

## **BUILDING INTELLIGENCE COOPERATION IN THE EUROPEAN UNION**

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### **Abstract**

European security is transnational in nature due to the interdependencies of globalized societies. This gives rise to the need for cooperation and the sharing of security intelligence between Member States. This article presents a critical review of the functioning of the intelligence community in the European Union (EU), making a historical review that allows us to understand whether or not transnational cooperation has been moving towards greater integration. In addition to mapping the organisms that are part of this community, the article relies on a theoretical framework of policy analysis to structure the challenges of intelligence sharing on the European level.

It is argued that the EU's capacity to produce its own security intelligence is very low, depending on the sharing of intelligence by the national agencies. Additionally, it is said that the sharing of police intelligence is much more structured than the sharing of security intelligence. Finally, it is concluded that the European intelligence community welcomes different intelligence cultures within it and focuses its activities on diffuse cooperation that faces the limits of national sovereignty, interoperability deficits, and difficulties in establishing institutional relationships of trust.

### **Keywords**

Intelligence, security, cooperation, intelligence cultures, European Union.

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### **Introduction**

According to Article 4 of the Treaty on European Union (TEU), it is clear that *"It shall respect their essential State functions, including ensuring the territorial integrity of the State, maintaining law and order and safeguarding national security. In particular, national security remains the sole responsibility of each Member State"*. Article 73 of the Treaty on the Functioning of the European Union (TFEU) also reiterates the role of Member States in the implementation of their national security policies: *"It shall be open to Member States to organise between themselves and under their responsibility such forms of cooperation and coordination as they deem appropriate between the competent departments of their administrations responsible for safeguarding national security."*. This legal framework is important for the achievement of intergovernmental security in the EU, from which the practices of cooperation between intelligence services and agencies emerge. As argued by Aden (2018), cooperation in the European intelligence community is much more formal and structured in terms of police cooperation than between intelligence agencies, mainly due to a legal framework for police cooperation in terms of European regulation, with successive efforts to integrate into the revisions introduced by the Maastricht, Amsterdam and Lisbon Treaties. Even so, the Treaty of Lisbon, despite extending the EU's area of action in security matters, maintained the principles of intergovernmentalism, first and foremost the unanimous decisions of the Council and the possibility of brake mechanisms (Brandão, 2010: 60).

The difficulties are greater when it comes to concrete and operational action, despite the fact that we see presidents and prime ministers signing treaties, publicly expressing the need for cooperation between Member States to tackle common threats, or supporting symbolic documents such as the European Security Strategy (Cross, 2011:76). However, the security context in the EU has changed somewhat as a result of the various terrorist attacks, highlighting the need for greater sharing of security intelligence between Member States (Costa, 2016: 91). Additionally, the UK's exit from the EU requires a reorganization of the Union's intelligence community (Glees, 2017; Hillebrand, 2017; Segell, 2017). Thus, although European security has been following a path of progressive integration in central matters of national sovereignty - terrorism, human and drug trafficking, cybercrime, border control - blurring some divisions between the internal and

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external frontiers and accepting partial EU governance in these areas (Cross, 2011), though cooperation in sharing security intelligence remains complex and volatile (Gruszczak, 2016: 271).

Intelligence studies as a field is still under construction and has developed mainly in the English-speaking context, advancing theoretically from disciplinary frameworks of Law, History, Political Science and International Relations (Gill and Phytian, 2018). There are many definitions of strategic intelligence, some more restrictive that limit them to a process that feeds national security, others more comprehensive that perceive intelligence as the product of a process that generates knowledge to feed strategic decision with interest and relevance in different areas (Gill and Phytian, 2006). Conceptually, it is necessary to distinguish between security intelligence and police intelligence. The former has a strategic character, offering an understanding that contributes to decisions, policies, and resource management to achieve long-term objectives in order to guarantee national security. The latter are geared towards internal security, particularly with regard to the prevention of violent crime and incidents in the public space and may also fall within the sphere of criminal investigation (Moleirinho, 2009: 82). In the context of this article, strategic security intelligence is considered as an essential element of national security and defence systems but is conceived in a way that is disseminated among the Member States (Coqc, 2017). Globalization has brought a broad understanding of national security, which now includes concerns about many transnational risks, in addition to the traditional political-military threats (Buzan, 1991; Hough, 2004; Williams, 2008; Kaldor and Rangelov, 2014), having demanded a broader intervention of intelligence. However, the globalization of intelligence services has not been so fast, and they remain mainly within national jurisdictions (Aldrich, 2009). There are many intelligence agencies without the capacity to collect and analyze all the available intelligence, first of all because they are not endowed with sufficient resources, unlike countries with "big schools" of *intel* like USA, Russia, United Kingdom, Israel or China. The cooperative practices among intelligence communities are the solution and happen both at the national level - with other security forces and services - and at the international level - with similar services. International cooperation is mostly bilateral and takes place on the basis of common interests, shared intelligence cultures, historical alliances, or geographical and strategic proximity to different regions of the world (Rudner, 2004; Aldrich, 2009).

It is within the above context that it is important to assess the way in which security intelligence is organized within the EU. This article is an exploratory research and takes the form of a predominantly descriptive essay, which aims to answer three fundamental questions: (1) What bodies and mechanisms exist for intelligence cooperation in the EU?; (2) What are the challenges for greater cooperation?; and (3) What role the EU could assume in this process? The structure of the article follows the guiding questions, there being three sections, the first identifying the bodies involved in the process and how, the second presenting a model for analyzing the challenges facing cooperation in intelligence, and a third section pointing out possible courses of action for the EU. Methodologically, the first section follows a comprehensive approach of the literature to map the existing intelligence community as well as its evolution; the second part of Goodin and Tilly's contribution (2006) in political analysis to introduce a model that allows to analyze and



structure the challenges faced in different dimensions; finally, the third section relates the two previous ones, in order to consider the role and positioning of the EU in this process, following here an institutional approach. It is considered that the contribution of this article derives, mainly, from the systematization of intelligence about a little explored theme in the field of social sciences.

The argument put forward here is that there is a non-integrated and fragmented European intelligence system, which depends heavily on the production and management of intelligence by the national intelligence agencies of the Member States, pointing to an EU intelligence community where national interests prevail and where different intelligence cultures coexist. In this way, it is a system where some overlaps and difficulties in sharing intelligence are noted, and weaknesses in the EU's position are also identified, since the cooperation needed to face many risks and threats going beyond the limits of the Union and even Europe. At the same time, the required action is mostly local or national, placing the regional level in an ambiguous zone for the operations of the EU intelligence community. Thus, its future seems to depend on the institutional evolution of the community project itself and on a possible deepening of integration in matters of national security and defense, as well as on the intensity and territorial expansion of the main shared threat of the various national security systems: terrorism. Without further integration of Member States' national security on an EU scale - EU internal security - it will be impossible to think of a common intelligence system. Nevertheless, cooperation and intelligence sharing (especially of the police) within the European intelligence community will continue to be developed, with positive contributions to the Common Foreign and Security Policy (CFSP) and the Common Security and Defense Policy (CSDP), even if they face some challenges, such as the limits of national sovereignty, interoperability deficits and the establishment of institutional relations of trust within and outside the EU area.

### **Cooperation and intelligence in the EU: the supranational bodies**

Intelligence development in the EU has progressed at a slow pace, although relative progress in pan-European cooperation after September 11 and March 11 is recognized (Argomaniz, 2009) and, currently, after the successive terrorist attacks, in particular that of Paris (2015). However, the production of intelligence remained centered on the national dimension rather than the EU dimension, turning the EU intelligence community into a project of cooperation and intelligence sharing between national services and agencies, which is based mainly on a counter-terrorism strategy (Rudner, 2004; Argomaniz, 2015; Den Boer, 2015). The European Union's Global Strategy 2016 highlighted the need for greater intelligence sharing and cooperation between Member States and EU security agencies in counter-terrorism activities, as well as a strengthening of intelligence production by the EU Intelligence Analysis Centre (IntCen), fed by cooperation with EU agencies such as Europol and Eurojust (European Union, 2016). There has been a framework for cooperation in the EU with gradual increases in intelligence sharing and police cooperation with a particular focus on issues of violent radicalization, terrorism and transnational crime (Feiteira, 2016: 286), also impacting on the objectives set by the CFSP and CSDP.



Intelligence sharing is led by the Member States on a voluntary basis, which allows for variations in its intensity and modalities, namely in terms of not compromising privileged relations of some agencies and intelligence services with other partners outside the EU area (Walsh, 2008). Also, there is some mistrust regarding the quality of intelligence produced by some services due to the dissemination of the collection and analysis techniques that serve as a basis for the production of intelligence (Politi, 1998: 12; Gruszczak, 2016: 84). Trust is assumed to be the basic principle of cooperation, but there are several challenges to establishing relationships of trust, primarily due to the secret nature of intelligence production. Thus, cooperation on intelligence tends to focus on issues such as cyber security, international terrorism and transnational organized crime (Bilgi, 2016: 59) and to occur in the following bodies.

#### *Club of Bern*

It is a forum for informal and voluntary sharing of intelligence between services of different countries, created in the seventies of the last century, generally meeting every two years. Currently, all EU countries as well as Norway and Switzerland are members. It is considered to be one of the main platforms for meetings between the leaders of national intelligence services. Its agenda focuses on the holding of meetings and conferences, where technical and operational issues of activities carried out by national intelligence services are discussed. More recently, working groups have been set up in the field of counter-terrorism and the fight against transnational organized crime, which have led to the creation of the *Counter Terrorism Group* (CTG), in 2001. This group includes the US and produces terrorist threat assessment reports, which are shared not only between Member States but also with the Council of the European Union. It should be noted, however, that this group operates outside the institutional framework of the Union despite its rapprochement with it in the last decade, and there is no obligation on the relevance and quality of the intelligence provided by the national intelligence services (Walsh, 2006: 631).

#### *European Police Office (Europol)*

Like the Club of Bern, also in the sphere of police cooperation, an informal forum for sharing intelligence was created which brought together several European countries in the seventies, namely the Trevi Group. This was made up of a group of ministers and senior officials from the Ministries of Justice and Home Affairs of the Member States, often understood as a forum which fostered the creation of the EU Area of Freedom, Security and Justice, enshrined in the Amsterdam Treaty. Europol came into operation in 1999 with units representing all Member States, which are responsible for mediating between national security forces and services and Europol. The sharing of intelligence from national offices derives from their own initiative or from replies to questions put to national offices by Europol (Bilgi, 2016: 58). It is a fundamental structure of EU security, supporting operations on the ground and acting as a platform for intelligence on police-criminal matters. Its main areas of activity are the fight against threats from terrorism, transnational drug trafficking and money laundering networks, counterfeiting of currency



and fraud, and human trafficking. In recent years, Europol's role has been growing and its areas of intervention expanded, becoming a key body in the fight against crime at European level (Rozée *et al.*, 2013). In 2015, the European Counterterrorism Centre was created (*European Counter Terrorism Centre - ECTC*), following the attacks in Paris in November 2015, which has been in operation since the beginning of 2016. Also in 2016, the European Centre for Migrant Trafficking was created (*European Migrant Smuggling Centre - EMSC*), which comes after this issue has been identified as one of the major challenges in the European Agenda for Migration 2015. This center works closely with other Union agencies such as Eurojust in the field of judicial cooperation and Frontex in the protection of external borders. Although a number of criticisms against Europol in terms of transparency and accountability have been pointed out (Jansson, 2016), the production and open dissemination of an annual report is worth noting, the *Europol Review*, which reports on its activities and the results achieved and also contains specific intelligence on the types of functionalities and systems available to Europol from which it provides coordinated support to police operations in the EU.

#### *Standing Committee for Operational Cooperation on Internal Security (COSI)*

Another body contributing to intelligence sharing is the Standing Committee on Operational Cooperation on Internal Security (COSI), set up on the basis of Article 71 of the TFEU to ensure that operational cooperation on internal security is promoted and strengthened within the Union. To this end, it promotes the coordination of action by the competent authorities of the Member States by ensuring effective operational cooperation in the field of EU internal security, including law enforcement, border control and judicial cooperation in criminal matters. It also assesses the overall direction and effectiveness of operational cooperation and assists the Council in responding to terrorist attacks or natural disasters. However, once again, it is not an operational body with autonomy to conduct operations, nor to intervene in the legislative process (Caldas, 2016: 63). It is made up of representatives of the Member States, supported by the JHA advisers of the Permanent Representations, and regularly informs the European Parliament and the national parliaments of its work. Representatives of other bodies involved in internal security, such as Europol, Eurojust and Frontex, frequently attend COSI meetings.

#### *INTCEN*

The Intelligence and Situation Center of the European Union (*Intelligence Analysis Centre - IntCen*) exists under different names since 1999, being integrated into the European External Action Service (EEAS) in 2010, operating daily and uninterruptedly. Its mission is confined to the provision and analysis of intelligence, in particular early warning and assessment of events which may have an impact on EU institutions and Member States, in the fields of security, defense and counter-terrorism. It acts as an entry channel for classified intelligence into the EU from Member States' civilian intelligence services and agencies, much of its analysis being based on intelligence provided by national intelligence services and agencies, national military authorities and diplomats in EU



Delegations. Although not all Member States can contribute to the production of intelligence, all will have access to the intelligence produced by IntCen. When sharing intelligence originating from the national services for the IntCen, the former can define that other actors can access that intelligence in addition to the main consumers of the intelligence disseminated by the IntCen. That is, according to the principle of the origin of intelligence, that which comes from national services can be denied to MEPs, for example (Cross, 2013: 393). Its operational contribution extends, for example, to the provision of intelligence on the destinations, reasons, and circuits of movement of terrorists within and outside EU territory. In 2007, the capacity of the IntCen to analyze situations outside the EU was strengthened through the creation of the Individual Analysis Capability (ISAC), which crosses civilian intelligence with that obtained by the Intelligence Division of the EU Military Staff, issuing early warning intelligence, crisis response planning, and assessments of CFSP operations and exercises (Caldas, 2016: 64-65).

It is a body that produces intelligence in support of the policy-maker, in particular directed at the EEAS, but also assisting the Presidencies of the Council and the European Commission, while contributing to the CFSP and the CSDP, derived from its analyses responding to threats from terrorism, proliferation of weapons of mass destruction and other risks and threats of a global nature. Nevertheless, it is a body that also intervenes in the collection of intelligence, mainly from open sources (*Open Source Intelligence - OSINT*) and residually by direct and face-to-face observation in crisis scenarios (*Human Intelligence - HUMINT*), producing intelligence that would not otherwise exist. In this way, the product of the IntCen intelligence combines its own collection, mainly using OSINT, with the analysis of intelligence shared by the Member States, both civil and military, and diplomatic reports (Gruszczak, 2016: 86). The product of IntCen's intelligence is effective through the production of biannual reports, special reports (in response to crisis situations or in an area of growing relevance at a given time), summaries of support to the policy maker when requested and risk assessments, also biannual, to which *ad-hoc briefings* with the EU institutions may be added when relevant. IntCen is not a European intelligence agency, but it is the closest to it and has been a key player in coordinating and centralizing intelligence cooperation at European level and has gradually established itself as a producer of safety intelligence. As such, it is a key body (as producer and consumer of intelligence) in the EU intelligence community (Cross, 2013: 395) and has assumed a growing role in European foreign policy over the past decade (Fagersten, 2014: 97).

### *European Union Satellite Centre (SatCen)*

As such, it is a key body (as producer and consumer of intelligence) in the EU intelligence community (Cross, 2013: 395) and has assumed a growing role in European foreign policy over the past decade (IMINT e GEOINT). It assumes itself as a military intelligence body, developing its activities jointly with other partners such as the European Defence Agency (*European Defence Agency - EDA*) and the European Space Agency (*European Space Agency - ESA*). The main consumers of SatCen's products and services are, in addition to the Member States, the EEAS, the European Commission, Frontex, and other



EU institutions and agencies. Although GEOINT is particularly associated with the Armed Forces, the truth is that there is a growing interest in the civil sphere, both for the public and private sectors. The GEOINT produced by SatCen is mainly intended to collaborate in humanitarian aid programs and missions, in contingency plans in crisis situations, in the areas of border control, combating piracy to terrorist and organized crime networks, supporting video surveillance networks, identifying military capabilities, controlling the non-proliferation of chemical weapons and mass destruction, and supporting critical infrastructure, including risk and vulnerability assessments. Note that the center does not have its own satellites, so it uses the existing satellite images, often proceeding to purchase them, for later analysts to perform the treatment of them. So: (1) on the one hand SatCen does not command existing satellites, neither in their tasks, nor in their positions; and (2) much less can it control the quality of the material collected, with private satellites for commercial use often having lower resolution image collection than could be needed for SatCen evaluation (Walsh, 2006: 636).

#### *European Union Military Staff (EUMS))*

The Military Staff of the European Union, like the Military Committee, was a consequence of the Helsinki European Council (1999), which opened space for the establishment of permanent political-military bodies, and was subsequently established in 2001, and since 2010 integrated into the structure of the EEAS. It is the only permanently integrated military structure in the Union, bringing together a wide range of experts, who use the contribution of military intelligence to the elaboration of the PCSD. Its functions include, on the one hand, advising on matters of a military nature and, on the other hand, planning, evaluating, and issuing recommendations on matters relating to crisis management situations and the definition of military strategy. To cope with this mission, the EUMS benefits from an Intelligence Division, which uses military intelligence produced by Member States and other European bodies, to subsequently produce reports and assessments for the Military Committee, the EEAS and other EU bodies (Walsh, 2006: 633). The Military Staff shall also monitor the management of ongoing operations and the military capabilities made available by the Member States to the EU, identifying which (inter)national forces may be deployed for operations conducted by the Union (Caldas, 2016: 66).

#### **The challenges of cooperation: formal obstacles and ambiguities**

National intelligence services and agencies have different intelligence cultures and asymmetric resources, causing within the EU itself heterogeneous intelligence production processes between agencies and bodies. With the growing expansion of the Internet, there are estimates that place the collection of intelligence largely dependent on OSINT, which proves to be a less complex, expensive and time-consuming way to do it when compared to other forms of secret collection such as HUMINT (Omand, Bartlett and Miller, 2012). As far as intelligence sharing is concerned, recent efforts highlight a paradigm shift, which relates to strengthening cooperative security in the EU. Due to the expansion of national security agendas, it is impossible for small services to produce intelligence, in



quantity and quality, keeping their budgets unchanged. Thus, cooperation allows, on the one hand, the maximization of existing resources, avoiding, on the other hand, the overlapping of missions in operational terms (Gruszczak, 2016: 88-89). From a security point of view, the existence of shared risks and threats in the EU area encourages cooperation and a common agenda, as in the case of counter-terrorism. Still, intelligence sharing has sometimes benefited the EU's decision-making process more than the effectiveness of a common counterterrorism strategy. This is because shared intelligence has primarily fuelled European counterterrorism policies, with recurrent low operational and tactical impact, areas where intelligence (operational and tactical) tends to remain at the national level (Muller-Wille, 2008: 69). Although cooperation allows economic and security gains, it also has an internal origin, which is determined by the nature of the European integration process itself, marked by successive *spillover* effects. The introduction of cooperation policies in security matters has determined cooperation in adjacent areas, where the growing cooperation in intelligence with the development of the CFSP is included (Fagersten, 2014: 103). However, cooperative practices face obstacles in different areas, proposing below an exploratory model that systematizes the dimensions and determinants of cooperation from the grouping of large contextual domains that may affect a political phenomenon (Goodin and Tilly, 2006). Briefly, we can frame the challenges of sharing security intelligence in five major dimensions: cultural, security, legal, economic, and psychological.

#### *Cultural dimension: different intelligence cultures*

Cooperation tends to be easier when similar intelligence cultures exist, and more difficult to achieve when intelligence cultures are substantially different between the countries concerned (Born *et al.*, 2015: 110). The intelligence culture depends on how the intelligence communities legally register within the Member States and develop their practices, with repercussions on different institutional designs, different articulations between civil-military intelligence, different governmental guardianships, different contributions to the internal security and national defense systems, or different mechanisms of oversight, democratic control and transparency. Taking into account EU countries, it is assumed that there are distinct intelligence cultures, which derive from a differentiated political and cultural history among Member States, from which divergences have emerged in the legal environments and political systems in which the national intelligence communities operate (Graaf and Nyce, 2016).

#### *Security dimension: the globalization of security*

There are many interdependencies between environmental or public health risks, or threats such as cybercrime or terrorism, for example, which require broader cooperation, first and foremost including the US, and not restricted to Member States. At the operational level, missions and operations have mainly taken place at the national and local levels, or come from NATO, with the Union at an intermediate level, where shared problems are often circumstantial and the capacity to intervene limited. The challenge is then to find common goals, and action on cybercrime, counter-terrorism and combating



human trafficking networks can be mentioned as challenges that currently unite all the Member States, although on a scale of differentiated concern that is insufficient to establish structured and broad cooperation in the long term. For effective intelligence sharing within the EU, it is essential to formulate a collective security agenda that can link the actions of Member States and their national intelligence services and agencies around common interests.

#### *Legal dimension: the Lisbon Treaty*

The Treaty of Lisbon has led to an increase in IntCen's competencies and strategic relevance. However, it cannot be ignored that the same Treaty has clearly inscribed the responsibility of the Member States to ensure national security. Thus, this is an exclusive competence of the Member States, where they maintain reserves of sovereignty, making cooperation on security matters and, in particular, on issues associated with the sharing of intelligence between intelligence services take place in an unstructured manner and, preferably, with partner services. As a result, the EU's powers to act in intelligence production or to require and coordinate intelligence sharing are still very limited, despite the increase in the number of European bodies that are part of the European intelligence community over the past two decades. The Lisbon Treaty presents itself as an instrument of formal-legal blockage, which makes it impossible to achieve more integrated cooperation, the development of networks and centralized intelligence sharing channels in the EU, and greater harmonization of collection methods and intelligence analysis techniques. A revision of this legal framework could speed up greater interoperability, correcting some of the difficulties experienced in sharing intelligence within the European intelligence community and bringing about efficiency gains.

#### *Economic dimension: the expansion of the intelligence market*

The importance of intelligence at the national level has today a wider spectrum, consecrating a performance in different sectors that serve national interests. It follows that the work agendas of national intelligence services and agencies present some elements that are shared, but that go far beyond those elements. National intelligence services and agencies operate in an expanding and very competitive market, and there are several situations where Member States compete for strategic intelligence that can help different national governments in their decision-making processes (Rêgo, 2015). There seems to be a dual system, where there are areas where Member States' intelligence services and agencies cooperate and others where they compete. For example, both economic intelligence (support for government negotiations, economic counterintelligence actions, support for national business strategies, etc.) and energy intelligence are areas where national strategic interests are recurrently conflicting, and where national intelligence services and agencies face a competitive environment. This constant competition does not favor the broad, open and continued long-term cooperation that is desired in the EU.



### *Psychological dimension: the principle of trust*

One of the fundamental dimensions of cooperation is trust, expressed through uncertainty about what other services and analysts can do with the intelligence received, the possible negative impact on already existing historical partnerships for bilateral cooperation, or the risk of 'free-rider' (Muller-Wille, 2008: 62). How can a fair sharing of responsibilities and resources between Member States be ensured to avoid distrust? How can standards be set in the collection and analysis of intelligence so that national services and agencies rely on intelligence produced externally? How to ensure the security of intelligence shared in smaller, less resourceful centers? How to keep communication channels permanently open, which foster interpersonal relationships of trust, and not only occasional relationships in crisis situations? These are some central questions whose answers have been characterized by volatility and uncertainty, which has created difficulties in stimulating the desired relationships of trust. This may understand the preference of Member States for bilateral intelligence sharing with intelligence services and agencies with which the principle of trust is assumed to exist, as opposed to broad multilateral action in the EU. Trust is the determining element for the success of intelligence sharing, but it needs time to develop, through recognition of the mutual benefits achieved in joint initiatives, as opposed to creating a formal model of cooperation.

### **The role of the EU: *status quo* or greater autonomy?**

The transfer of competence in the production of security intelligence to Brussels does not seem possible soon, *ceteris paribus*. Nevertheless, the lack of full integration of intelligence in the bureaucratic apparatus of the Union does not invalidate the expected deepening of the security intelligence community in the EU. The development of this community points to the development of a broad and flexible network, which makes the EU and the Member States jointly responsible for the production and sharing of intelligence within the Union. As Alessandro Politi (1998: 8) wrote in one of the first reference texts on intelligence in the EU context, there may not be great advantages in over formalizing the European intelligence community, as the flexibility of a network can ensure greater efficiency in managing the necessary cooperation and intelligence sharing, instead of trying to engage in the creation of a European intelligence culture alternative to the national ones. If, in part, this argument can still hold water, it seems to have lost momentum as a result of the enormous expansion of international terrorism, pointing to several problems over a complex and insufficient intelligence network where cooperation is diffuse, takes place at different levels, and does not present standard procedures and practices (Argomaniz, 2015). Despite the effective gains from intelligence sharing in the field of police cooperation, the integration of intelligence sharing between intelligence services and agencies in the community area has been slower, revealing a preference of national governments (i) for informal initiatives as opposed to formal regulation, (ii) by sharing with a small number of actors rather than broad sharing at Union level, and (iii) by establishing *ad hoc* practices as an alternative to institutional solutions (Gruszczak, 2016: 217 and 272). The role of the EU will depend on its positioning in three areas,



namely defining its participation in the intelligence cycle, its effectiveness in managing and coordinating intelligence sharing and its ability to drive greater interoperability.

Its participation in the collection of intelligence using its own means will require more of the EU and its relationship with the Member States, as opposed to a circumscription to the phases of analysis and dissemination of intelligence from the national services, firstly because the collection and its legal limits are an area more sensitive to national legal cultures, which vary between the Member States. Although the importance of HUMINT and SIGINT is recognized, there are many possibilities for the collection of intelligence to happen from OSINT, which has held the preference of European bodies that produce intelligence, especially as its value increases with the expansion of digital communication tools. The collection through own means does not invalidate the processing of intelligence from national services and agencies. Even so, the joint action involves two challenges: (1) avoid overlapping analyses and (2) ensure the added value of intelligence produced from the EU. The duplication of analyses, the excess of analyses and the growing bureaucratization of processes and procedures will hardly be perceived as an added value for Member States. By contrast, a direct, flexible and stable networked system, with access to intelligence that is more difficult for national services and agencies to obtain, could lead to the recognition of a favorable contribution from the EU and their greater participation in the European intelligence community. This horizontal network with several bridges for cooperation, rather than a formal hierarchical model, can foster trust and avoid additional conflicts in the relationship of Member States with their own integration processes.

In relation to cooperation, the European intelligence community needs to be further deepened, articulated and centralized, and it is also essential to ensure the relevance of shared security intelligence at the multilateral level. An EU-led system of cooperation could diminish the preference for bilateral cooperation, without an obligation for multilateral sharing, and there could be a model for cluster cooperation according to interests shared by Member States but coordinated by the EU. This flexible sharing by clusters and by areas would even allow cooperation to be extended beyond the borders of the EU, to countries with a historical relevance such as the United Kingdom and the US, as well as to countries with a very high geostrategic interest in certain areas, such as Turkey or Morocco, for example, or even within the institutional framework of collective security with NATO. Obviously, greater circulation of and access to intelligence presupposes the strengthening of the security of existing communication channels and data centers where they would be stored, as well as the definition of the conditions of such access by the security forces and services of the Member States and other actors.

The poor interoperability in the European intelligence community is one of its main limitations, and it is necessary to make compatible solutions between Member States in terms of the legal environments where intel is collected, the infrastructures, the techniques and methodologies of intelligence analysis and processing, and the sharing of technology (necessary both in the collection techniques and in the security of the channels of intelligence dissemination). All this would also contribute to greater harmonization of the different intelligence cultures living together in Europe and could have a positive impact on relations of greater trust between the Member States,



promoting cooperation. This harmonization could also have positive effects in terms of democratic control, transparency and the management of the binomial security and freedom, by reconciling access to (meta)data with the protection of rights, freedoms and guarantees, on which the Member States have different positions.

## Conclusion

This article shows that the EU intelligence community is substantially different from the national communities we know, which is not surprising given the prevalence of nationality in the sharing of security intelligence between intelligence services and agencies in the EU. The national security of the Member States is not yet fully represented in the internal security of the Union, thus including greater cooperation in the sharing of police intelligence. The sharing of security intelligence is more like an open network, where different ways of producing, analyzing, and disseminating intelligence live together. Security intelligence is configured as the last stronghold of national sovereignty that Member States make use of, making the European intelligence community's dependence on Member States very high. This community acts at national level, with the different national intelligence agencies, and at European level, through the different bodies involved in the production and sharing of intelligence, from which various EU bodies and institutions as well as Member States benefit.

Although the creation of a European intelligence agency in the current context seems impossible today, the strengthening of sharing seems to be one of the ways to go, contributing to the maximization of existing resources and to the development of epistemic communities. Moreover, the advantages of cooperation in terms of saving resources - in a context of budgetary constraints for many small services and national intelligence agencies - and producing intelligence in scale economies are difficult to deny. It is also necessary for the EU to assert its own capacity for collection and analysis - especially from the IntCen and using OSINT - from which a growing contribution to the CFSP and the CSDP is expected and thus in the formulation of the whole EU geostrategic vision. The future of security intelligence in the EU seems to depend, on the one hand, on the further integration of common security and defense issues and, on the other hand, on the advancement of common threats to such as terrorism. Nevertheless, it is important to ensure that any further centralization, analysis, dissemination and, above all, intelligence sharing do not compromise the autonomy of the Member States and do not violate the principles of action of the several actors involved in the EU intelligence community. Finally, the EU's position on this issue also reflects the way it intends to project itself into the international system, perhaps forcing it to revisit the current cohesion of the transatlantic relationship and the historic EU-NATO relations in security and defense matters.



## References

- Aden, H. (2018). «Information sharing, secrecy and trust among law enforcement and secret service institutions in the European Union». *West European Politics*. 41(4): 981-1002.
- Aldrich, R.J. (2009). «Beyond the vigilant state: globalisation and intelligence». *Review of International Studies*. 35: 889-902.
- Argomaniz, J. (2015). «The European Union Policies on the Protection of Infrastructure from Terrorist Attacks: A Critical Assessment». *Intelligence and National Security*. 30(2-3): 259-280.
- Argomaniz, J. (2009). «Post-9/11 institutionalisation of European Union counter-terrorism: emergence, acceleration and inertia». *European Security*. 18(2): 151-172.
- Bilgi, S. (2016). «Intelligence Cooperation in the European Union: An Impossible Dream?» *All Azimuth*. 5(1): 57-67.
- Born, H., Leigh, I., & Wills, A. (2015). *Making international intelligence cooperation accountable*. Geneva: EOS-DCAF.
- Brandão, A.P. (2010). «O Tratado de Lisboa e a Security Actorness da UE». *Relações Internacionais*. 25: 49-63.
- Buzan, B. (1991). «New Patterns of Global Security in the Twenty First Century». *International Affairs*. 67(3): 431-51.
- Caldas, G. (2016). «Rumo a um Sistema de Informações Europeu?». *Revista de Direito e Segurança*. 8: 51-79.
- Cocq, C.C. (2017). «'Information' and 'intelligence': The current divergences between national legal systems and the need for common (European) notions». *New Journal of European Criminal Law*. 8(3): 352-373.
- Costa, J.M.D. (2016). «A Luta contra a Ameaça Terrorista na Europa Ocidental». *Nação e Defesa*. 143: 88-93.
- Cross, M.K.D. (2013). «A European Transgovernmental Intelligence Network and the Role of IntCen». *Perspectives on European Politics and Society*. 14(3): 388-402.
- Cross, M.K.D. (2011). *Security Integration in Europe: How Knowledge-Based Networks Are Transforming the European Union*. Ann Arbor: University of Michigan Press.
- Den Boer, M. (2015). «Counter-terrorism, security and intelligence in the EU: governance challenges for collection, exchange and analysis». *Intelligence and National Security*. 30(2-3): 402-419.
- European Union (2016). Shared Vision, Common Action: A Stronger Europe. A Global Strategy for the European Union's Foreign And Security Policy. [Consulted on 20 December 2016]. Available at: <http://europa.eu/globalstrategy/en/global-strategy-foreign-and-security-policy-european-union>.



- Fagersten, B. (2014). «European intelligence cooperation». In I. Duyvesteyn, B. Jong, & J. Van Reijn (eds.), *The Future of Intelligence. Challenges in the 21st century*. New York: Routledge, 94-112.
- Feiteira, A. (2015). «Tendências das Ameaças Globais. Ordem Jurídica Internacional e Intelligence». In J.V. Borges & T.F. Rodrigues (coord.), *Ameaças e Riscos Transnacionais no Novo Mundo Global*. Porto: Fronteira do Caos Editores, 283-295.
- Gill, P. & Phythian, M. (2018). «Developing intelligence theory». *Intelligence and National Security*. 33(4): 467-471.
- Gill, P. & Phytian, M. (2006). *Intelligence in an insecure world*. Cambridge: Polity Press.
- Glees, A. (2017). «What Brexit means for British and European intelligence agencies». *Journal of Intelligence History*. 16(2): 70-75.
- Goodin, R.E. & Tilly, C. (eds.) (2006). *The Oxford Handbook of Contextual Political Analysis*. New York: Oxford University Press.
- Graaf, B. & Nyce, J.N. (eds.) (2016). *Handbook of European Intelligence Cultures*. Plymouth: Rowman & Littlefield.
- Gruszczak, A. (2016). *Intelligence Security in the European Union. Building a Strategic Intelligence Community*. London: Palgrave Macmillan.
- Hillebrand, C. (2017). «With or without you? The UK and information and intelligence sharing in the EU». *Journal of Intelligence History*. 16(2): 91-94.
- Hough, P. (2004). *Understanding Global Security*. London: Routledge.
- Jansson, J. (2018). «Building resilience, demolishing accountability? The role of Europol in counter-terrorism». *Policing and Society*. 28(4): 432-447.
- Kaldor, M. & Rangelov, I. (eds.) (2014). *The Handbook of Global Security Policy*. Londres: Blackwell Publishing.
- Moleirinho, P.E. (2009). *Da Polícia de Proximidade ao Policiamento Orientado pelas Informações*. Tese Mestrado em Direito e Segurança, Faculdade de Direito, Universidade Nova de Lisboa. Lisbon: FD UNL.
- Muller-Wille, B. (2008). «The Effect of International Terrorism on EU Intelligence Cooperation». *Journal of Common Market Studies*. 46(1): 49-73.
- Nomikos, J.M. (2014). «European Union Intelligence Analysis Centre (Intcen): next stop to an agency?». *Journal of Mediterranean and Balkan Intelligence*. 4(2): 5-13.
- Omand, D., Bartlett, J., & Miller, C. (2012). «Introducing Social Media Intelligence (SOCMINT)». *Intelligence and National Security*. 27(6): 801-823.
- Politi, A. (1998). «Why is a European intelligence policy necessary?». In A. Politi (ed.), *Towards a European intelligence policy*. Paris: Chaillot Paper N.º 34, Institute for Security Studies, 8-18.



- Rêgo, H. (2015). «Globalization and Challenges for Intelligence Analysis». In T. Rodrigues, R.G. Pérez, & S.S. Ferreira (eds.), *Globalization and international security: an overview*. New York: Nova Science Publishers, 211-222.
- Rozée, S., Kaunert, C., & Léonard, S. (2013). «Is Europol a Comprehensive Policing Actor?». *Perspectives on European Politics and Society*. 14(3): 372-387.
- Rudner, M. (2004). «Hunters and Gatherers: The Intelligence Coalition Against Islamic Terrorism». *Journal International Journal of Intelligence and CounterIntelligence*. 17(2): 193-230.
- Segell, G. (2017), "Intelligence cooperation between the UK and the EU: will Brexit make a difference?». *Journal of Intelligence History*. 16(2): 83-86.
- Walsh, J.I. (2006). «Intelligence-Sharing in the European Union: Institutions Are Not Enough". *Journal of Common Market Studies*. 44 (3), 625-643.
- Williams, P.D. (ed.) (2008). *Security Studies: An Introduction*. New York: Routledge.