “builds on valuable input from the Commission Communication EU Agenda and Action Plan on Drugs 2021-2025”. But that is not all: after the “Agenda” and the “Strategy” comes the “Action Plan”. Published in July 2021 by the Council<sup>9</sup>, this third document “pursues the aims and objectives of, follows the approach of, and builds on the same documents and information as the Strategy”. So how does it differentiate itself? Here’s the answer: it “sets out the actions to be implemented to achieve the eleven strategic priorities of the Strategy”. In other words, it is more operational in nature, and its implementation will be monitored by the relevant Council groups.

To sum up, a little simplification might not be superfluous.

## II • Progress for the period 2020-2025

To gauge the scope of the new strategy, let’s take a brief look at the previous one (for the period 2020-2025)<sup>10</sup> and its results. The document grouped the various aspects of security policy, somewhat artificially, into four “strategic priorities” with rather vague titles, each of which determined a programme of work. It should be noted from the outset that these four priorities do not cover the whole field of security policy: there is

5 See in particular: *Protecting Europeans from Terrorism: Achievements and Next Steps*, Council Conclusions, no. 9545/22, 9 June 2022; *Council conclusions on future priorities for strengthening the joint counterterrorism efforts of the European Union and its Member States*, no. 16820/24, 12 December 2024.

6 *Stronger and Smarter Information Systems for Borders and Security*, Communication from the European Commission, no. COM (2016) 205 final, 6 April 2016.

7 *EU Agenda and Action Plan on Drugs 2021-2025*, Communication from the European Commission, no. COM (2020) 606 final, 24 July 2020.

8 *EU Drugs Strategy (2021-2025)*, Council conclusions, no. 14178/1/20, 5 February 2021.

9 *EU Drugs Action Plan (2021-2025)*, no. 2021/C 272/02, 8 July 2021.

10 *Communication from the Commission on the EU Security Union Strategy*, no. COM (2020) 605 final, 24 July 2020.

little mention of harmonisation of criminal law and border issues are dealt with in other documents.

The first priority, “a future-proof security environment”, focuses on preparing for threats: for example, strengthening the security of critical infrastructures, i.e. the equipment and networks that meet a vital need (hence the directive of 14 December 2022 on the resilience of critical entities), putting in place a European cybersecurity strategy (published in December 2020) and better protecting public places against the threat of terrorism. Since then, a “joint cybersecurity unit” has been set up to work with public institutions and businesses on a policy of preventing cyber attacks. Above all, another directive of 14 December 2022 (the “NIS 2” directive) requires Member States to draw up a national cyber security strategy, encourages cooperation at EU level and broadens the scope of European legislation to take account of the growing interdependence between the various sectors to be protected.

The second priority, “tackling evolving threats”, deals with issues such as child pornography content and hybrid threats. In May 2022, the Commission presented a proposal for a regulation on the sexual abuse of minors (ASM), which is part of a wider movement to regulate the Internet – including the Digital Services Act (DSA) and the regulation of 29 April 2021 on terrorist contents online (TCO regulation). This time, the text could not be adopted, in particular because of the “detection orders” that it provided for: service providers, when a significant risk of their services being used for the sexual abuse of minors has been identified, would have to use technologies designed to detect solicitations of children (“grooming”), including in private and encrypted correspondence. The infringement of the confidentiality of correspondence and the circumvention of

encryption, seen as a dangerous double precedent, have given rise to very strong opposition that echoes national debates<sup>11</sup>. When it comes to hybrid threats, the Commission’s initiatives have multiplied in recent years, for obvious reasons: there are the issues of resilience of critical entities and cybersecurity, but there is also – a sad sign of the times – the protection of democratic institutions and electoral processes against foreign interference.

The third axis, “protecting Europeans from terrorism and organised crime”, announces a programme to combat terrorism (which will be completed in December 2020<sup>12</sup>), an “Anti-Drug Agenda” (published in July 2020) and a revision of European legislation on the freezing and confiscation of criminal assets (the directive of 24 April 2024 on the recovery and confiscation of assets). Apart from the TCO regulation, there has been relatively little legislative activity on terrorism over this five-year period. However, the *acquis* of previous years was already very significant, as shown for example by the “Terrorism” Directive of 15 March 2017 (a criminal harmonisation text), and many EU initiatives contribute to the fight against terrorism – as to the fight against organised crime – even if they are not specifically aimed at it: this is the case with the development of Europol’s capacities or European legislation against money laundering.

Finally, the 2020 strategy announced “a strong European security ecosystem”: under this heading we find the strengthening of Europol’s competences and resources (this would be the Europol regulation of 8 June 2022), the deepening of police cooperation and a greater effort in research and innovation.

There remains the question of the external border. Its dual nature – immigration and

<sup>11</sup> In a joint opinion on the legislative proposal, the European Data Protection Supervisor and the European Data Protection Committee consider that, “due to their intrusiveness because of potential granting of access to content of communications on a generalised basis, their probabilistic nature and the error rates associated with such technologies”, “the interference created in particular by the measures for the detection of solicitation of children goes beyond what is strictly necessary and proportionate”; they call for their removal (*Joint Opinion 4/2022 of the EDPB and the EDPS on the proposal for a Regulation of the European Parliament and of the Council establishing rules to prevent and combat sexual abuse of children*, 28 July 2022). The legislative proposal will probably be adopted without these provisions.

<sup>12</sup> *A Counter-Terrorism Agenda for the EU: Anticipate, Prevent, Protect, Respond*, Communication from the European Commission, no. COM (2020) 795 final, 9 December 2020.

security – was very much in the minds of the designers of the Schengen area. They were right, as shown by the increasing number of initiatives to re-establish internal border controls (including France, which has been doing so continuously for nearly ten years): it is largely because the Schengen area does not yet have sufficient control over entry that some Member States within it have felt the need to protect themselves within their national borders. The “screening” regulation of 14 May 2024, combined with the “common asylum procedure” regulation of the same date<sup>13</sup>, therefore represents a decisive step: for the first time – and it’s about time –, foreign nationals who arrive illegally (often by boat) will be subject by the “first entry Member State” to a compulsory control procedure and registration in European files, in the same way as travellers who enter legally<sup>14</sup>. The States concerned still need to ensure that “screening” is rigorously applied; the European Commission will have to play its full role as guardian of the application of European law.

### III • The new programme: priorities and prospects

The new strategy, which is slightly shorter than its predecessor, also has a clearer structure. The first part analyses the evolution of threats and sets out the three fundamental principles of the strategy:

- involve “all citizens and stakeholders, including civil society, research, academia and private entities”;
- take account security issues in all EU texts and policies, as part of a “coherent and comprehensive approach to security”;
- mobilise more human and financial resources from the EU, the Member States and the private sector.

The second of these three principles is interesting: it responds to a trend in recent years, the growing influence of texts and initiatives that stem from other European policies but have a direct impact on the security environ-

ment or on the work of investigative services. There are many examples: in addition to the “artificial intelligence” regulation, we could mention – more unexpectedly – the “media freedom” regulation of 11 April 2024. Even though this text was the responsibility of the Council’s Education, Culture, Youth and Sport section and the Parliament’s Culture Committee, the link with security is real: an indirect link, because the regulation is part of a series of texts designed to defend democratic institutions; but also a direct link because, in an attempt to protect press freedom, the Commission had introduced provisions prohibiting the use of “intrusive surveillance software” against journalists and their sources. While the principle is indisputable, these provisions, conceived outside the confines of security policy, jeopardised certain judicial or administrative investigations. The final version of the regulation maintains the ban but provides for exceptions in the case of investigations into serious offences.

After a second section on analysis, anticipation and security within the European institutions, the internal security strategy sets out five areas of work:

- strengthened EU security capabilities;
- resilience against hybrid threats and other hostile acts;
- organised crime;
- terrorism and violent extremism;
- the role of the European Union in the world and international cooperation.

The guidelines set out under the first point, which are probably the most striking, confirm and detail Mrs. von der Leyen’s announcements on the agencies. With regard to Europol, whose staff numbers are due to double, the Commission alleges a lack of resources and also the absence of any legal powers under the current Europol regulation to deal with new threats such as sabotage, hybrid threats or information manipulation. “This is why, the document adds, the Commission will propose an ambitious overhaul of Europol’s mandate” in order, in particular,

<sup>13</sup> Regulations no. (EU) 2024/1356 and (EU) 2024/1348 of 14 May 2024.

<sup>14</sup> In addition, the “common asylum procedure” regulation obliges Member States to hold asylum seekers who have not been authorised to enter at the external border in a specific place (for up to 12 weeks for the asylum decision and, if necessary, 12 weeks for the return procedure). The two regulations are a major achievement of the “European Pact on Migration and Asylum”, which has so often been presented as lax.

“to turn it into a truly operational police agency” and – perhaps to counterbalance the boldness of this last formula – “better supporting Member States”. The Commission confirms, but justifies even less, its objective of tripling the number of coastguards and border guards, even though the number of staff envisaged by the Frontex regulation for 2019 – 10,000, after all – has not yet been reached. Eurojust’s mandate should also be strengthened.

Developments on “resilience” and hybrid threats are another key aspect of this strategy, if only because they figure prominently in the document: it is no longer possible to draw up an internal security strategy without addressing, alongside the “traditional” themes of terrorism and organised crime, the growing threat of cyber-attacks and attempts at destabilisation of all kinds from Russia or elsewhere. For example, the Commission is announcing a “Democracy Shield”, the precise content of which is not known, but which extends several recent initiatives on the protection of democratic institutions and electoral processes. The emphasis placed on hybrid threats and interference is interesting for a second reason: these are issues that tend to blur the boundary – theoretically watertight but already much eroded elsewhere – between the competences of the Union and the national security missions of the Member States. Besides, another key strategic document, the “Niinistö report” on civil and military crisis preparedness<sup>15</sup>, proposes to “develop a proposal together with Member States on the modalities of a fully-fledged intelligence cooperation service at the EU level”. Aware that he is venturing into minefields, Mr Niinistö is expressing himself with extreme caution, but it is certain that a European policy of protecting “critical entities” and combating foreign interference requires delicate coordination with national security missions, including counter-espionage, which is by its very nature the most eminently state-run aspect of intelligence missions.

In the area of organised crime, the Commission is announcing a legislative initiative to modernise the criminal legal framework and, in particular, to harmonise certain definitions whose disparity between Member States (on the concept of organised gang, for example) can hamper cooperation between them. It also devotes a great deal of attention to the protection of minors, noting their increasing exposure to sexual crime and radicalisation on the Internet, and announcing a specific action plan. The new strategy also provides for the continuation of the efforts made over several years to improve the detection of financial flows linked to crime or terrorism; exchanges of information will be encouraged. The Commission also wishes to study ways of improving the effectiveness of the criminal justice response, for example by digitising procedures, and to strengthen support for victims. On the subject of drugs, it refers to its new multiannual strategy, to be published this year, and to a new action plan.

The developments on terrorism and extremism, which are more succinct, also herald a later document, and say little about its content. The Commission does, however, announce recommendations on radicalisation in prisons and very explicitly expresses its intention to ensure, including through exchanges of information with Member States, that no European funding benefits – through lack of information or sometimes through naivety – projects or organisations that are incompatible with the Union’s values. In particular, France has been very active in recent years to put an end to funding granted, under the guise of integration or inclusion, to projects linked to the vast Muslim Brotherhood movement<sup>16</sup>. As for “foreign terrorist fighters”, the Commission intends to cooperate more with third countries to obtain personal data (particularly biometric data) and feed it into European information systems. Once again, this is a slippery slope: most Member States are keen to preserve their intelligence prerogatives and, in the Europol Regulation of 8

<sup>15</sup> S. Niinistö, *Safer together - Strengthening Europe’s civilian and military preparedness and readiness*, October 2024.

<sup>16</sup> On the network of associations linked to the Muslim Brotherhood in Europe: L. Vidino, S. Altuna, *The Muslim Brotherhood’s Pan-European Structure*, Vienna, Dokumentationsstelle Politischer Islam, 2021. The *Federation of European Muslim Youth and Student Organizations* (FEMYSO), for example, has benefited greatly from public funding from the European Commission and various Member States since its creation in 1996.

June 2022, firmly opposed the idea of Europol itself entering alerts on suspects (particularly terrorist suspects) into the Schengen Information System (SIS) on the basis of information from third countries. In other words, Europol can only become “truly operational” within certain limits: the principle remains that of supporting the police services of the Member States.

One might wonder, however, whether the most crucial issue in the new strategy is not access to digital data, which the Commission addresses in the section on capacity building. Developments in technology sometimes outpace law enforcement agencies, notably through the widespread use of encryption, while the legal requirements for data protection have become very stringent: the *Tele 2* ruling by the CJEU, in particular, called into question the possibility for Member States to oblige telephone and Internet operators to retain their subscribers’ connection data for the possible needs of investigations<sup>17</sup>. On the basis of the conclusions of a European expert group<sup>18</sup>, the Commission has announced a “roadmap” on lawful access to data. A legislative initiative on connection data is all the more likely as the Member States, which were initially very divided, have finally come round to this option<sup>19</sup>. Another key issue is the implementation of recent European legislation on “cross-border access to electronic evidence”<sup>20</sup>, which represents enormous progress: instead of using the highly restrictive mechanisms of international criminal cooperation to obtain data held by Internet companies in the United States or elsewhere, judges will now be able to issue orders directly to these companies, which will be obliged to designate a “legal representative” within the European Union to receive and process these injunctions rapidly.

The new strategy therefore sets out a substantial work programme, even if it ultimately announces relatively few legislative initiatives. The same will be true of this work programme as of any other: the more time passes, the more action deviates from the initial intentions in response to circumstances. An examination of the previous internal security strategy confirms, however, that such a programme has real impact; we also know the Commission’s patient determination and its ability to follow very long-term objectives, when Member States are often at the mercy of circumstances. In any case, it is the European Union as a whole that the public will judge. Drugs and terrorism, longstanding European and national priorities, will inevitably remain so. From this point of view, the strengthening of Europol’s capacities is undoubtedly good news: whether it is a question of decrypting digital data, analysing this data or bringing together information from European police forces, the agency’s contribution has become essential in the face of criminal organisations that ignore national borders. Nevertheless, one might have preferred the doubling of staff numbers (and even the tripling, in the case of Frontex) to be the result of a precise assessment of needs rather than a prerequisite. We must now hope that this assessment – because it will have to be made anyway – will take account of the capacities of Member States and the strengths of each partner, in the spirit of a “European capabilities network” which organises the distribution of European and national resources according to a principle of complementarity. As for the security of the external border, this will perhaps be even more decisive: public support for the principle of a Europe without internal borders largely depends on it.

<sup>17</sup> “While the effectiveness of the fight against serious crime [...] may depend to a great extent on the use of modern investigation techniques, such an objective of general interest, however fundamental it may be, cannot in itself justify that national legislation providing for the general and indiscriminate retention of all traffic and location data should be considered to be necessary for the purposes of that fight”; CJEU, no. C-203/15, 21 December 2016, *Tele 2 Sverige*, § 103.

<sup>18</sup> *Access to data for effective law enforcement: presentation of the recommendations of the High-Level Group*, note from the Swedish Presidency of the Council, no. 10477/24, 31 May 2024.

<sup>19</sup> It is doubtful that the end result in France will be as favourable to the investigating authorities as the current situation, as it results in particular from the case law of the Conseil d’Etat; CE, 21 April 2021, no. 393099, *Quadrature du Net*. However, a harmonised legal framework will represent progress at EU level, especially as some Member States, following the rulings of the CJEU, have drastically reduced the possibilities of retaining connection data for investigations.

<sup>20</sup> A regulation and a directive dated 12 July 2023. Based, as it is, on the principle of mutual trust, these two texts represent a legal revolution equivalent to that of the European arrest warrant.

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