



WP4
**Political leadership, European institutions and
Transboundary Crisis Management Capacity**

Deliverable 4.2
**Final Report for Sub-WP4.1: Crisis Management
Capacity in the European Commission, European
Council and the Council of the European Union**
[M30]

Includes contributions from Klara Andrée, Sarah Backman,
Kajsa Hammargård, Neill Nugent, Eva-Karin Olsson, and
Mark Rhinard

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D4.2: Final Report for sub-WP4.1 – Crisis Management Capacity in the European Commission, European Council and the Council of the European Union [M30]

The final report of the sub-WP4.1 will cover the key findings about mapping exercises and the analysis of: - the effectiveness and legitimacy of Commission, European Council, and Council of the European Union's transboundary crisis management capacity -the role of the European Commission, in which much crisis management capacity, expertise and leadership potential can be found; and the relatively recent role of European Council in providing political direction to EU crisis management efforts [from the Transcrisis Grant Agreement].

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Chapter 1

Updated inventory of European Commission, Council of the European Union, and European External Action Service Crisis Capacities (“Mapping Exercise”)

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Executive Summary

Introduction

This chapter reflects an updating of the inventory of the crisis management capacities of the European Commission, Council of the European Union and European External Action Service (EEAS). A first version of the inventory was presented as Deliverable 4.1 in March 2017. This current version accounts for developments in the seven-month period since, to allow us to revise/confirm key findings required by Deliverable 4.2 in September 2017. Future changes to the inventory will be made via the on-line capacities database located at www.societalsecurity.eu.

The capacities inventory stems from a central concern in the Transcrisis project: that the ‘institutional capacities in these institutions need to be better measured in terms of how they contribute to preparation, response, and recovery’ (Transcrisis proposal, p. 34). Capacities are defined in terms of politico-administrative features that facilitate the pursuit of seven tasks of effective crisis management, defined by the project as: *detection, sense-making, decision-making, coordination, meaning-making, communication and accountability*. Investigating capacities in seven issue areas, we reveal a host of emerging capacities in recent years (about 210 in total). Some of these capacities were expected, others are surprising. When compared with previous studies, the results show intriguing trends in how, where and in what forms capacities have evolved in recent years.

Methodology

The initial data collection for this project began on 1 October 2017 and was paused on 1 March 2017 in order to compile and analyse the data for Deliverable 4.1. Further updates were made until 22 September 2017. The research team applied the analytical framework inspired by the Transcrisis ‘codebook’. The codebook lists seven key tasks – stated above – which expand on the traditional cycle of prevention, preparation, response, and recovery (with an emphasis on preparation and response). We combined sense-making/communication into a single category because it was difficult to find mutually exclusive capacities for either one.

We applied the remaining analytical categories to seven major issues areas:

- Transport, health, cyber, energy, terrorism, civil protection, and migration.

Primary sources used include the EU institutions’ websites in addition to the EU’s legislative and pre-legislative databases. Official documents and web-site presentations provide the bulk of the data presented here. Some participant interviews were conducted, but on a largely unsystematic basis and

will in the future be systematised. *Secondary sources* include think-tank and academic articles on the topic. Sectoral-focused studies were used to quality-check our primary sources when possible (few scholars study EU crisis management in a cross-sectoral and cross-national way, however). When faced with doubts on the relevance of certain capacities, we erred on the side of inclusion rather than exclusion. This report is largely deductive in methodology, using an existing framework to collect data, but allows for a degree of inductive theorising.

Within each issue area, internet research proceeded in three steps. It started by examining Commission policy area websites (largely found in individual Directorates-General websites) and web-based information from the General-Secretariat of Council of Ministers of the European Union ('Council') It was complemented by in-site Google searches for Transcrisis-project lexicon like 'crises', 'threats', 'emergencies', 'disasters', 'preparedness', 'early warning', and 'urgent'. Then, researchers turned to EU legislative databases such as Eur-Lex. Finally, secondary sources – analytical studies – were consulted to see if any data escaped our earlier searches. Some capacities are placed in multiple categories, when they serve multiple crisis management tasks (thus, the number 165 above is a rough approximation). Units, platforms or centres with multiple capacities are listed in each respective category. All sources are dated and documented in the attached volume.

A few caveats are in order. First, the crisis capacities related to a European Council (heads of state and government) are of a different nature (largely un-institutionalized, non-material, and thus difficult to 'inventory'). They are addressed in a separate report as part of this deliverable (see Chapter 8). Second, following practitioner feedback, some capacities related to the European External Action Service (EEAS) were added to this inventory despite the fact that the EEAS was not part of the original terms of reference.

Looking across the issue areas, we now turn to common findings in each analytical category.

Findings

Detection

We operationalised detection by searching for EU capacities relevant to 'the timely recognition of an emerging threat' (Transcrisis codebook, p. 11). In practice, this involved searching for EU activities on threat monitoring, horizon scanning, and early warning.

We found an abundance of EU capacities here. Roughly speaking, the capacities number 45. Few EU policy areas lack monitoring or early warning tools. From transport disruptions to air quality problems, detection efforts are present. Moreover, few conceivable threats are without a specific detection system. By way of example, the health field has five detection systems for five different types of disease. CBRN threats from an intentional source are treated in a system (RAS-BICHAT) that is separate from CBRN

threats from accidental sources (RAS-CHEM). Each transport sector – air, sea, and rail – has systems in place at the European level to detect emerging threats. Detection of third country nationals crossing EU borders takes place (albeit with some difficulties as seen in the current migration crisis) in three systems: EURODAC, the Visa Information System (VIS) and the recently proposed Entry-Exit System (part of the Smart Borders package of proposals).

Unsurprisingly, perhaps, systems are particularly pronounced in areas that experienced recent attacks or emergencies. Warning systems for energy crises – namely gas and oil – have been put in place. Following the Icelandic Ash Cloud, Eurocontrol’s Pilot In-Flight Reports system collects real-time information about ash cloud positions and concentrations. Potential cyber- and terrorist-attacks – the detection focus *de jour* -- are now monitored by no less than two systems each, started in 2015.

Perhaps as a result of proliferation, we also note consolidation efforts. ‘Systems of systems’ seem to be on the rise when compared to previous research (Boin et al. 2006; Boin et al. 2014). COPERNICUS provides a ‘rapid mapping’ facility to spot potential environmental problems from earth and space, drawing together existing systems like the EFAS (flood alert) and the EFFIS (forest fire warnings). DG Santé’s Epidemic Intelligence Information System (EPIS) draws in various health systems under a common platform. And ARGUS, although dating back to 2006, is undergoing revision. ARGUS is the Commission Secretariat-General’s effort to build a single platform for all detection systems. At least one Commission insider told of us a cat-and-mouse game: real crises lead to new detection systems, which in turn lead to efforts to link them together after initial attention fades. We revisit this hypothesis in the last section below.

Sense-making

Sense-making refers to ‘the collection, analysis, and sharing of critical information that helps to generate a shared picture of an impending crisis’ (Transcrisis codebook, p. 11). In practice, this meant searching for EU tools related to: situational awareness, common situation pictures, risk assessment, analysis of information from detection or distribution of information, information-sharing practices for creating a common situational picture or to create a basis for decision making.

Our results were surprisingly robust here, especially when viewed in temporal perspective. In recent years, much work has gone into the Council’s Integrated Situation Assessment and Analysis (ISAA) function, for instance, which allows the Secretariat-General of the Council to provide a situation assessment in the outbreak of a crisis. In civil protection, many resources have been directed towards understanding the breadth and impact of an emerging disaster, via technological tools housed in the ERCC. Our nomenclature of ‘sense-making’ is even used by officials to describe their efforts. In critical infrastructure protection, the CIWIN system (critical infrastructure warning and information network) not only collects information about problems in different infrastructures but also ‘enriches’ the data

through analysis. A new unit to spot terrorist financing has been placed in Europol, built around an ‘FIU.net’ network of information sharing and situation assessment. Following the 2010 Ash Cloud crisis, Eurocontrol’s EACCC (European Aviation Crisis Coordination Cell) seeks to get ‘ahead of the game’ when major aviation failures occur by providing early analysis Europe-wide. European Border Guard Teams engage in a form of sense-making when they assess ‘pressure points’ and report to central authorities. One last example (see the attached inventories for more) can be found in the field of cyber-security, where the newly established CSIRT network shares information and discusses problems amongst national experts.

Sense-making tools herein fall into two broad categories. The first is sense-making procedures and bodies related to finding *potential* crises wherever they may arise. The financial intelligence networks described above fits into this category, in that it seeks to assess which emerging problems are ‘actionable’. The second category contains sense-making procedures and bodies for *actual* unfolding crises. They often involve marshalling expert groups for use in crisis. Examples include the Council’s stakeholder advisory group on maritime security, which is expected to be ready when a maritime-related event takes place, and the counter-terrorism first response network, which convenes during an attack. As in most capacities inventoried in this report, we have very little information on whether these tools actually work in practice, and how well. But it is worth noting a key trend here, which becomes apparent when compared with previous analyses on EU sense-making (Boin, et al 2015): systems originally designed for information collection (e.g. largely about detection) have been ‘enriched’ with an analytical function (e.g. sense-making).

Decision-making

Decision-making is ‘the selection of strategic decisions, joint decision-making, and formulating an effective strategy to implement the key decisions’ (Transcrisis codebook, p. 11). In practice, we searched for capacities such as crisis rooms or decision-making protocols for use during a crisis.

Direct decision-making capacities for crisis management exist in only a few sectors. Those sectors correspond with issue areas in which the EU has a clear competence. Thus, during an animal health outbreak, key decisions must be made at the European institutions related to quarantine, for instance. Some aspects of air transport security involve Eurocontrol (not formally an EU body but closely related) issuing guidelines when a crisis hits, via its EACCC and Network Manager. In a major financial crisis, which is studied by a different sub-project within Transcrisis, the European Council will mobilize to coordinate a common response amongst member states and institutions like the European Central Bank (see also Chapter 8 below).

But in most areas the EU’s decision-making role is, at best, arms-length from the actual crisis. The EU’s competences rarely allow it to intervene directly in a crisis. Thus, the ERCC has a variety of rapid

decision-making protocols and an impressive information support system to match. Its three crisis rooms operate on 24 hour/7 days a week basis. Decisions made here, however, relate mainly to the mobilisation of the EU's own assets—which are proportionally a small contribution to crisis response. The same applies to DG Santé's Health Emergency Operations Facility (HEOF). The Facility operates mainly to gain a situation awareness of a pandemic outbreak and to understand what EU member states are doing individually or bilaterally to manage a crisis. One respondent described HEOF's attempts as 'managing chaos' since DG Santé's role is not always self-evident. In the area of cyber crises, the 'EU Standard Operating Procedures for Cyber Events' involve a degree of decision-making but largely in terms of what EU capacities should be mobilized – whether demanded by outside crisis managers or not.

Coordination

Coordination involves 'identifying key partners in the response and facilitating collaboration between them' (Transcrisis codebook, p. 11). Here we searched for capacities related to coordination of crisis measures (e.g. coherence) as well as coordination of actors per se.

We found a plethora of coordination capacities, arguably because coordination is the very essence of the EU's role in crises (Boin et al. 2013). As argued above, the EU has few direct decision-making functions during crises. Rather, it is heavily concerned with coordinating itself (services, institutions) and *attempts* to coordinate national actors. We find that many of the capacities listed in this report are, in fact, coordinating in nature (even decision-making, which involves making decisions when and how to coordinate).

Our findings here fall into two categories, related to coordination before and during a crisis, respectively. Capacities used *before* a crisis are aimed at trying to assemble key actors, to educate on available resources, and to practice using relevant tools in advance of a crisis. Not all sectors engage in exercises, but they seem to be growing. The Council's IPCR (Integrated Political Crisis Response) is practiced once per year, under the leadership of the Council Presidency. Pandemic response plans are exercised on a fairly regular basis. And Cyber Europe is a bi-annual Pan-European cyber exercise that aims, amongst other goals, to practice crisis response collaboration with various actors – both vertically and horizontal.

Capacities for use *during* a crisis blend somewhat with the 'partial' decision-making capacities described above. As mentioned, most of what the EU considers decision-making capacities are actually coordination capacities according to the Transcrisis framework. Thus, the European Response Coordination Centre (ERCC), the IPCR, the Health Emergency Operations Facility (HEOF, in

Luxembourg) and the European Aviation Crisis Coordination Cell (EACCC) are all sometimes considered ‘decision platforms’, but are more accurately described as coordination centres.

Moving beyond the decision-making vs. coordination debate, another reason that coordination efforts have grown in Brussels is the increasing number of actors involved in various crisis issue areas. The rise of new agencies, new member state officials, increased public-private relations, and new staff focused on crisis issues makes coordination more complicated than in previous years.

Meaning-making and Communication

Meaning-making refers to ‘formulating a key message that offers an explanation of the threat [and] actionable advice’ while Communication refers to ‘effective delivery of the core message to selected audiences’ (Transcrisis codebook, p. 11). We combined these categories for practical reasons; namely, both of these capacities tend to be centrally organised in media relations departments. For the Commission, this is the Spokespersons’ Service located under the Commission President. The service has responsibility for media communication strategies across the Commission DGs. Our next stage of research will investigate crisis-related protocols in this area. For the moment, we have limited data here.

Communication capacities during a crisis include the effective delivery of a core message to selected audiences. For Transcrisis, this is a different kind of task from meaning making. We will investigate communication capacities alongside meaning making capacities in our next stage of research, focusing both on ‘paper protocols’ and on social media outreach strategies that can be used to communicate crisis messages.

Accountability

Accountability for the Transcrisis project involves ‘rendering an explanation in a public forum of relevant decisions and strategies that were initiated before, during and after the crisis’ (Transcrisis codebook, p. 11). Like meaning-making/communication, accountability is a task that does not differ greatly amongst issue areas. So, we provide here a cross-sectoral assessment of accountability for the three main institutions under examination. This discussion also provides the basis for a paper on EU Crisis Management Legitimacy currently in preparation.

In the EU, accountability mechanisms are present but in varied forms. We can focus on three versions of accountability. Input-forms of accountability concern the relationship between citizens and those democratically chosen to represent them. National leaders taking decisions in the Council of Ministers and European Council are accountable to their respective national publics, for instance. Collectively, however, national leaders are not accountable to a European public since each represents only his/her respective citizens. Throughput versions of accountability concern how citizens can understand and

hold to account the procedures and ways crises are handled. The EU machinery for acting on crises is not particularly transparent or easily comprehensible. Worse still, crisis-specific procedures often lead to improvisational processes and decision-making. In the EU, this means crisis decision-making is unlikely to follow the familiar Community Method of decision-making. Output forms of accountability concern holding leaders to account for their performance during crises. What decisions were taken, why and did they work? Here accountability mechanisms are stronger. First, the EU's institutional checks-and-balances systems encourage oversight and investigations over one another. The European Parliament takes seriously its role as 'watchdog' over other institutions, launching countless investigations. Second, the Brussels Press Corps is active and large – by some counts, the largest in the world – and can shine light and ask tough questions regarding crisis management performance.

Implications and Areas for Further Research

Our preliminary interpretation of the findings is as follows:

1. Most capacities relevant for managing crises reside in the largest administration within the EU's institutional landscape: the Commission. There are exceptions, including the Integrated Political Crisis Response (IPCR) arrangements, which are administered from the General Secretariat of the Council and aims, with varying success, to draw in all EU institutions. As we show in Chapter 8, the European Council itself has a very small secretariat – relying on the Council General Secretariat and, informally, the European Commission for most of its heavy lifting. Although it may be politically strong, the European Council is administratively weak. That said, researchers should keep an eye on the future accumulation of crisis capacities – and in which institution those capacities accumulate.
2. Most capacities are sectoral-oriented. Very few operate across sectoral boundaries. Exceptions include the Council's IPCR and the Commission's ARGUS. Compared to previous findings in 2013 and 2015, cross-sectoral capacity building seems to have stalled. The Commission Secretariat General unit for cross-sectoral crisis coordination has changed name (from crisis coordination to business continuity), along with its emphasis. One might be forgiven for wondering whether old lessons will need to be relearned after the next crisis.
3. There is a difference in scope regarding EU detection/sense-making activities and EU decision-making/coordination activities. The former tend to focus on very specific threats, while the latter tends to cover a generic range. Examples of narrow detection activities include: the RAS-BICHAT and RAS-CHEM rapid alert systems (which differ only on whether terrorism is involved), the five different early warning and information sharing systems for different diseases (nominally aggregated in the Epidemic Intelligence Information System), and detection focused on the

individual modes of Pan-European transport. Yet for decision-making and coordination, systems tend to be more generic. Thus, the ERCC claims a role as an ‘all hazards’ decision/coordination centre, and the IPCR has no specific threat orientation and is instead a decision platform for any contingency (although, as a side note, it is rarely used). Some of this can be explained by institutional affiliation and bureaucratic politics: the ERCC has maneuvered to become the main crisis hub for the Commission, while the IPCR’s Council location explains its broad approach. Nevertheless, more exploration of this phenomenon is warranted.

4. A curious finding is the high number of capacities found in both detection and sense-making. Regarding detection, we surmise that creating detection and early warning capacities requires very little political authorisation from member states. Building such capacities is something the Commission can do largely as an administrative act. Moreover, political legitimisation is easy: it seems like a ‘good idea’ to everyone. Contrast this with decision-making or coordination, which impacts upon national sovereignty and autonomy to a greater extent. These capacities are thus less well-developed. This hypothesis will be explored in a future paper.

The rise of sense-making capacities, when compared to previous research in 2013 and 2015, is worth noting. Many of the tools and systems previously focused only on detection and early warning now contain an ‘information enrichment’ and analysis component. Systems that started as detection, threat mapping, and early warning – and then grew into sense-making systems – include the ‘Network Manager’ function in the Network Operations Portal for Eurocontrol, COPERNICAS for environmental threats, and ENSEMBLE, which monitors atmospheric problems. Why have such evolutions taken place? One hypothesis is cognitive: detection systems produce large quantities of data but not quality data. Policymakers saw the need for improvement, along the lines of crisis management theory’s message that ‘information does not equal understanding’. Another hypothesis is functional-bureaucratic: the overproduction of detection systems led to consolidation, which in turn demanded a functionalist response to organise the data more efficiently. The result was new functions for filtering, analysis and reporting to justify the continued existence of the system. In Chapter 6 of this deliverable, we argue that the shift from purely detection tools to sense-making capacities may reflect an effort to empower the Commission’s leadership role during crises.

5. The 7-part framework for studying crisis management – detection, sense-making, decision-making, coordination, sense-making, communication, accountability – enabled a deeper understanding of EU capacities. It allowed for a refined categorisation of capacities previously described in broad strokes, like preparation or decision-making. Regarding preparation, being able to distinguish between detection and sense-making was quite revealing (see above). Regarding decision-making,

the breakdown into decision-making and coordination offered the reminder that the EU actually does more coordination than decision-making.

That said, the framework has some weaknesses. *First*, considerable subjective interpretation is needed in some areas. Are European Border Guard Teams, which assess crisis situations, a sense-making instrument or a coordinating activity, to cite one of many examples? *Second*, the framework lacks a category for material capacities used in crisis management. Emergency oil stocks, hazmat supplies, vaccine stockpiles, and rapid accommodation supplies are just some material capacities that find no easy ‘home’ in this framework. *Third*, although the framework claims to account for preparation activities, there is no obvious category for the EU’s many crisis scenario-exercises it undertakes. We placed these kinds of exercises into the ‘coordination’ capacity but they sit awkwardly there. *Fourth*, the framework does not account for the temporal aspects of crisis management preparation. The capacities found here generally fall into two categories: some focused on activities pre-crisis, and some activities focused after the onset of a crisis. The framework is mainly geared to capture the latter, for better or worse. *Fifth*, the framework, combined with how we operationalised it, emphasises concrete venues and technical instruments rather than social processes. This especially affects our ability to understand sense-making and meaning-making, tasks which are not well-captured by focusing only on tools and instruments.

6. The results here seem to validate the institutionalisation framework for analysis designed by Boin, Ekengren and Rhinard (2013b). Namely, there is a clear cycle that moves from informal practices to formal mechanisms. One of many examples is the informal information sharing system that once governed national officials responsible for cyber-attacks: it has recently turned into the CSIRT network. The process starts with a perceived problem, an experimental solution is designed, problems emerge with the original design, adaption takes place and over time the solution is perceived as ‘legitimate’. This bears resonance to the ‘institutionalisation of European governance’ approach suggested by Sandholtz and Stone-Sweet (1998), although that project never examined EU crisis management.
7. Through our empirics, we discovered that the seven tasks explored through the Transcrisis project (from detection to accountability) can be divided into pre-crisis and mid-crisis activities. For instance, sense-making activities can be found directed towards horizon-scanning (pre-crisis), but also in terms of situation assessment (mid-crisis). The same goes for coordination. Some coordination activities are focused on ‘getting ready’ for a crisis and some are engineered for use during a crisis. Of course, the lines blend significantly here. The Transcrisis project officially looks

only at preparation and response phases of crisis management, however, which means much of the pre-crisis activities we identified here are not accounted for by the framework.

8. Some larger questions emerge from this data. Taking a page from the literature on ‘governmentality’, one wonders the extent to which these capacities relate to two broader phenomena regarding the functioning of modern government. One is the way in which some of these capacities – detection and sense-making capacities, in particular – drive officials towards making decisions they might not otherwise have made. The EWRS and CIWIN systems, for instance, closely link detection with decision-making. Put crudely, governmentality suggests that modern technologies drive officials, rather than officials driving technology. A related phenomenon is the extent to which these activities serve to legitimise and validate the EU’s existence, in a spiralling logic by which the detection of risks demand responses, and the responses in turn provoke calls for more detection. This is related to Beck’s claims we live in constructed ‘risk society’, of which the EU may be playing a central part.

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Part I: European Commission Crisis Management Capacities

The Counter Terrorism Sector

Introduction

General Background

Due to the terrorist attacks in Europe lately, the EU has stepped up its efforts to counter terrorism. This is noticeable in, for example, the **European Agenda on Security from 2015** (where counter terrorism is one of three core priorities), the creation of the **European Counter Terrorism Centre** in early 2016, and intensified discussions with **The EU Counter Terrorism Coordinator** on how to improve the counter terrorism response of the EU, as well as intensified discussions with third countries on counter terrorist cooperation. During 2016 so far, the Coordinator has attended meetings with, for example, United Arab Emirates, Qatar and Jordan in order to strengthen cooperation on issues of foreign terrorist fighters and countering extremism.¹

Generally, the development of many of the EU measures for countering terrorism has been a response to terrorist attacks. For example, the Eurojust was set up in the wake of 9/11. After the Madrid and London attacks the EU's counter terrorism strategy was published. After Charlie Hebdo in 2015, many Member States as well as the EU stated that new laws to combat terrorism will be adopted.²

Another example is the Task Force Fraternité, an investigation team within the European Counter Terrorism Centre located under Europol, with the objective to support primarily the investigations after the 2015 Paris attacks. As mentioned, the creation of The EU Counter Terrorism Centre is an answer to the increase of attacks in Europe lately. As Dimitris Avramopoulos, European Commissioner for Migration, Home Affairs and Citizenship, stated in connection to the launch of the Centre in January 2016; *“EU institutions responded swiftly and strongly to the terrorist attacks of last year and moved to augment the European Union’s capacity to deal with the terrorist threat. As foreseen in the European Agenda on Security put forward by the European Commission, the establishment of the European Counter Terrorism Centre is a major strategic opportunity for the EU to make our collective efforts to fight terrorism more effective. I call on EU Member States to trust and support the European Counter Terrorism Centre to help it succeed in its important mission”*.³ One of the objectives of the EU is to enhance the connection between the Civil Protection Mechanism and protection of the civilian population against the effects of terrorist attacks, including CBRN.⁴

There is sometimes a conflict between counter terrorism measures and privacy. For example, in 2006, there was a data retention directive presented, requiring communication providers to storage of data

¹ <http://www.consilium.europa.eu/en/policies/fight-against-terrorism/counter-terrorism-coordinator/>

² <http://www.cer.org.uk/insights/after-paris-what%E2%80%99s-next-eu%E2%80%99s-counter-terrorism-policy>

³ <https://www.europol.europa.eu/content/etc>

⁴ EU Plan of Action on Combating Terrorism, p. 64

about their costumers – a directive that has now been declared void by ECJ due to privacy aspects. Suggestions on expanding the use of personal data (for example flight passenger data) or increasing the efficiency of databases containing personal data (such as SIS) is often opposed because its possible implications on privacy of citizens. This is also why initiatives such as the Passenger Name Records (EU PNR) and the EU-US agreement on the Terrorist Finance Tracking Programme (TFTP) have been quite controversial. The solution to adopt the TFTP was eventually to add privacy clauses.⁵

Policy Background

After the terrorist attacks in Madrid 2004, the Council adopted the **Declaration on Combating Terrorism**. This also gave mandate to a revised Plan of Action to combat Terrorism, recalling the declaration on solidarity against terrorism (to jointly act and mobilize all available means (including military) if one of the member states is being attacked. For the purpose of informing preparation of the revised action plan, the following seven strategic goals were set up;

1. To deepen the international consensus and enhance international efforts to combat terrorism;
2. To reduce the access of terrorists to financial and economic resources;
3. To maximise the capacity within EU bodies and member States to detect, investigate and prosecute terrorists and to prevent terrorist attacks;
4. To protect the security of international transport and ensure effective systems of border control;
5. To enhance the capability of the European Union and of member States to deal with the consequences of a terrorist attack;
6. To address the factors which contribute to support for, and recruitment into, terrorism;
7. To target actions under EU external relations towards priority Third Countries where counter-terrorist capacity or commitment to combating terrorism needs to be enhanced.⁶

In relation to the European Chief's Police Task Force in Dublin in March 2004, it was concluded that Member States should have a coordinating body between police and intelligence regarding terrorism, and that Member States should have one **single contact point** for the EU Coordinator on Terrorism.⁷

In May 2004, the Council made the database of military and civilian capabilities relevant to the protection against terrorist attacks available to the Civil Protection Mechanism, as a part of the objective to enhance EU interconnection in order to improve preparedness, alerts and response across

⁵ <http://www.cer.org.uk/insights/after-paris-what%E2%80%99s-next-eu%E2%80%99s-counter-terrorism-policy>

⁶ EU Plan of Action on Combating Terrorism, p.4

⁷ EU Plan of Action on Combating Terrorism, p. 40

all EU bodies.⁸ To fully implement EU CBRN programmes (and the EU Health Security Strategy) was considered as an important measure of protection from terrorist attacks.⁹

- **EU Counter Terrorism Strategy**

Due to the identified need of a holistic counter-terrorism response, the EU Counter-Terrorism Strategy was adopted 2005. The strategy is focused on 4 main points;

- **Preventing** terrorism
- **Protecting** critical infrastructures and citizens from terrorist attacks
- **Pursuing** investigations and bringing terrorists to justice
- **Responding** by preparing for management of a terrorist attack, from response to recovery.¹⁰

- **European security strategy**

The EU Security Strategy was adopted in 2003 and reviewed in 2008, confirming its validity. It singled out 5 key threats, of which terrorism is one.¹¹

- **Specific Programme: Prevention, preparedness and consequence management of terrorism (2007-2013)**

The Programme focused on fostering prevention and preparedness, especially by improving the protection of critical infrastructures. The programme also added consequence management as a component for enhanced crisis management coordination.

Based on the reports from the EU Counter Terrorism Coordinator on the issue of foreign fighters and returnees 2013, the JHA Council adopted 22 measures. In 2014 the Coordinator submitted progress reports on the implementation of the 22 measures. Moreover, many meetings with third country authorities were conducted in order to identify future cooperation opportunities.¹²

- **EU Strategy for Combating Radicalisation and Recruitment to Terrorism**

The EU Strategy for Combating Radicalisation and Recruitment to Terrorism was part of the broader EU Counter Terrorism Strategy and Action Plan. In 2014, the Council adopted a revision of the strategy due to the evolving trends of foreign fighters and lone actors.

- **A safer EU: police cooperation, and crisis management (2014)**

⁸ EU Plan of Action on Combating Terrorism, p. 62

⁹ EU Plan of Action on Combating Terrorism, p. 64

¹⁰ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/crisis-and-terrorism/index_en.htm

¹¹ <http://www.eeas.europa.eu/csdp/about-csdp/european-security-strategy/>

¹² <http://www.consilium.europa.eu/en/policies/fight-against-terrorism/counter-terrorism-coordinator/>

- **Traceability of money transfers (2015)**
- **European Agenda on Security**

Due to the increasing complexity and number of threats, as well as the cross-border nature of these threats, the identified need for closer EU cooperation on all levels regarding was the background to the **European Agenda on Security**, published 2015.¹³ Terrorism, cybercrime and organized crime are identified as the three core priorities for immediate action, and as they are cross border and interlinked, the EU-level is especially relevant for countering measures.

The Counter Terrorism Actions of the European Agenda on Security is as follows;

- Reinforcing Europol's support functions by bringing together its anti-terrorism law enforcement capabilities in a European Counter-Terrorism Centre within Europol;
- Launching an EU Forum with IT companies to help counter terrorist propaganda and addressing concerns about new encryption technologies;
- Taking further measures to improve the fight against terrorism financing;
- Addressing any gaps in the response to incitement to hatred online; - Reviewing the Framework Decision on terrorism with a proposal in 2016;
- Re-prioritising the EU's policy frameworks and programmes for education, youth and culture;
- Focusing on the prevention of radicalisation in prisons, and developing effective disengagement/de-radicalisation programmes;
- Launching the RAN centre of excellence and extending anti-radicalisation work with Turkey, the Western Balkans, the Middle East and North Africa.¹⁴

- **Directive on PNR**

During December 2015 the Council approved (after years of negotiation) the controversial directive on the use of passenger name record (PNR) for the prevention, detection, investigation and prosecution of terrorist offences and serious crime.¹⁵

- **Updated Directive on Combating Terrorism**

In December 2015, the Commission proposed an updated Directive on Combating Terrorism, including extended criminalization framework which goes in line with requirements of the UN Security Council Resolution 2178 (2014) and the Additional Protocol to the Council of Europe

¹³ http://ec.europa.eu/dgs/home-affairs/e-library/documents/basic-documents/docs/eu_agenda_on_security_en.pdf

¹⁴ The EU Agenda on Security, 2015, p.16

¹⁵ Report from the EU counter terrorism coordinator to the council, 4 march 2016, p. 12

(CoE) Convention on the Prevention of Terrorism, signed on behalf of the EU on 22 October 2015.

- **Impact Assessment regarding updating the framework decision on terrorism**

An impact assessment by the Commission regarding updating the 2008 framework Decision on Terrorism is expected during 2016.¹⁶

- **Proposed upgrade of ECRIS**

In January 2016, the Commission proposed an upgrade of the Criminal Records Information System (ECRIS), which is used in order to exchange criminal records of EU citizens. The Council's approach on this will be expected in June 2016.¹⁷

Events and attacks

- **11 March 2004 Madrid, Spain**

2004 bombings of commuter trains in Spain killed 191 people and injured more than 1,800. The bombings were the deadliest terrorist attack in Spain's history.¹⁸

- **8 October 2004 Paris, France**

Ten people were injured when a parcel bomb exploded outside the Indonesian embassy in Paris.¹⁹

- **7 July 2005, London United Kingdom**

In London, at 8.50am on Thursday 7 July, three bombs exploded simultaneously, destroying sections of three different London Underground trains. The explosions killed 52 and injured over 700.²⁰

- **15 March 2012 Montauban, France, 19 March 2012 Toulouse, France**

A gunman carried out a series of attacks that left seven people dead and two wounded in south-western France.

- **18 July 2012 Burgas, Bulgaria**

¹⁶ EU Agenda on Security, 2015, p.14

¹⁷ Report from the EU counter terrorism coordinator to the council, 4 march 2016, p. 18

¹⁸ <http://edition.cnn.com/2013/11/04/world/europe/spain-train-bombings-fast-facts/>

¹⁹ <https://www.theguardian.com/world/2004/oct/09/indonesia.france>

²⁰ <http://www.history.co.uk/study-topics/history-of-london/77-london-bombings>

7 killed and 30 injured during bus suicide attack.²¹

- **24 May 2014 Brussels, Belgium**

Three people were killed and another was seriously injured in a shooting at the Jewish Museum of Belgium in Brussels.²²

- **7 January 2015 Paris, France**

From January 7 to January 9, a total of 17 people are killed in attacks on the satirical magazine Charlie Hebdo, a kosher grocery store, and the Paris suburb of Montrouge.²³

- **13 November 2015 Paris, France**

A series of coordinated terrorist attacks (shootings and bombings) in Paris, France and the city's northern suburb, Saint-Denis. Left 130 people dead and hundreds wounded.

- **22 March 2016 Brussels, Belgium**

Bombings at Brussels airport and a metro station in the city killed 32 people from around the world. Many more were injured in the attacks.²⁴

- **14 July 2016 Nice, France**

On the evening of 14 July 2016, 84 people were killed and 303 injured when a 19-tonne cargo truck was deliberately driven into crowds celebrating Bastille Day on the Promenade des Anglais in Nice, France.

Institutional landscape

Eurojust

Eurojust aim to stimulate and improve the coordination of investigations and prosecutions as well as the cooperation between the Member States.²⁵

Europol

Europol is the European Union's law enforcement agency. It has several expertise areas, among them counter terrorism. The European Counter Terrorism Center has been set up within the Europol structure during 2016.

²¹ <http://www.bbc.com/news/world-europe-18892336>

²² <http://edition.cnn.com/2014/05/24/world/europe/belgium-jewish-museum-shooting/>

²³ <http://edition.cnn.com/2015/01/21/europe/2015-paris-terror-attacks-fast-facts/>

²⁴ <http://www.bbc.com/news/world-europe-35869985>

²⁵ <http://www.eurojust.europa.eu/about/background/Pages/mission-tasks.aspx>

European Commission (HOME, JUST, DEVCO, FPI)

“The Commission's main role in the counter terrorism area is to assist EU State authorities in carefully targeted actions and initiatives, primarily within the PREVENT and PROTECT strands of the EU counter terrorism strategy. The Commission may also support EU States by approximating the legal framework, in full respect of the subsidiarity and proportionality principles.”²⁶

EEAS

“Counter Terrorism as a matter of national security is mainly a Member State competence. EEAS focuses on the external dimension of CT in close coordination with the MS in the Council Working Group as well as with all relevant EU institutions involved. EEAS role is to coordinate CT external outreach and capacity building assistance to third countries by EU and MS, to ensure coherence and efficiency.”²⁷

Justice and Home Affairs Council of the European Union

Works closely with the Counter-Terrorism Coordinator, who regularly submit progress report to the Council on the implementation of measures agreed by the ministers, as well as proposals for future work.²⁸

Inventory

Detection

***VISA Information System (VIS)**

By an IT system and infrastructure that links the national level systems with the central VIS system, the VISA information system allows Schengen states to exchange visa data. The VIS system is capable of fingerprint identification and verification, and assists in detecting suspected terrorism.²⁹ By facilitating checks and the issuance of visas and ensure identity of travelers, the VISA information supports prevention of terrorist attacks.³⁰

***The Schengen Information System (SIS) II**

SIS is an information system with the purpose of supporting law enforcement and external border control cooperation in Schengen States. SIS allows police and other authorities to find and to provide alerts on missing or wanted people and objects, but it also contains information on procedures when

²⁶ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/crisis-and-terrorism/index_en.htm

²⁷ http://eeas.europa.eu/fight-against-terrorism/index_en.htm

²⁸ <http://www.consilium.europa.eu/en/policies/fight-against-terrorism/counter-terrorism-coordinator/>

²⁹ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/visa-information-system/index_en.htm

³⁰ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/visa-information-system/index_en.htm

this object or person is found. Specialised national SIRENE Bureaux are point of contacts and coordinators for SIS-alert activities.³¹ SIS II is the updated version of the original SIS, which became more connected to Europol. For example, SIS II allows Europol to cross-check information from its own communication channels, thus support Europol's role as an information-hub. During 2016, Europol's goal is to perform regular batch searches in SIS II, which will enhance its capability of cross-checking information from non-Schengen countries. However, Europol is not yet connected to VIS or Eurodac.³²

***European Cybercrime Centre (EC3)**

Since terrorism may have cyber components such as online radicalization, Member States can make use of Europol's cybercrime countering capabilities – including detection. The Europol's cybercrime capabilities are centered in the European Cybercrime Centre.

Europol Information System (EIS)

The Europol Information System aims to provide a reference system including offences, the individuals involved in the offences (for example foreign terrorist fighters) and other relevant information which is important for the investigations and fight against organized crime and terrorism. It supports both Member States individually and Europol as well as partners/third parties. Since its launch, there has been a continuous increase of inserted data into EIS, from 18 reported terrorist fighters during 2014 to 1131 during April 2015 and 1595 during the end of 2015.³³

Working Group DUMAS

Working Group DUMAS was established in 2014 and is supported by Europol while the leadership is Italian. The working group's focus is on countering foreign fighter traveling. This includes for example traveler alert lists, best practice sharing and indicators for detection of foreign fighters travelling.³⁴

³¹ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/schengen-information-system/alerts-and-data-in-the-sis/index_en.htm

³² Report from the EU counter terrorism coordinator to the council, 4 march 2016, p. 15

³³ <https://www.europol.europa.eu/content/page/europol-information-system-eis-1850>

³⁴ Foreign Fighters and returnees: Implementation of the measures decided by the JHA Council on 9-10 October 2014, p. 8

Sense-making

The European Explosive Ordnance Disposal Network (EEODN)

EEODN was established as a measure of the EU Action Plan on Enhancing the Security of Explosives, approved by the JHA ministers in 2008. It is a platform of information sharing between explosives and chemical, biological, radiological/nuclear (CBRN) and EOD experts in the EU, which aims to enhance knowledge and discuss threats of explosives and CBRN. The EEODN also arrange training sessions and conferences on the subject.³⁵

*VISA Information System (VIS)

By an IT system and infrastructure that links the national level systems with the central VIS system, the VISA information system allows Schengen states to share information in order to support investigation of terrorist offences.³⁶

*The Schengen Information System (SIS) II

SIS is an information system with the purpose of supporting law enforcement and external border control cooperation in Schengen States. SIS allows police and other authorities to find and to provide alerts on missing or wanted people and objects, but it also contains information on procedures when this object or person is found. Specialised national SIRENE Bureaux are point of contacts and coordinators for SIS-alert activities.³⁷ SIS II is the updated version of the original SIS, which became more connected to Europol. For example, SIS II allows Europol to cross-check information from its own communication channels, thus support Europol's role as an information-hub. During 2016, Europol's goal is to perform regular batch searches in SIS II, which will enhance its capability of cross-checking information from non-Schengen countries. However, Europol is not yet connected to VIS or Eurodac.³⁸

*European Cybercrime Centre (EC3)

Since terrorism may have cyber components such as online radicalization, Member States can make use of Europol's cybercrime countering capabilities – including strategic analysis. The Europol's cybercrime capabilities are centered in the European Cybercrime Centre.

³⁵ https://www.europol.europa.eu/latest_news/european-eod-network-eeodn-conference-and-training-warsaw-poland-25-28-october-2011

³⁶ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/visa-information-system/index_en.htm

³⁷ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/schengen-information-system/alerts-and-data-in-the-sis/index_en.htm

³⁸ Report from the EU counter terrorism coordinator to the council, 4 march 2016, p. 15

***Computer Network of the European Union Member States' Financial Intelligence Units (FIU.net)**

The computer network of the European Union Member States' Financial Intelligence Units (FIU.net) is an intelligence platform which became embedded in Europol's financial intelligence and counter terrorism capabilities in the beginning of 2016. By integrating the network, Europol aims to boost the fight against terrorism and organized crime in the EU, creating synergy effects between criminal and financial intelligence.³⁹

***Eurojust**

Eurojust is an EU agency, assisting and supporting Member States investigations and prosecutions and seeks to improve cooperation between the Member States in the fight against crime. Eurojust have experienced a continuous increase of registered terrorism cases since 2014, when 14 cases were registered compared to 41 cases in 2015. Information on ongoing prosecutions has increased from 180 (2014) to 217 (2015). However, Eurojust requests the Member States to increase the transmission of terrorist offences on a regular basis.⁴⁰

***Radicalization Awareness Network (RAN)**

The RAN is a network and a platform which brings together practitioners countering radicalization in Europe to share experiences, knowledge and peer review each other's practices. RAN was established in late 2015 and is financed by the Commission (who has set aside 25 million EUR between 2014-2017 for the purpose). The RAN Centre Of Excellence was established in October 2015. The Centre has meetings addressing counter terrorism in various areas linked to the RAN working groups. It also encourages academia to be part of its activities, and Member State authorities can apply for RAN support in terms of for example training, workshops and advice. Currently, the Commission is looking into the possibility to involve third states into RAN activities, where countries in the Africa and Middle East, Western Balkans and Turkey are of special interest.⁴¹

RAN is structured around 9 thematic working groups, driven by a Steering Committee (SC) chaired by the Commission. The SC includes the leaders of the working groups and the CoE.

Communication and Narratives working group (RAN C&N)

Countering extremist propaganda.⁴²

³⁹Report from the EU counter terrorism coordinator to the council, 4 march 2016, p. 13

⁴⁰ European Council, Enhancing counter terrorism capabilities at EU level: European Counter Terrorism Centre (ECTC) at Europol and counter terrorism related information sharing, 2015, p.16

⁴¹Report from the EU counter terrorism coordinator to the council, 4 march 2016, p. 34

⁴² http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/radicalisation_awareness_network/about-ran/index_en.htm

Education working group (RAN EDU)

Countering radicalization through education in schools.⁴³

Youth, Families and Communities working group (RAN YF&C)

Supporting prevention of radicalization.⁴⁴

Local authorities working group (RAN LOCAL)

RAN Working Group Local aims to promote local capacities to tackle radicalization, especially via multi-agency structures. It is a basis of interaction with other initiatives relevant for counter terrorism.⁴⁵

Prison and Probation working group (RAN P&P)

Supports prevention initiatives in prison.⁴⁶

Police and law enforcement working group (RAN POL)

Supports counter radicalization work of law enforcement and police.⁴⁷

Health and Social Care working group (RAN H&SC)

Supports the work of discovering signs of radicalization in time, and support individuals in the risk zone of radicalization.⁴⁸

***The Counter Terrorism Coordinator**

In the wake of the Madrid attacks 2004, a EU counter terrorism coordinator position was established. Solana appointed Gilles de Kerchove to the position in 2007.⁴⁹ The role of the Counter Terrorism Coordinator includes;

- presenting policy recommendations and proposing priority areas for action to the Council, based on threat analysis and reports produced by the EU Intelligence Analysis Centre and Europol

⁴³ http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/radicalisation_awareness_network/about-ran/index_en.htm

⁴⁴ http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/radicalisation_awareness_network/about-ran/index_en.htm

⁴⁵ Report from the EU counter terrorism coordinator to the council, 4 march 2016, p. 34

⁴⁶ http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/radicalisation_awareness_network/about-ran/index_en.htm

⁴⁷ http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/radicalisation_awareness_network/about-ran/index_en.htm

⁴⁸ http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/radicalisation_awareness_network/about-ran/index_en.htm

⁴⁹ <http://www.consilium.europa.eu/en/policies/fight-against-terrorism/counter-terrorism-coordinator/>

- closely monitor the implementation of the EU counter-terrorism strategy
- maintaining an overview of all the instruments at the European Union's disposal, to regularly report to the Council and effectively follow up Council decisions⁵⁰

The Coordinator regularly report to the Council on issues and progress in the counter terrorism area.

*Europol

According to **the EU Counter Terrorism Coordinator** Europol's tools for countering terrorism have had a continuous increase in both use and contribution by the Member States, such as the database on European Foreign Terrorist Fighters. However, it is also states that less than half of the estimated actual number of Foreign Terrorist Fighters are reported to the database, and that some countries contributes more than others, why improvements are still considered necessary.⁵¹ The aim of Europol is to enhance trust and awareness and utilizing capabilities among EU counter terrorism authorities.

*European Counter Terrorism Centre (ECTC)

The ECTC is situated under Europol and was launched in January 2016. It is a platform which is supposed to increase operational cooperation and information sharing among Member States. This includes, for example;

- Providing an information hub for counter terrorism for law enforcement authorities
- Expertise for investigations
- Strategic advice on, for example, use of social media for radicalization.⁵²

EU Internet Referral Unit (IRU)

Radicalization online is a problem which the EU is taking seriously. The Internet Referral Unit, located at Europol and part of the ECTC, identifies and perform referrals and removals of items with violent/extremist content. It was established in July 2015, and has gotten contributions from almost all Member States so far. The proactive work of IRU demands close cooperation from Member States, so that the volume of referrals can increase. This includes for example national contact points of IRU, which a few Member States has not yet established. The objective of IRU for 2016 is that it will develop social media monitoring, develop capabilities to “decipher” jihadist networks, develop a Europol Platform of Experts in order to enhance contacts with academia and research and further enhance and build the relationship with the private sector (including “Joint Action Days”).⁵³

⁵⁰ <http://www.consilium.europa.eu/en/policies/fight-against-terrorism/counter-terrorism-coordinator/>

⁵¹ Report from the EU counter terrorism coordinator to the council, 4 march 2016, p. 15

⁵² Report from the EU counter terrorism coordinator to the council, 4 march 2016, p. 13

⁵³ Report from the EU counter terrorism coordinator to the council, 4 march 2016, p. 35

EU Internet Forum

The EU Internet Forum is a private-public cooperation framework, which brings together representatives from the internet industry, Europol, The EU Counter Terrorism Coordinator, The Parliament and EU Interior Ministers. It aims to enhance discussions on how to combat online radicalization and protect citizens from terrorism exploitation.⁵⁴ The EU Internet Forum is one of the key commitments from the European Agenda on Security from 2015. In December 2015, the Commission held the first Internet Forum meeting, discussing and agreeing on the importance of effective mechanism for private-public cooperation to efficiently and swiftly remove terrorist content online, and also to counter terrorist narratives. The participants also agreed on using the umbrella of the EU IT Forum for synergy effects in the counter terrorism work. Commissioner for Migration, Home Affairs and Citizenship, Dimitris Avramopoulos said:

“Terrorists are abusing the internet to spread their poisonous propaganda: that needs to stop. The voluntary partnership we launch today with the internet industry comes at the right time to address this problem. We want swift results. This is a new way to tackle this extremist abuse of the internet, and it will provide the platform for expert knowledge to be shared, for quick and operational conclusions to be developed, and powerful and credible voices to challenge extremist narratives.”⁵⁵

The First Response Network

The First Response Network was adopted in 2007 by the JHA Council of Ministers. It consists of EU Member States counter-terrorist experts which can be mobilized during a serious terrorist attack in Europe. When mobilized, the team will, under the coordination of Europol, use Europol’s operational centre and provide experts with advice during an attack.⁵⁶

Decision-making

Coordination

*European Counter Terrorism Centre (ECTC)

In major terrorist attacks, the ECTC is supposed to contribute to a coordinated reaction. Its focus lies in sharing expertise and intelligence on terrorism, especially on terrorism financing (supported by TFTP and FIU.net), counter foreign fighters, online radicalization, and enhancing efficiency of international cooperation on counter terrorism. Member States also has the possibility to second

⁵⁴ http://europa.eu/rapid/press-release_IP-15-6243_sv.htm

⁵⁵ http://europa.eu/rapid/press-release_IP-15-6243_sv.htm

⁵⁶ https://www.europol.europa.eu/latest_news/europol-responds-attacks-norway-mobilising-eu-first-response-network

experts to the center in order to support investigations, of which the Task Force Fraternité is an example. In connection to the ECTC, tools like SIENA and EIS will be used for sensitive information exchange of counter terrorism intelligence.⁵⁷ Included in the tasks of the ECTC is to provide operational support, coordination and expertise during a terrorist attack, such as;

- Direct and immediate on-the-spot support
- Emergency Response Team (EMRT)
- Live investigation support
- Incident response and coordination

***The Counter Terrorism Coordinator**

In the wake of the Madrid attacks 2004, a EU counter terrorism coordinator position was established. Solana appointed Gilles de Kerchove to the position in 2007.⁵⁸ The role of the Counter Terrorism Coordinator includes to;

- coordinate the work of the Council in combating terrorism
- coordinate with the relevant preparatory bodies of the Council, the Commission and the EEAS and sharing information with them on his activities⁵⁹

The Coordinator regularly report to the Council on issues and progress in the counter terrorism area.

Prüm

Prüm is a data exchange mechanism, deriving from a Council decision in 2008. It allows Member States to mutually access forensic biometric databases, which includes for example fingerprints and DNA. It also allows Member States to access vehicle registration data in order to counter-terrorism.⁶⁰

***Eurojust**

Eurojust is an EU agency, assisting and supporting Member States investigations and prosecutions and seeks to improve cooperation between the Member States in the fight against crime. Eurojust have experienced a continuous increase of registered terrorism cases since 2014, when 14 cases were registered compared to 41 cases in 2015. Information on ongoing prosecutions has increased from 180 (2014) to 217 (2015). However, Eurojust requests the Member States to increase the transmission of

⁵⁷ <https://www.europol.europa.eu/content/ectc>

⁵⁸ <http://www.consilium.europa.eu/en/policies/fight-against-terrorism/counter-terrorism-coordinator/>

⁵⁹ <http://www.consilium.europa.eu/en/policies/fight-against-terrorism/counter-terrorism-coordinator/>

⁶⁰ European Council, Enhancing counter terrorism capabilities at EU level: European Counter Terrorism Centre (ECTC) at Europol and counter terrorism related information sharing, 2015, p.16

terrorist offences on a regular basis. The agency both supports Joint Investigation Teams in terrorist cases, and organizes coordination centres and meetings on terrorism cases.⁶¹

Meaningmaking/Communication

*The Counter Terrorism Coordinator

The role of the Counter Terrorism Coordinator includes;

- presenting policy recommendations and proposing priority areas for action to the Council, based on threat analysis and reports produced by the EU Intelligence Analysis Centre and Europol
- maintaining an overview of all the instruments at the European Union's disposal, to regularly report to the Council and effectively follow up Council decisions
- improving communication between the EU and third countries in this area⁶²

Secure Information Exchange Network Application (SIENA)

The Secure Information Exchange Network Application (SIENA) is a tool ran by Europol for exchanging information between Member States. In 2014, 14 EU Member States had connected its counter terrorism authorities to the network, and in 2015 a dedicated counter terrorism area in SIENA was launched, allowing direct communication between counter terrorism authorities in EU but also third parties such as Canada, Australia and the US. SIENA replaced the Police Working Group on Terrorisms (not an EU-WG) communication system and 2016, all Police Working Group on Terrorism-countries were connected to SIENA.⁶³

Accountability

RAN Remembrance of Victims of Terrorism working group (RAN RVT)

RAN RVT works with victims of terrorism in order to utilize their experiences for countering radicalization.⁶⁴ By maintaining a network of organizations of victims, and keeping up remembrance ceremonies (such as the European Day of Remembrance of Victims of Terrorism 11 March), RAN RVT aim to draw on and transmit the experiences of victims of terror (both targets and those who have lost a relative) in order to counter radicalization. An example of the work of the RAN RVT is the

⁶¹ European Council, Enhancing counter terrorism capabilities at EU level: European Counter Terrorism Centre (ECTC) at Europol and counter terrorism related information sharing, 2015, p.16

⁶² <http://www.consilium.europa.eu/en/policies/fight-against-terrorism/counter-terrorism-coordinator/>

⁶³ European Council, Enhancing counter terrorism capabilities at EU level: European Counter Terrorism Centre (ECTC) at Europol and counter terrorism related information sharing, 2015, p.6

⁶⁴ http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/radicalisation_awareness_network/about-ran/index_en.htm

Handbook of victim experiences shared, which is based on the contributions from experts, organizations, victims and practitioners during the RAN VVT-meetings.⁶⁵

Task Force Fraternité (part of the ECTC)

Task Force Fraternité was established after the Paris 2015 attacks as an investigation team of the ECTC. By investigating and performing analysis of the attacks, the Task Force identified important lessons from the attacks and pin pointed gaps in counter terrorism intelligence as well as policy implications.⁶⁶

The EU Bomb Data System (EBDS)

The EBDS consists of two databases for information exchange between experts regarding incidents, one focuses on explosives and the other CBRN incidents. In the database, experts may share experiences, discuss and share thoughts and lessons learned from incidents. It is mainly for EU authorities but non-EU countries may be included if they have cooperation agreements with the EU.⁶⁷

⁶⁵ http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/radicalisation_awareness_network/about-ran/ran-rvt/index_en.htm

⁶⁶ Report from the EU counter terrorism coordinator to the council, 4 march 2016, p. 5

⁶⁷ http://ec.europa.eu/dgs/home-affairs/financing/fundings/projects/stories/ebds_en.htm

The Civil Protection Sector

Introduction

General Background

The EU is committed to support populations affected by natural or man-made disasters, both inside and outside the EU. The main instrument for the EU to provide civil protection assistance is the Civil Protection mechanism, established in 2001 to achieve a faster and more coordinated response to crises/disasters which overwhelms the response capacity of the country affected.⁶⁸ The Civil Protection Financial Instrument finances the Civil Protection Mechanism, and according to DG ECHO *“The Community Civil Protection Mechanism and the Civil Protection Financial Instrument together cover three of the main aspects of the disaster management cycle – prevention, preparedness and response. The Mechanism itself covers response and some preparedness actions, whereas the Financial Instrument enables actions in all three fields.”*⁶⁹

The objectives of the Civil Protection Mechanism are to;

- Strengthen cooperation between the Union and Member States in the field of civil protection
- Improve effectiveness of prevention, preparedness and response to natural and man-made disasters
- Pool resources and civil protection capabilities of participating states that can be requested in the case of an emergency⁷⁰

The civil protection assistance could consist of, for example, coordination of efforts, delivery of civil protection assets, monitoring or deployment of expert teams to a crisis area.⁷¹ The Directorate-General for European Civil Protection and Humanitarian Aid Operations (ECHO) is the responsible DG in the Commission, and has two main departments (brought together in 2010); humanitarian aid and civil protection. These are under the responsibility of the Commissioner for Humanitarian Aid and Crisis Management; Christos Stylianides. ECHO has a global network of field offices. Depending on type of disaster, ECHO works closely with relevant agencies - such as European Maritime Safety Agency (EMSA) in the case of maritime pollution disasters. The Mechanism currently has 6 members besides all 28 Member States of the EU (Serbia, Norway, the former Yugoslav Republic of Macedonia, Turkey, Montenegro and Iceland).⁷² Since disasters are often borderless, the EU-level is, according to the Commission, especially suitable to provide coordination and avoid duplication of

⁶⁸ http://ec.europa.eu/echo/who/about-echo_en

⁶⁹ http://ec.europa.eu/echo/files/civil_protection/civil/prote/legal_texts.htm

⁷⁰ https://www.exchangeofexperts.eu/EN/Programme/UCPM/UCPM_node.html

⁷¹ http://ec.europa.eu/echo/what/civil-protection_en

⁷² http://ec.europa.eu/echo/what/civil-protection/mechanism_en

efforts during a crisis situation.⁷³ In recent years there has been a greater focus on prevention and preparedness measures, to support the improvement of Member States abilities to cope with disasters.⁷⁴

Policy Background

The two main, complementary, legislative texts/pillars which regulates European civil protection;

- Council Decision 2007/779/EC, Euratom establishing a Community Civil Protection Mechanism (recast)
- Council Decision establishing a Civil Protection Financial Instrument (2007/162/EC, Euratom)

In relation to these, there has been 3 Commission decisions; - (2007/606/EC, Euratom) on transport rules and (2008/73/EC, Euratom) + (2010/481/EU, Euratom) on implementation of the modules concept.

Other important policy documents regarding civil protection are **the Commission Communication on Reinforcing the Union's Disaster Response Capacity** and **the Communication on strengthening Early Warning Systems in Europe**, both adopted in 2007.⁷⁵

Earlier crises/incidents

The EU order disasters in two main categories, man-made (such as industrial and chemical accidents, marine pollution, terrorist attacks and war) and natural disasters. The latter is the most common type of disasters occurring in Europe.⁷⁶ Since 2001 when the Civil Protection Mechanism was launched, there have been more than 200 requests for assistance (including requests from countries outside the EU).⁷⁷ The EU has assisted in major disasters around the world, including typhoon Haiyan that hit the Philippines (2013), the floods in Serbia and Bosnia and Herzegovina (2014) – in which 23 participating states offered assistance, the Ebola outbreak (2014) – in which the OAS requested help and got rapid deployment of experts and supplies as well as medical evacuations, the conflict in Ukraine (since 2014), the earthquake in Nepal (2015) - in which the EU sent an expert team as well as

⁷³ http://ec.europa.eu/echo/who/about-echo_en

⁷⁴ http://ec.europa.eu/echo/files/aid/countries/factsheets/thematic/civil_protection_en.pdf

⁷⁵ http://ec.europa.eu/echo/files/civil_protection/civil/prote/legal_texts.htm

⁷⁶ http://ec.europa.eu/echo/files/civil_protection/vademecum/menu/1.html#diseur

⁷⁷ http://ec.europa.eu/echo/what/civil-protection_en

emergency supplies, and the refugee crisis in Europe – in which participating states sent supplies and material.^{78 79}

Forest fires are among the most common natural disaster incidents, causing the Mechanism to be activated 55 times since 2007 (however including alert and monitoring requests). For example, during 2014 the Mechanism was activated for Sweden and Norway, and a request was made by Greece in 2015, which activated an asset deployment of firefighting planes from the EU civil protection voluntary pool. Moreover, the satellite services of the Commission have been used several times in cases of forest fire.⁸⁰

Just like in other crisis management sectors, institutional development has to some extent been a result of crises. For example, the 2002 floods of Elbe and Danube-rivers made clear the lack of early warning systems regarding floods in Europe. It also made clear the difficulty of managing a coherent response and aid-planning when information was lacking and fragmented. In the wake of these events, the Commission initiated the European Flood Awareness System (EFAS).⁸¹

Institutional landscape

The European Commission's Humanitarian Aid and Civil Protection department (ECHO)

Commission's Institute for Environment and Sustainability (IES)

The Joint Research Centre (JRC)

Inventories

Detection

* The Emergency Response Coordination Centre (ERCC)

The Emergency Response Coordination Centre (ERCC) is the operational hub of the Civil Protection Mechanism. Among its tasks are;

- The (non-stop) monitoring and mapping of emergencies and disasters around the world.
- The collection of real time information on disasters.

⁷⁸ http://ec.europa.eu/echo/what/civil-protection_en

⁷⁹ http://ec.europa.eu/echo/files/aid/countries/factsheets/thematic/civil_protection_en.pdf

⁸⁰ http://ec.europa.eu/echo/what-we-do/civil-protection/forest-fires_en

⁸¹ <https://www.efas.eu/about-efas.html>

- The enabling of a quick response to both natural and man-made disasters should the Mechanism be activated.⁸²

The Common Emergency Communication and Information System (CECIS)

The web-based alert/early warning system called “The Common Emergency Communication and Information System (CECIS) allow rapid information exchange between ERCC & Member States.⁸³

The Global Disaster Alerts and Coordination System (GDACS)

The Global Disaster Alerts and Coordination System (GDACS) is a rapid alert system developed by the Joint Research Centre (JRC) which provides access to disaster information systems (and coordination tools) worldwide in order to achieve a faster response in the very first stages of a potential major disaster. It is applied worldwide and commonly used by both the UN and the EU. The JRC is responsible for establishing partnerships with hazard monitoring organizations all over the world, which provides the base for GDACS services. An advisory group consisting of various actors (from scholars to practitioners of various kinds related to disaster management) manages the GDACS development, with the Activation and Coordination Support Unit (ACSU) in the United Nations Office for Coordination of Humanitarian Affairs (OCHA) as secretariat.⁸⁴

Among the tasks of the GDACS are;

- Rapid alerts in relation to major disasters
- Guideline development for disaster information exchange.
- Providing disaster management coordination platform (Virtual OSOCC)
- Provides disaster maps/satellites.
- Provides weather forecasts (SARWeather) in relation to disaster analysis.

GDACS has about 14.000 users worldwide (disaster managers). Its automatic alerts and impact estimations are especially helpful in the first phase of disaster management. Moreover, it supports information exchange and therefore coordination between international responders to a disaster which reduces the risk of duplication of efforts or gaps in response.⁸⁵

⁸² http://ec.europa.eu/echo/files/aid/countries/factsheets/thematic/ERC_en.pdf

⁸³ http://ec.europa.eu/echo/files/aid/countries/factsheets/thematic/civil_protection_en.pdf

⁸⁴ <http://portal.gdacs.org/about>

⁸⁵ <http://portal.gdacs.org/about>

* European Flood Alert System (EFAS)

The Flood Alert System (EFAS) is a monitoring system fully operational since 2012. It provides early warnings to its national partners as well as the ERCC. EFAS is developed by the Commission's Institute for Environment and Sustainability (IES) and is part of COPERNICUS Initial Operations (which supports the Civil Protection Mechanism).⁸⁶ It consists of four main centres (the operational management of them is outsourced to Member State organization);

1. EFAS Computational centre (hosting the EFAS Information System Platform and do forecasts)
2. EFAS Dissemination centre (perform daily analysis, provides information to the ERCC)
3. EFAS Hydrological data collection centre (performs water level data collection)
1. EFAS Meteorological data collection centre (collects meteorological data)⁸⁷

Among the tasks of EFAS are;

- Provide early warnings in order to give time for preparedness measures.
- Provide information to national services.
- Provide information to the ERCC about upcoming and ongoing floods.⁸⁸

*European Forest Fire Information System (EFFIS)

Established by the Commission, EFFIS support the fire-disaster management services in the EU. This includes forecasts on hazards, risk-areas and hot-spots.⁸⁹

In 2015, EFFIS was incorporated under the umbrella of COPERNICUS Emergency Management Services.⁹⁰

Meteoalarm

Meteoalarm provides early alerts of weather with the potential to cause disasters, such as heavy rain, forest fires, extreme cold, thunderstorms, etc. The service provides updated maps of affected areas and the estimated possible impact of weather as well as expected time-horizons for weather events. It includes both national and regional warnings.⁹¹

*COPERNICUS Emergency Management Service

Copernicus (previously Global Monitoring for Environment and Security - GMES) is an EU programme (implemented by the Commission) aimed at developing European information services

⁸⁶ http://ec.europa.eu/echo/what/civil-protection/monitoring-tools_en

⁸⁷ <https://www.efas.eu/>

⁸⁸ <https://www.efas.eu/about-efas.html>

⁸⁹ <http://forest.jrc.ec.europa.eu/effis/>

⁹⁰ <http://forest.jrc.ec.europa.eu/effis/about-effis/>

⁹¹ http://www.meteoalarm.eu/about.php?lang=en_UK

based on satellite Earth Observation and in situ (non- space) data. Copernicus aims to both monitor and forecast the environment situation on land, sea and in the air in order to improve safety of EU citizens.⁹²

***Copernicus Rapid Mapping**

Copernicus maps and monitors all kinds of emergency situations through satellite and open data source information. The information drawn from Copernicus might be used by various disaster management actors and be helpful in crisis decision making processes as well as geospatial analysis. It covers all crisis management phases.⁹³ There are three kinds of maps offered by the “Rapid Mapping” service of Copernicus, which is especially helpful in the response phase of a disaster;

- Reference Maps
- Delineation Maps (providing an assessment of the event extent)
- Grading Maps (providing an assessment of the damage grade and its spatial distribution).⁹⁴

Sense-making

***European Flood Alert System (EFAS)**

The Flood Alert System (EFAS) is a monitoring system fully operational since 2012. It provides early warnings to its national partners as well as the ERCC. EFAS is developed by the Commission's Institute for Environment and Sustainability (IES) and is part of COPERNICUS Initial Operations (which supports the Civil Protection Mechanism).⁹⁵ It consists of four main centres (the operational management of them is outsourced to Member State organization);

4. EFAS Computational centre (hosting the EFAS Information System Platform and do forecasts)
5. EFAS Dissemination centre (perform daily analysis, provides information to the ERCC)
6. EFAS Hydrological data collection centre (performs water level data collection)
2. EFAS Meteorological data collection centre (collects meteorological data)⁹⁶

Among the tasks of EFAS are;

- Provide information to national services.
- Provide information to the ERCC about upcoming and ongoing floods.⁹⁷

⁹² <http://emergency.copernicus.eu/mapping/ems/what-copernicus>

⁹³ <http://emergency.copernicus.eu/mapping/ems/service-overview>

⁹⁴ <http://emergency.copernicus.eu/mapping/ems/service-overview>

⁹⁵ http://ec.europa.eu/echo/what/civil-protection/monitoring-tools_en

⁹⁶ <https://www.efas.eu/>

⁹⁷ <https://www.efas.eu/about-efas.html>

***European Forest Fire Information System (EFFIS)**

Established by the Commission, EFFIS support the fire-disaster management services in the EU and updates the Commission and European Parliament with common situational pictures on wildland fires in Europe. This includes;

- Current situation (forecasts, hazards, risk-areas and hot-spots).
- Fire news (media reports on wildland fires).
- Mobile app EFFIS.⁹⁸

In 2015, EFFIS was incorporated under the umbrella of COPERNICUS Emergency Management Services. EFFIS has a network of experts called “The Expert Group on Forest Fires”, including experts from 43 countries. During the initial phase of a fire, EFFIS performs rapid damage assessments, which is shared through the “Current situation” viewer.⁹⁹

***The Civil Protection Mechanism**

Within the Mechanism, Member States share their national risk assessment and share information about their risk management capabilities. The Commission supports and gives guidance to Member States individually and coordinates good practices exchange as well as voluntary peer reviews of national risk management plans.¹⁰⁰ In relation the Mechanism, the EU is funding transport and logistics of assistance.¹⁰¹

***The Emergency Response Coordination Centre (ERCC)**

The ERCC is the operational centre of the Civil Protection Mechanism with a constant preparedness to coordinate an EU response to disasters. It monitors and collects information on disasters or hazards, analyzes that information and plan response activities such as deployment of expert-teams or needed equipment (from the voluntary pool).¹⁰²

Decision-making

***The Emergency Response Coordination Centre (ERCC)**

Besides preparation and planning, the ERCC ensures operational capacity during a disaster (when the Civil Protection Mechanism is activated). The ERCC was created in 2014, replacing/merging the Monitoring and Information Centre (MIC) as well as the ECHO crisis room. As the operational hub of the Civil Protection Mechanism, the ERCC provides around-the-clock, continuous emergency

⁹⁸ <http://forest.jrc.ec.europa.eu/effis/>

⁹⁹ <http://forest.jrc.ec.europa.eu/effis/about-effis/>

¹⁰⁰ http://ec.europa.eu/echo/what/civil-protection/mechanism_en

¹⁰¹ http://ec.europa.eu/echo/files/aid/countries/factsheets/thematic/civil_protection_en.pdf

¹⁰² http://ec.europa.eu/echo/files/aid/countries/factsheets/thematic/civil_protection_en.pdf

management, and has the capacity to manage several ongoing emergencies in different time zones at the same time.¹⁰³ The ERCC is equipped with several workstations for specialized staff, and provides 24/7 crisis rooms. In order to be able to respond quickly to emergencies, it has pre-positioned teams ready to intervene and support where it is needed, both EU internally and externally.¹⁰⁴

European Emergency Response Capacity (EERC)

The EERC is a voluntary pool connected to the Civil Protection Mechanism. It is considered as one of the major innovations in the Mechanism, allowing a faster, better and more coordinated response to disasters. It consists of pre-committed capacities/assets which can be deployed in case of a disaster. This significantly reduces time in response-activities from the EU-level. The Commission and Member States continuously develop criteria in order to ensure the quality of assets in the pool, especially in terms of interoperability. To this end, civil protection exercises, training and workshops are conducted to improve coordination and quality of civil protection teams in the pool. Moreover, EU financially supports transport of these teams in case of activation.¹⁰⁵

European Medical Corps (EMC)

Part of the EERC is the European Medical Corps (EMC) which is a pool especially for medical/health experts ready to be deployed in case of emergency. The EMC improves response capacity in disasters with health aspects, and is the European contribution to the WHO's "Global Health Security Workforce."¹⁰⁶ By January 2016, nine Member States have already offered their specialised units to the European Medical Corps (Belgium, Luxembourg, Spain, Germany, the Czech Republic, France, the Netherlands, Finland, Sweden) and to date, two deployments of the European Medical Corps have been carried out, both in the context of the European response to the Ebola crisis.¹⁰⁷

Coordination

ECHO civil protection exercises

ECHO funds various civil protection exercises every year (from modules/table-top to full-scale). Exercises are considered essential in order to enable civil protection teams to perform in a fast and coordinated manner during a crisis and to test or consolidate concepts and procedures of the Civil Protection Mechanism. The Commission releases call for proposals/tenders for exercise management

¹⁰³ <http://erccportal.jrc.ec.europa.eu/About-ERCC>

¹⁰⁴ [http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2013/130708/LDM_BRI\(2013\)130708_REV1_EN.pdf](http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2013/130708/LDM_BRI(2013)130708_REV1_EN.pdf)

¹⁰⁵ http://ec.europa.eu/echo/what/civil-protection/mechanism_en

¹⁰⁶ http://ec.europa.eu/echo/files/aid/countries/factsheets/thematic/civil_protection_en.pdf

¹⁰⁷ http://ec.europa.eu/echo/what-we-do/civil-protection/european-emergency-response-capacity_en

every year. While module or full-scale exercises is considered especially good for improving coordination and testing response capacity, table-tops is considered especially good for providing training and improvement of key people in civil protection contexts. Also, lessons learned from exercises gives valuable feedback for further improvement of civil protection management.¹⁰⁸

EU Exchange of Experts programme

The EU Exchange of Experts Programme is part of the Civil Protection Mechanism, aiming to train experts to become more coordinated and improve their disaster response skills. The programme is built so that participating civil protection experts will exchange knowledge, best practices and techniques.¹⁰⁹ The duration of an exchange goes from a few days to two weeks. Experts might apply for the programme or be invited by a host organization to, for example, attend workshops, participate in exercises and attend conferences.¹¹⁰

***The Emergency Response Coordination Centre (ERCC)**

As previously mentioned, the ERCC is the operational centre of the Civil Protection Mechanism with a constant preparedness to coordinate an EU response to disasters. The centre plans response activities such as deployment of expert-teams or needed equipment (from the voluntary pool). Its task as coordinator also make the ERCC contact point for the Integrated Political Crisis Response framework, as well as contact point in case of activation of the EU Solidarity Clause. In order to function as a coordinator of disaster response efforts, the ERCC works with Member State civil protection authorities.¹¹¹ Pre -positioned civil protection modules from Member States makes it possible for the ERCC to activate and deploy civil protection expert teams and equipment in a short notice.¹¹²

Meaningmaking/ Communication

***European Forest Fire Information System (EFFIS)**

Established by the Commission, EFFIS support the fire-disaster management services in the EU and updates the Commission and European Parliament with common situational pictures on wildland fires in Europe. This includes;

- Fire news (media reports on wildland fires).
- Mobile app EFFIS.¹¹³

¹⁰⁸ http://ec.europa.eu/echo/what/civil-protection/simulation-exercises_en

¹⁰⁹ http://ec.europa.eu/echo/what/civil-protection/experts-training-and-exchange_en

¹¹⁰ https://www.exchangeofexperts.eu/EN/Programme/Programme/programme_node.html

¹¹¹ http://ec.europa.eu/echo/files/aid/countries/factsheets/thematic/civil_protection_en.pdf

¹¹² http://ec.europa.eu/echo/what/civil-protection/mechanism_en

¹¹³ <http://forest.jrc.ec.europa.eu/effis/>

Vademecum web page

Vademecum is a website containing information on disaster measures taken by Member States and at the EU-level. It contributes to creating a common situational picture and is especially aimed towards civil protection professionals at all levels in the EU as well as NGO's and volunteers.¹¹⁴

NexT

NexT is a newsletter targeted towards civil protection experts and professionals in order to share information about civil protection. It is issued twice a year, and mainly focuses on matters of training and exercises in civil protection. Moreover, it suggests participation opportunities of various activities related to the Mechanism.

Accountability

*Copernicus Recovery Mapping

Risk and Recovery Mapping consists of the on-demand provision of geospatial information in support of Emergency Management activities not related to immediate response. This applies in particular to activities dealing with prevention, preparedness, disaster risk reduction and recovery phases. There are three broad product categories: Reference Maps, Pre-disaster Situation Maps and Post-disaster Situation Maps.¹¹⁵

*European Forest Fire Information System (EFFIS) post fire assessments

The monitoring service of EFFIS covers identification of hazards as well as assessment of post-fire damages. The module covering the last phase of management includes;

- Land cover damage assessment
- Emissions Assessment and Smoke Dispersion,
- Potential Soil Loss Assessment, and
- Vegetation Regeneration.

EFFIS is moreover supported by the “Fire Database” – entailing recorded information on previous fire accidents and disasters provided by the EFFIS network countries.¹¹⁶

¹¹⁴ http://ec.europa.eu/echo/files/civil_protection/vademecum/index.html

¹¹⁵ <http://emergency.copernicus.eu/mapping/ems/service-overview>

¹¹⁶ <http://forest.jrc.ec.europa.eu/effis/about-effis/>

The Solidarity Fund

The solidarity fund supports management of the consequences of a major disaster. Through the solidarity fund, emergency services to deal with the short-term restoration, damage control and peoples immediate needs can be mobilized quickly.¹¹⁷

¹¹⁷ http://www.welcomeurope.com/european-funds/solidarity-fund-483+383.html#tab=onglet_details

The Cybersecurity Sector

Introduction

General background

Despite the fact that cyber incidents are common, there have been few examples of cyber *crises* in the EU to this date. European Agency for Network and Information Security (ENISA) defines a cyber crisis as “an event or a series of events, natural or man-made, declared as such by a country. A multinational cyber crisis is where the causes or impact concern at least two countries”.¹¹⁸ This vague definition highlights the current difficulty to frame what a cyber crisis is as well as the lack of common terminology and understanding in the field of cybersecurity in the EU. The one event in the EU commonly referred to as a cyber crisis is the cyberattacks on Estonia 2007.¹¹⁹ Cyber crises, or the possibility of such, are not just a new phenomenon but also a tremendously complex one. Cyber is, by its nature, transboundary. It transcends physical, non-physical, geographical and sectorial borders. The internet infrastructure itself is an abstract combination of physical elements and non-physical elements such as software, networks, services, protocols, plus human elements and operators. Failure in any part of the core components may spark an incident which might also spread fast through the borderless nature and connectivity of internet infrastructure.¹²⁰ Meanwhile, the threat from cybercrime has grown as more and more of society (including pay systems) moves to the digital domain.¹²¹ The stakes get even higher as online economy also makes cyber key for the economic wellbeing and internal market of the EU.¹²²

In conclusion, the borderless nature of cyber makes the cybersecurity-sector hard to capture. Cyber is entangled in all parts of society relying on online services, and therefore cybersecurity touches upon a society as a whole, involving everything from individuals and businesses to governments – individually as well as collectively. Therefore, cybersecurity efforts at the EU-level works in a number of fronts – from ensuring online privacy, promoting digital trust and battling cybercrime to funding research, enhance critical infrastructure protection and increase EU/international cybersecurity cooperation and coordination.¹²³

Cybersecurity as well as privacy online are currently among the political priorities of the European Commission, and the Commission has continuously increased its cybersecurity efforts, especially

¹¹⁸ <https://www.enisa.europa.eu/news/enisa-news/standard-operational-procedures-to-manage-multinational-cyber-crises-finalised-by-eu-efta-member-states-and-enisa>

¹¹⁹ ENISA, Report on Cyber Crisis Cooperation and Management, 2014, p. 36

¹²⁰ Threat Landscape and Good Practice Guide for Internet Infrastructure, 2015, p.1

¹²¹ <https://www.europol.europa.eu/ec3>

¹²² <https://ec.europa.eu/digital-single-market/node/39826>

¹²³ <https://ec.europa.eu/digital-single-market/node/39826>

since the launch of the EU Cybersecurity Strategy 2013 – including legislation, network activities and investments in research.¹²⁴

Policy Background

During 2009, the ‘Communication on Critical Information Infrastructure protection (CIIP)’ was adopted by the European Commission, setting the basic framework and action points for enhanced cybersecurity throughout the Union. It included both preventive and reactive measures, ranging from preparedness and prevention through detection and response as well as mitigation and recovery. The activities fell under or in parallel to the European Programme for Critical Infrastructure Protection (EPCIP).¹²⁵

Following up on this initial framework, the Commission published the Communication on CIIP on "Achievements and next steps: towards global cyber-security" during 2011. In relation to this, the Commission highlighted the importance of a common, cooperative European response to cyber threats and risks.¹²⁶

In June 2012, based on the results of discussions held in two Ministerial Conferences on CIIP, The European Parliament Resolution on "Critical Information Infrastructure Protection: towards global cyber-security" was published, including recommendations and objectives for continuous strengthening of cybersecurity within the EU.¹²⁷

Based on the identified need of further clarifying roles, responsibilities and the EU vision regarding cybersecurity, the EU Cybersecurity Strategy was adopted during 2013, accompanied by the Commission’s Proposal for the NIS-directive aiming to improve the overall EU cybersecurity by setting minimum NIS requirements for Member States. After preparatory work by the **Working Group on Telecommunications and the Information Society (WP Tele)**, The Council conducted a first orientation debate on the proposed directive in June 2013.

After several trilogue-meetings between 2014 and 2015, discussing and debating the Proposal, the European Parliament and the Council reached an agreement on the main principles of the NIS-directive during June 2015. In December 2015, an informal deal was struck with the European Parliament about the Directive, and during May 2016, the Council confirmed the agreement. During August 2016, the NIS-directive is expected to formally enter into force.¹²⁸

¹²⁴ <https://ec.europa.eu/digital-single-market/en/cybersecurity-privacy>

¹²⁵ Communication on Critical Information Infrastructure protection (CIIP), 2009, p.3

¹²⁶ <https://ec.europa.eu/digital-single-market/en/news/policy-critical-information-infrastructure-protection-ciip>

¹²⁷ <https://ec.europa.eu/digital-single-market/en/news/policy-critical-information-infrastructure-protection-ciip>

¹²⁸ <http://www.consilium.europa.eu/en/policies/cyber-security/>

Institutional landscape

European External Action Service (EEAS)

The EEAS handles cybersecurity cooperation between the EU and external countries and organizations, guided by the EU Cybersecurity Strategy. EEAS is especially important for cyber defence management.¹²⁹

The European Commission Directorate General for Communications Networks, Content & Technology (DG CONNECT)

DG Connect is the main Directorate General for managing issues of cybersecurity.¹³⁰

DG Home

Responsible for cybercrime prevention and management.¹³¹

European Agency for Network and Information Security (ENISA)

ENISA is the main EU agency for cybersecurity management. ENISA has been continuously strengthened and gained increasing responsibility since its set up in 2004, and plays an important role in the coming implementation of the NIS-directive and the facilitation of the thereby established cybersecurity networks. ENISA's core tasks surround recommendations, support of both the EU institutions as well as Member States with cybersecurity policy making and implementation of cybersecurity policy, promoting a culture of Network and Information Security within the Union and raise awareness of its importance. ENISA works both operationally and hands on with, for example workshops and conduction of cybersecurity exercises, as well as academically with publications and studies on, for example, Secure Cloud Adoption, cyber crisis management, identification of best practises, privacy issues and issues critical information infrastructure as well as the cyber threat landscape.¹³²

European Cybercrime Centre (EC3)

The EC3 started 2013 with the objective to improve the capacity of the EU to respond to cybercrimes against businesses, individuals and governments. This was based on the notion that the EU has become increasingly vulnerable to cybercrimes due to the ever more advanced and extensively used internet infrastructure, combined with economies and payment systems depending on the internet. EC3

¹²⁹ EU Cyber Defence Policy Framework, as adopted by the Council on 18 November 2014, p. 6

¹³⁰ <https://ec.europa.eu/digital-single-market/dg-connect>

¹³¹ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/cybercrime/index_en.htm

¹³² <https://www.enisa.europa.eu/about-enisa>

is situated under EUROPOL, and have three main focus areas; 1. Organised cybercrime, for example online fraud. 2. Cybercrimes with serious harmful implications to victims, and 3. Cybercrimes which affects CIP or CIIP (including cyberattacks). The EC3 has several functions, ranging from coordination of cybercrime combating actors to operational support of Member State cybercrime operations and conducting training of Member State authorities.¹³³

CERT-EU

CERT-EU is the Computer Emergency Response Team of the EU institutions and agencies. CERT-EUs mission is to support EU institutions through providing services ranging from prevention and detection to response and recovery. Among its main tasks are; early warning and alerts, information on cyberattacks and vulnerabilities, as well as coordination of incident response.¹³⁴

Joint Research Centre

“The JRC is supporting the EU Critical Information Infrastructure Protection (CIIP) Action Plan by contributing to the organisation of pan-European cyber-security exercises. The JRC is also researching technical solutions to increase the level of realism of these exercises and is developing technical guidelines to help the preparation and implementation of cyber exercises in a multinational context.”¹³⁵

Sub-sectors within this area

Critical Information Infrastructure Protection (CIIP)

Critical Information Infrastructure Protection, Cyber Security and Critical Infrastructure Protection are sectors/areas of protection which are very entangled, even if they should not be mistaken as the same. ENISA defines (based on the Council Directive 2008/114/EC on the identification and designation of European Critical Infrastructures) Critical Information Infrastructures as *“ICT (cyber) systems that are Critical Infrastructures for themselves or that are essential for the operation of Critical Infrastructures (telecommunications, computers/software, Internet, satellites, etc.”*¹³⁶ Examples of CII are *Industrial Control Systems (ICS)* which supports industrial processes, for example SCADA (Supervisory Control and Data Acquisition) systems. With increased efficiency of these networks through interconnection, the vulnerability of these networks has increased as well.¹³⁷ Another example is the use of *Smart Grids*, “smart” electricity networks with the possibility of integrating behavior and action of users in order to create secure and efficient energy supply. Just like with SCADA systems

¹³³ <https://www.europol.europa.eu/ec3>

¹³⁴ RFC 2350, ERT-EU p. 2013, p.1

¹³⁵ <https://ec.europa.eu/jrc/en/research-topic/cybersecurity>

¹³⁶ <https://www.enisa.europa.eu/topics/critical-information-infrastructures-and-services/cii>

¹³⁷ <https://www.enisa.europa.eu/topics/critical-information-infrastructures-and-services/scada>

however, the efficiency comes with the price of vulnerability.¹³⁸ Critical Infrastructure on the other hand, also by the definition by the Directive 2008/114/EC is defined like this; *“an asset, system or part thereof located in Member States which is essential for the maintenance of vital societal functions, health, safety, security, economic or social well-being of people, and the disruption or destruction of which would have a significant impact in a Member State as a result of the failure to maintain those functions;”*.¹³⁹ Thus, Critical Infrastructure Protection does not have to involve Critical Information Infrastructure Protection, even if it often does. Cyber security, or Network and Information Security, in turn, entails more than CIP or CIIP. This could be highlighted by the strategic priorities of the EU Cybersecurity Strategy;

- Achieving cyber resilience
- Drastically reducing cybercrime
- Developing cyberdefence policy and capabilities related to the Common Security and Defence Policy (CSDP)
- Develop the industrial and technological resources for cybersecurity
- Establish a coherent international cyberspace policy for the European Union and promote core EU values

Cyber security and critical information infrastructure becomes an important aspect of CIP since essential services (including energy, transport and satellite systems) rely on cyber for its services, thus becoming vulnerable to cyber threats which may hinder;

- “Confidentiality – unauthorized access to or interception of information.”¹⁴⁰
- “Integrity – unauthorized modification of information, software, physical assets.”¹⁴¹
- “Availability – blockage of data transmission and/or making systems unavailable.”¹⁴²

“Recent deliberate disruptions of critical automation systems prove that cyber-attacks have a significant impact on critical infrastructures and services. Disruption of these ICT capabilities may have disastrous consequences for the EU Member States’ governments and social wellbeing. The need to ensure ICT robustness against cyber-attacks is thus a key challenge at national and pan-European level. Today ICS products are mostly based on standard embedded systems platforms and they often

¹³⁸ <https://www.enisa.europa.eu/topics/critical-information-infrastructures-and-services/scada>

¹³⁹ Directive 2008/114/EC, p.3

¹⁴⁰ https://ec.europa.eu/energy/sites/ener/files/documents/EECSP%20_%20CfE__FINAL.pdf

¹⁴¹ https://ec.europa.eu/energy/sites/ener/files/documents/EECSP%20_%20CfE__FINAL.pdf

¹⁴² https://ec.europa.eu/energy/sites/ener/files/documents/EECSP%20_%20CfE__FINAL.pdf

use commercial off-the-shelf software. This results in the reduction of costs and improved ease of use but at the same time increases the exposure to computer network-based attacks.”¹⁴³

Based on this, critical infrastructure-sectors have started to develop cyber security measures, both on policy level as well as technical level. For example, the **Energy Expert Cyber Security Platform Expert Group** and **The Galileo PRS**.

European Public-private Partnership for Resilience (EP3R)

The EP3R was established in 2009 in order to engage the EU-level with National Private Public Partnerships to address Critical Information Infrastructure Protection (CIIP) issues at European level. One of the reasons for the establishment of the EP3R was an analysis by ENISA in 2010, which identified barriers for information sharing in the field of Critical Information Infrastructure Protection (CIIP).¹⁴⁴

According to the study the most important barriers were:

- Economic incentives stemming from cost savings;
- Incentives stemming from the quality, value, and use of information shared;
- As most important barriers were identified:
- Poor quality of information;
- Misaligned economic incentives stemming from reputational risks;
- Poor management.¹⁴⁵

The study revealed that the critical information infrastructures (CII) sector was fragmented both geographically and due to the competition among telecom operators. Increasing the Resilience of those CIIs was generally seen as fundamental within Member States and several National Public-Private Partnerships (PPPs) were already established to enhance preparedness and response to disasters or failures by coordinating the efforts among telecom operators. Cross-border mechanism were set up on an ad hoc basis, but there was a need for global approach at a European level arose to respond to both existing and emerging threats.

“In March 2009, the European Commission adopted a policy initiative - COM (2009)149 - on Critical Information Infrastructure Protection (CIIP) to address this challenge and a European Public-private Partnership for Resilience (EP3R) was established in order to support such coordination.”¹⁴⁶

¹⁴³ <https://www.enisa.europa.eu/topics/critical-information-infrastructures-and-services>

¹⁴⁴ <https://www.enisa.europa.eu/topics/national-cyber-security-strategies/ppps/public-private-partnership/european-public-private-partnership-for-resilience-ep3r>

¹⁴⁵ <https://www.enisa.europa.eu/topics/national-cyber-security-strategies/ppps/public-private-partnership/european-public-private-partnership-for-resilience-ep3r>

¹⁴⁶ <https://www.enisa.europa.eu/topics/national-cyber-security-strategies/information-sharing>

The objectives of the EP3R was to discuss policy priorities, baseline requirements, enhance information sharing and to promote adoption on best practises for security and resilience. ENISA was the facilitator of the Ep3R.¹⁴⁷ The Ep3R closed during 2013.

Cyber Defence

Developing an EU Cyberdefence Framework was included as one of the measures of the EU Cybersecurity Strategy 2013. Hence, the EU Cyber Defence Policy Framework was adopted by the Council in November 2014. It outlines priorities for the EU cyber defence and defines roles and responsibilities. Included in the priorities are;

- Development of Member State cyber defence capabilities in order to ensure networks supporting the CSDP.¹⁴⁸ This involves improving cooperation and coordination between Member States on monitoring, situational awareness, prevention, detection and protection, information sharing, forensics and malware analysis capability, lessons learned, damage containment, dynamic recovery capabilities.¹⁴⁹ It also involves increased cooperation between military CERTs and support of development of pooling and sharing regarding cyber defence operations.¹⁵⁰ Member States might ask ENISA for advice and assistance when cyber defence capabilities depends on civilian cyber security.¹⁵¹ Moreover, increased information sharing on, for example, training, exercises and programmes.¹⁵²
- The EEAS aims to develop its own cyber security capacity (even if CERT-EU still is the central cyber incident response team for EU bodies). In lead of this work is the EEAS MDR (Managing Directorate for Resources) supported by the European Union Military Staff (EUMS), Crisis Management and Planning Directorate (CMPD) and Civilian Planning and Conduct Capability (CPCC).¹⁵³
- Promote Civil-Military cooperation on cybersecurity, including joint exercises, information exchange, risk assessments and early warning mechanisms.¹⁵⁴
- Increase cyber defence research and technology.¹⁵⁵
- Improve training and exercise activities.¹⁵⁶

¹⁴⁷ <https://www.enisa.europa.eu/topics/national-cyber-security-strategies/ppps/public-private-partnership/european-public-private-partnership-for-resilience-ep3r>

¹⁴⁸ EU Cyber Defence Policy Framework, 2014, p. 3

¹⁴⁹ EU Cyber Defence Policy Framework, 2014, p. 5

¹⁵⁰ EU Cyber Defence Policy Framework, 2014, p. 5

¹⁵¹ EU Cyber Defence Policy Framework, 2014, p. 5

¹⁵² EU Cyber Defence Policy Framework, 2014, p. 5

¹⁵³ EU Cyber Defence Policy Framework, 2014, p. 6

¹⁵⁴ EU Cyber Defence Policy Framework, 2014, p. 6

¹⁵⁵ EU Cyber Defence Policy Framework, 2014, p. 6

¹⁵⁶ EU Cyber Defence Policy Framework, 2014, p. 6

- Enhancement of cooperation with international partners.

Moreover, the framework states that “the objectives of cyberdefence should be better integrated within the EU’s crisis management mechanisms.”¹⁵⁷

Inventory

Detection

*The CSIRT Network

CSIRT stands for Computer Security Incident Response Team. Another common acronym referring to the same type of team is CERT (Computer Emergency Response Team). CSIRTs/CERTs can be found at various levels and sectors of societies. However, a national CSIRT is a team responsible for the national response to (and prevention of) cybersecurity incidents and risks. They are key players when it comes to detection, early warning and rapid alert of cyber incidents and crises. Before the NIS-directive, the connections between national CSIRTs in the EU were quite informal. However, the NIS-directive has several measures regarding CSIRTs. First, Member States are required to establish National CSIRTs if they have not already done it. Secondly, the Directive establishes a formal EU network of national CSIRT’s, called the CSIRT Network, in coordination of ENISA.¹⁵⁸

According to the NIS-directive, operators of critical services must report cyber incidents to their national CSIRT or to their national authority handling cybersecurity – if they are severe enough to have significant impact on the continuity of the service in question. The information about the incident must be thorough enough for the CSIRT/authority to make an assessment of the possible cross border effect of the incident. However, the incident reporting is not supposed to expose the reporting actor but preserve confidentiality of the information (which is important since information about breaches might be very sensitive and can affect both commercial interests as well as security of the affected actor).¹⁵⁹

The CSIRT or authority is required to let the Member States who has essential services which might be significantly affected by the incident get information about it through the CSIRT-network.¹⁶⁰

¹⁵⁷ EU Cyber Defence Policy Framework, 2014, p. 3

¹⁵⁸ <https://www.enisa.europa.eu/topics/national-csirt-network/capacity-building>

¹⁵⁹ The NIS-directive Brussels, 18 December 2015, 15229/2/15 REV 2, p. 39-40

¹⁶⁰ The NIS-directive Brussels, 18 December 2015 (OR. en) 15229/2/15 REV 2, p. 43

***European Cybercrime Centre (EC3)**

Among the EC3's main objectives are improving the overall EU as well as Member State individual preventive capabilities when it comes to cybercrime. In order to achieve this, EC3 conducts vulnerability scanning and distribute early warnings on cyber risks and threats.¹⁶¹

Sense-making

***The CSIRT Network**

The CSIRT network will have sense-making tasks such as;

- “At the request of the representative of a Member State potentially affected by an incident, exchange and discuss non-commercially sensitive information related to that incident and associated risks. (Any Member State may refuse to contribute to that discussion if there is a risk of prejudice to the investigation of the incident)”.¹⁶²
- “Exchange and make available on a voluntary basis non-confidential information on individual incidents”.¹⁶³

***The Cooperation Group**

With the implementation of the NIS-directive (expected in August 2016), The Cooperation Group is to be established. It will be composed of representatives from Member States respective CSIRT, as well as CERT-EU (the CSIRT of EU institutions) and ENISA. The Commission will also have representatives in the group and provides the secretariat. When assessed appropriate, the group can let other stakeholders join its work. To build capacity and knowledge among Member States, the cooperation group should, according to the NIS directive, also serve as an instrument for the exchange of best practices, discussion of capabilities and preparedness of the Member States and on a voluntary basis assisting its members in evaluating national NIS strategies, building capacity and NIS exercises.¹⁶⁴

The Cooperation Groups main focus and its tasks will be mostly preventive. Among the Cooperation Groups tasks are to;

- “Provide strategic guidance for the activities of the CSIRTs network established under Article 8b of the NIS-directive.”¹⁶⁵

¹⁶¹ <https://www.europol.europa.eu/ec3>

¹⁶² The NIS-directive, Brussels, 18 December 2015, 15229/2/15 REV 2 p. 36

¹⁶³ The NIS-directive, Brussels, 18 December 2015, 15229/2/15 REV 2 p. 36

¹⁶⁴ The NIS-directive Brussels, 18 December 2015 (OR. en) 15229/2/15 REV 2, p. 6

¹⁶⁵ The NIS-directive Brussels, 18 December 2015 (OR. en) 15229/2/15 REV 2, p. 35

- “Exchange best practice on the exchange of information related to incident notification referred to in Article 14(2ac) and 15a(2) of the NIS-directive.”¹⁶⁶
- “Exchange best practices between Member States and, in collaboration with ENISA, assist Member States in building capacity in NIS.”¹⁶⁷
- “Discuss capabilities and preparedness of the Member States, and, on a voluntary basis, evaluate national NIS strategies and the effectiveness of CSIRTs, and identify best practices.”¹⁶⁸
- “Exchange information and best practice on awareness raising and training.”¹⁶⁹
- “Exchange information and best practice on research and development on network and information security.”¹⁷⁰
- “Discuss, with representatives from the relevant European Standardisation Organisations, the standards referred to in Article 16 of the NIS-directive.”¹⁷¹

***The European Cybercrime Centre (EC3)**

Besides early warnings, the EC3 also performs cyber threat assessments.¹⁷²

Among the EC3 tasks are;

- Awareness raising initiatives on cybercrimes and online threats.
- Suggesting preventive measures to legislators.¹⁷³
- “Being the central hub for criminal information and intelligence.”¹⁷⁴
- “Providing a variety of strategic analysis products enabling informed decision making at tactical and strategic level concerning the combating and prevention of cybercrime;”¹⁷⁵
- “Providing highly specialised technical and digital forensic support capabilities to investigations and operations.”¹⁷⁶

European Cybercrime Training and Education Group (ECTEG)

Regarding training, the EC3 works closely to the European Cybercrime Training and Education Group(ECTEG). ECTEG consists of Member States law enforcement agencies as well as other

¹⁶⁶ The NIS-directive Brussels, 18 December 2015 (OR. en) 15229/2/15 REV 2, p. 35

¹⁶⁷ The NIS-directive Brussels, 18 December 2015 (OR. en) 15229/2/15 REV 2, p. 35

¹⁶⁸ The NIS-directive Brussels, 18 December 2015 (OR. en) 15229/2/15 REV 2, p. 35

¹⁶⁹ The NIS-directive Brussels, 18 December 2015 (OR. en) 15229/2/15 REV 2, p. 35

¹⁷⁰ The NIS-directive Brussels, 18 December 2015 (OR. en) 15229/2/15 REV 2, p. 35

¹⁷¹ The NIS-directive Brussels, 18 December 2015 (OR. en) 15229/2/15 REV 2, p. 35

¹⁷² <https://www.europol.europa.eu/ec3>

¹⁷³ <https://www.europol.europa.eu/ec3/public-awareness-and-prevention>

¹⁷⁴ <https://www.europol.europa.eu/ec3/>

¹⁷⁵ <https://www.europol.europa.eu/ec3/>

¹⁷⁶ <https://www.europol.europa.eu/ec3/>

relevant actors from the private sector, academia and even international actors.¹⁷⁷ Among the aims of the ECTEG are; - information sharing between various actors, harmonise training and finding common solutions to identified issues.¹⁷⁸

*ENISA

ENISA, the European Agency for Network and Information Security, is mainly focused on preparation. This is highlighted by the stated priorities of ENISA's work;

- “To anticipate and support Europe in facing emerging network and information security challenges, by collating, analyzing and making available information and expertise on key NIS issues potentially impacting the EU, taking into account the evolutions of the digital environment.”¹⁷⁹
- “To promote network and information security as an EU policy priority, by assisting the European Union institutions and Member States in developing and implementing EU policies and law related to NIS.”¹⁸⁰
- “To support Europe maintaining state-of-the-art network and information security capacities, by assisting the Member States and European Union bodies in reinforcing their NIS capacities.”¹⁸¹

ENISA has a wide range of preparation activities, and is a key player for the implementation of the NIS-Directive. Among the preparation activities of ENISA are;

- Building capacity of national CSIRTs through, for example, guidance on how to facilitate a CSIRT, training and exercising for CSIRTs.¹⁸²
- **The Cyber Exercise Platform** is a new initiative from ENISA, which aims to promote information sharing on cybersecurity exercises practises and lessons learned, as a step of building a cyber security exercise community. It provides a platform where actors can publish information about their exercises and get access to information about others.¹⁸³
- Papers and studies on, for example, Cloud Security, Cyber Crisis Management, Critical Information Infrastructure Protection, Cyber risks and The Cyber Threat Landscape.

¹⁷⁷ <http://www.ecteg.eu/>

¹⁷⁸ <http://www.ecteg.eu/>

¹⁷⁹ <https://www.enisa.europa.eu/about-enisa/mission-and-objectives>

¹⁸⁰ <https://www.enisa.europa.eu/about-enisa/mission-and-objectives>

¹⁸¹ <https://www.enisa.europa.eu/about-enisa/mission-and-objectives>

¹⁸² <https://www.enisa.europa.eu/topics/national-csirt-network/csirt-capabilities>

¹⁸³ <https://www.enisa.europa.eu/topics/cyber-exercises/cyber-exercises-platform>

- Promotes awareness raising of cyber threats, through initiatives such as **the European Cyber Security Month** each year in October.¹⁸⁴
- Provides expertise, advice and recommendations to Member States on cybersecurity issues, both preventive and reactive.¹⁸⁵
- Conducts workshops and training courses for Cyber Security Specialists.¹⁸⁶

***The NIS-Platform (working groups)**

In order to foster resilience of networks, and help implement the measures set out in the cybersecurity strategy of the EU and the NIS-directive, and harmonize its application, the NIS Public-Private Platform was established in 2013. The NIS-platform consists of three working groups focusing on (amongst other things) risk management and awareness raising, information exchange, risk metrics, incident coordination. The three working groups are;

The NIS-platform aims to be cross-cutting, involving various relevant sectors and both private and public actors, and therefore be able to identify cross cutting and horizontal best practises.¹⁸⁷

***CERT-EU**

CERT-EU is primarily focused on supporting EU institutions with detection and alerts but also works together with Member State national CSIRTs (and now the CSIRT-network) regarding incident preparation through, for example, exchange of good practices.¹⁸⁸

The Joint Research Centre's Experimental Platform for ICT (information and communication technology) Contingencies (EPIC)

The Experimental Platform for Internet Contingencies (EPIC) is a platform which can simulate the impact of various cyberattacks and disruptions. The platform may be used for cybersecurity experiments and exercises.¹⁸⁹

The Joint Research Centre's Classification System for Critical Infrastructure Protection with focus on Cyber Security

The JRC is currently building a classification system which will result in a measurement system for measuring the severity of cyber incidents as well as a taxonomy focusing on cyber security, which will

¹⁸⁴ <https://www.enisa.europa.eu/topics>

¹⁸⁵ <https://www.enisa.europa.eu/about-enisa>

¹⁸⁶ <https://www.enisa.europa.eu/topics>

¹⁸⁷ <https://resilience.enisa.europa.eu/nis-platform>

¹⁸⁸ RFC 2350, ERT-EU p. 2013, p.1

¹⁸⁹ <https://ec.europa.eu/jrc/en/research-topic/cybersecurity>

improve information exchange on cybersecurity issues as well as common assessments on the severity of cybersecurity incidents.¹⁹⁰

The Public-Private Partnership (PPP) on cybersecurity (2016)

The Commission will establish a new EU Public-Private Partnership on Cybersecurity during 2016. Although it is still unclear exactly what tasks this PPP will perform, it aims to align and build trust amongst member states and industrial actors and thereby boost cybersecurity alignment and cooperation.¹⁹¹

Decision Making

The EU Standard Operational Procedures to manage multinational cyber-crises

The EU-SOPs, developed by the EU and European Free Trade Association (EFTA) Member States in collaboration with ENISA, guides the handling of major cyber incidents that could possibly escalate to a cyber crisis. The aim of the SOP includes;

- “Increasing the understanding of the causes and impact of multinational cyber crises (situational awareness) and allow for quick and effective mitigation. Through a combination of contact points, guidelines, workflows, templates, tools, and good practices, the EU-SOPs offer European crisis managers the ability to use the internationally shared technical and non-technical information to draw an integrated operational picture and identify effective action plans. These can be presented to the political level for decision making.”¹⁹²
- ENISA assists the European Commission whenever required, in order to achieve a coordinated response to cyber incidents or crises. The main framework mentioned for this is the Integrated Political Crisis Response arrangements.¹⁹³

Coordination

***The European Cybercrime Centre (EC3)**

The EC3 aims to be an information hub and enhance coordination of actors in both preventing and responding to threats. This includes supporting Member States’ operations and investigations by means of coordination and expertise, as well as connecting of law-enforcement actors with non-law enforcement actors for enhanced cooperation.¹⁹⁴ The EC3 aims to be able to have an overview of

¹⁹⁰ <https://ec.europa.eu/jrc/en/research-topic/cybersecurity>

¹⁹¹ <https://www.enisa.europa.eu/topics/national-cyber-security-strategies/information-sharing>

¹⁹² <https://www.enisa.europa.eu/news/enisa-news/standard-operational-procedures-to-manage-multinational-cyber-crises-finalised-by-eu-efta-member-states-and-enisa>

¹⁹³ <https://www.enisa.europa.eu/topics/cyber-crisis-management/eu-cooperation>

¹⁹⁴ <https://www.europol.europa.eu/ec3/>

cybercrime battling capacities throughout the EU, which makes it possible for the EC3 to target where assistance is needed and avoid overlaps. Moreover, one of the tasks of the EC3 is to be a focal point, bringing relevant experts and actors together from both the EU and from outside the EU, and strengthen partnerships on cybercrime. The so called “Outreach function” allows EC3 to proactively engage with new partners and build cooperation with various stakeholders important for battling cybercrime, such as EU institutions, the private sector, academia, law enforcement agencies and international organizations.¹⁹⁵

***The CSIRT Network**

One of the objectives of the NIS-directive is to enhance CSIRT operational cooperation, including incident management. Besides building trust and enhance preparedness which will improve the overall response capability of Member States, The CSIRT network will have some specific tasks relating coordination, and shall;

- “At the request of the representative of a Member State's CSIRT, discuss and, where possible, identify a coordinated response to an incident that has been identified within the jurisdiction of that same Member State.”¹⁹⁶
- “Support Member States in addressing cross-border incidents on the basis of their voluntary mutual assistance.”¹⁹⁷

***ENISA**

In cooperation with EC3, ENISA facilitates the coordination between relevant authorities and law enforcement agencies. ENISA also aims to enhance coordination between member states, EU bodies and NIS stakeholders (private sector), by reinforcing cooperation between them.¹⁹⁸

The NIS-Platform (working group 2)

In order to foster resilience of networks, and help implement the measures set out in the cybersecurity strategy of the EU and the NIS-directive, and harmonize its application, the NIS Public-Private Platform was established in 2013. It consists of several working groups. WG2 focuses on information exchange and incident coordination, incident reporting and risk metrics regarding information exchange.

Meaning Making/ Communication

¹⁹⁵ <https://www.europol.europa.eu/ec3>

¹⁹⁶ The NIS-directive, p. 36

¹⁹⁷ The NIS-directive, p. 36

¹⁹⁸ <https://www.enisa.europa.eu/about-enisa/mission-and-objectives>

ENISA cyber incident website

As a crisis communication measure, the CSIRT-networks secretariat (ENISA) is also encouraged (by the NIS-directive) to setup a website where information sharing about major cyber incidents or crises might be published. This is based on the notion that the EU-level should be able to provide such a service since both businesses and individuals operates more and more online, outside of national borders. The NIS-Directive furthermore encourages the members of the CSIRT-network to, voluntarily, share non- sensitive information about incidents on this website.¹⁹⁹

The Galileo Public Regulated Service

The PRS is a service which ensures continuity, more specifically service to authorized users when access is denied to other navigation services. It will provide a protected signal for critical application. The PRS can be useful for EU public safety and emergency services.²⁰⁰

Good Practise Guide on Information Sharing

Based on the need for public private cooperation on the EU-level regarding cybersecurity and CIIP, ENISA collected experiences form existing PPPs which resulted in the **Good Practise Guide on Information Sharing**, which aims to assist Member State to establish information exchange between Private and Public actors.²⁰¹

Accountability

*The CSIRT Network lessons learned

Regarding recovery, the CSIRT-network shall, according to the NIS-directive;

- “Discuss lessons learned from NIS exercises, including from those organised by ENISA. At the request of an individual CSIRT, discuss the capabilities and preparedness of that same CSIRT.”²⁰²
- “As input to the Commission's periodic review of the functioning of the Directive, the CSIRTs network shall every one and a half years produce a report assessing the experience gained with the operational cooperation, including conclusions and recommendations, pursued under article 4. That report shall also be submitted to the cooperation group.”²⁰³

CERT-EU’s activities cover recovery, however from a quite technical perspective and focused on the EU institutions only.²⁰⁴

¹⁹⁹ The NIS-directive Brussels, 18 December 2015 (OR. en) 15229/2/15 REV 2, p. 7

²⁰⁰ <http://www.gsa.europa.eu/security/prs>

²⁰¹ <https://www.enisa.europa.eu/topics/national-cyber-security-strategies/information-sharing>

²⁰² The NIS-directive Brussels, 18 December 2015 (OR. en) 15229/2/15 REV 2, p. 36

²⁰³ The NIS-directive Brussels, 18 December 2015 (OR. en) 15229/2/15 REV 2, p. 37

²⁰⁴ RFC 2350, ERT-EU p. 2013, p.1

*The Cooperation Group lessons learned

The Cooperation Group shall, according to the NIS-directive;

- “Where relevant, exchange experiences on matters concerning NIS with relevant Union institutions bodies, offices and agencies.”²⁰⁵
- “Collect best practice information on risks and incidents affecting network and information systems”²⁰⁶
- “Examine on an annual basis the summary reports referred to in Article 6(4ab new).”²⁰⁷
- “Discuss the work undertaken with regard to NIS exercises, education programmes and training, including the work by ENISA.”²⁰⁸

*Cyber Europe after action reports

After action published at ENISAs website - providing overviews over the main problems, prospects and successes identified when performing the respective exercises, including lessons learned. The Cyber Europe 2014 after action report also included an action plan.²⁰⁹

The Cyber Exercise Platform, which is currently in the build-up stage, will provide opportunities to share and search for lessons learned from cybersecurity exercises. The Platform will provide actors with the possibility of reporting their cyber exercises, including objectives, type of exercise, and lessons learned. Starting with some 200 cyber exercises and with actors continuously adding conducted exercises to the database, the objective with the platform is that it will become a source of lessons learned from a great variety of cyber incident scenarios, and create the possibility for actors to learn from others successes and mistakes regarding cyber incident management.²¹⁰

²⁰⁵ The NIS-directive Brussels, 18 December 2015 (OR. en) 15229/2/15 REV 2, p. 35

²⁰⁶ The NIS-directive Brussels, 18 December 2015 (OR. en) 15229/2/15 REV 2, p. 35

²⁰⁷ The NIS-directive Brussels, 18 December 2015 (OR. en) 15229/2/15 REV 2, p. 35

²⁰⁸ The NIS-directive Brussels, 18 December 2015 (OR. en) 15229/2/15 REV 2, p. 35

²⁰⁹ <https://www.enisa.europa.eu/publications/ce2014-after-action-report>

²¹⁰ The 2015 Report on National and International Cyber Security Exercises, p.9

The Energy Sector

Introduction

General background

The EU energy sector is complex and entails complex risks and security issues. The risks of disruption depend on a number of variables combined, such as suppliers, transport, supply points (such as infrastructure, ports and pipelines), political stability in countries, fuel routes etc. Since the energy sector is highly transboundary, EU member states are not only dependent on energy, but they are also highly interdependent and connected. Energy security involves many different aspects, including enhancement of security of supply by decreasing dependence of energy import, protection of disruption caused by, for example, cyberattacks affecting the energy grid, individual Member State national measures to ensure continuity and enhanced energy security. One of the security-problems of the energy sector is that efficiency increases vulnerability. For example, when effectivity increases with the use of “Smart Grids” and interconnected Energy Grids, vulnerability increases as well. Smart Grids improves control over electricity consumption and distribution to the benefit of consumers, electricity suppliers and grid operators. However, it comes with the cost of exposure of the network for directed cyberattacks against power generation plants.²¹¹ Possibly the most famous and sophisticated cyberattack to this date was the malware called “STUXNET”, discovered in 2010, which successfully disrupted the uranium enrichment infrastructure in Iran by causing its centrifuges to spin themselves apart.

The threat is also exemplified in the Commission Staff Working Document on the new approach to EPCIP, which also points out Energy as one of the main Critical Infrastructure sectors;

- “As the wide-area black-outs of past years have shown, a single incident affecting one significant element of the grid can affect supply on the whole continent. Threats (man-made) also have similar aims and modus operandi across country borders, while single attackers or coordinated action may target networks on a regional, European or international scale, as is the case with cyber-attacks.”²¹²

The SWD continues to state that;

- “This calls for a coordinated protection mechanism, involving all operators and their sectoral bodies. The risks associated with the above threats can only be properly tackled by response at system level, as the integrity and functionality of the whole system is affected. The sector (ENTSO-E in particular) has already invested in CIP measures and has expressed strong

²¹¹ <https://www.enisa.europa.eu/topics/critical-information-infrastructures-and-services>

²¹² Brussels, 28.8.2013 - COMMISSION STAFF WORKING DOCUMENT on a new approach to the European Programme for Critical Infrastructure Protection - Making European Critical Infrastructures more secure. P.14

support for an EU approach that would also tie in with the requirements of the internal market regulations.”²¹³

An increase of integration of the EU energy system (in combination with the fact that Member State import energy from the same countries) also enhances vulnerability.²¹⁴

The EU’s overall crisis management work and measures for CIP (including frameworks, key documents, exercises and networks) are related to and entangled in the crisis management work and measures of the energy sector.

The EU has long been involved with preparing for and enhancing energy security, given the crucial part of energy to the daily lives of EU citizens. Indeed, much has been done in the “Preparation” department, considering that “Energy” is largely entailed in the EU efforts to enhance Critical Infrastructure Protection and Critical Information Infrastructure Protection.

Increasing trade and interconnectedness in electricity between Member States has resulted in that short time surpluses of one form of electricity in one Member State can flow to counter deficits in another.

²¹⁵ Moreover, the ongoing work of building up flexibility in Europe’s gas and electricity infrastructure has enabled a more efficient use of reserves.²¹⁶ Since the 2006 and 2009 gas supply crises, the EU has strengthened its coordination capabilities in order to prevent and mitigate possible gas supply disruptions. There are European rules to secure supplies to protected customers (e.g. customers that use gas for heating) in severe conditions, including in the case of infrastructure disruption under normal winter conditions, and Member States need to draw up Emergency Preparedness Plans and Emergency Response Plans. The Gas Coordination Group, involving Member States, regulators and all stakeholders, has proven to be an effective EU-wide platform to exchange information between experts and coordinate action. These rules provide a European framework that creates trust and ensures solidarity as it guarantees that Member States act on their national responsibilities and collectively enhance security of supply.

²¹³ Brussels, 28.8.2013 - COMMISSION STAFF WORKING DOCUMENT on a new approach to the European Programme for Critical Infrastructure Protection - Making European Critical Infrastructures more secure. P.14

²¹⁴ COMMISSION STAFF WORKING DOCUMENT In-depth study of European Energy Security Accompanying the document Communication from the Commission to the Council and the European Parliament: European energy security strategy {COM(2014) 330 final}, p. 4-5

²¹⁵ COMMISSION STAFF WORKING DOCUMENT In-depth study of European Energy Security Accompanying the document Communication from the Commission to the Council and the European Parliament: European energy security strategy {COM(2014) 330 final}, p. 16

²¹⁶ COMMISSION STAFF WORKING DOCUMENT In-depth study of European Energy Security Accompanying the document Communication from the Commission to the Council and the European Parliament: European energy security strategy {COM(2014) 330 final}, p. 16

Policy Background

Critical Infrastructure Protection: Energy

Since the energy-sector is one of the main sectors in the CIP-efforts of the EU, the policy background of CIP is highly relevant for energy.

- During 2004, The Council asked for an overall strategy of CIP.²¹⁷
- During October 2004 the Commission adopted the “**Communication on Critical Infrastructure Protection in the Fight against Terrorism**”.²¹⁸
- Deriving from the Council conclusions on “**Prevention, Preparedness and Response to Terrorist Attacks**” and the “**EU Solidarity Programme on the Consequences of Terrorist Threats and Attacks**”, the Commission proposed the **European Programme for Critical Infrastructure Protection (EPCIP)** and agreed to the setting up by the Commission of a **Critical Infrastructure Warning Information Network (CIWIN)**²¹⁹
- In 2008, the **Directive on European Critical Infrastructures** introduced a common approach on how to improve CIP in the EU and suggested a procedure for identification of critical infrastructures. It was only focused on energy and transport sectors, and required operators in these sectors to prepare continuity plans and linking them to national authorities involved in CIP.²²⁰
- In 2009, the **Communication on Critical Information Infrastructure protection (CIIP)** was published.²²¹
- In 2011, the Commission evaluated the CIP achievements and published follow-up actions in on “**Achievements and next steps: towards global cyber-security**”, stating again the importance of a common EU approach to CIP.²²²
- In 2012, there was a review of EPCIP, revealing capability gaps in cross-sectorial CIP issues. This led to the “**2013 Staff Working Document on a new approach to the European Programme for Critical Infrastructure Protection**”. One of the highlighted measures of this document is continuous focus on discovering crisis management and CIP tools and

²¹⁷ Brussels, 12.12.2006, COM(2006) 786 final COMMUNICATION FROM THE COMMISSION, p. 1

²¹⁸ Brussels, 12.12.2006, COM(2006) 786 final COMMUNICATION FROM THE COMMISSION, p. 1

²¹⁹ Brussels, 12.12.2006, COM(2006) 786 final COMMUNICATION FROM THE COMMISSION, p. 1

²²⁰ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/crisis-and-terrorism/critical-infrastructure/index_en.htm

²²¹ <https://ec.europa.eu/digital-single-market/en/news/policy-critical-information-infrastructure-protection-ciip>

²²² <https://ec.europa.eu/digital-single-market/en/news/policy-critical-information-infrastructure-protection-ciip>

processes with “**The Four**” chosen CIs of the EU dimension, two of them related to the Energy-sector (**The Electricity Transmission Grid** and **The Gas Transmission Network**)

Sector	Subsector(s)	Description
Energy	Electricity	Infrastructures and facilities for generation and transmission of electricity in respect of supply electricity
Energy	Oil	Oil production, refining, treatment, storage and transmission by pipelines
Energy	Gas	Gas production, refining, treatment, storage and transmission by pipelines LNG terminals

Table: Description of the energy-sector in the **Communication on Critical Information Infrastructure protection (CIIP)**.

- In 2013, the **Cybersecurity Strategy of the EU** and the **NIS-directive proposal** was published, suggesting that companies and actors within critical infrastructure sectors (including energy) will be required to;
 - Report to the cybersecurity authorities (or CSIRT) cyber incidents that may significantly affect the continuity of critical services.²²³
 - Assess and manage cyber risks.²²⁴

The expected implementation of the NIS-directive is August 2016, which will make these requirements legally binding for Member States.²²⁵

²²³ Proposal for a Directive of the European Parliament and of the Council concerning measures to ensure a high common level of network and information security across the Union, REV 2, December 2015, p. 25

²²⁴ Proposal for a Directive of the European Parliament and of the Council concerning measures to ensure a high common level of network and information security across the Union, REV 2, December 2015, p. 25

²²⁵ Proposal for a Directive of the European Parliament and of the Council concerning measures to ensure a high common level of network and information security across the Union, REV 2, December 2015, p. 25

Energy

- Regulation 994/2010 is vital to security of supply (rather the absence of potential security disruption) for example, common indicators (labelled the N-1 standard) to measure threats to gas security for example to gas installations on national level but also their operational status. It also regulates what member states with a gas system must do;
 - Perform Risk analysis (RA),
 - Develop preventive action and emergency plans (PAPs and EPs respectively). This is a sequential process beginning with the RA, outlining risks and hazards that the PAPs and EPs must then address depending on the situation. The PAP is intended to assemble any market-based measures available that may be utilised to avoid, or at least mitigate impact, of risks identified in the RA – as such the PAPs are relevant in a pre-crisis situation and thus a prevention capacity
- During 2014, the 2009 Nuclear Safety Directive was amended to reinforce existing obligations and to introduce new ones, including requirements of Member States to carry out safety assessments of new power plants and ensuring safety enhancement of old reactors.²²⁶
- In 2014, the Commission adopted the Communication on a "**European Energy Security Strategy**" (EESS) and the related **Staff Working Document**. The EESS is a result of the identified need for a comprehensive approach to energy security within the EU, as well as a result of the happenings at the EU's eastern borders, which provoked questions about the EU capability to cope with energy supply disruptions both short and medium term. The strategy is focused around 8 objectives;²²⁷
 1. Immediate actions aimed at increasing the EU's capacity to overcome a major disruption during the winter 2014/2015;
 2. Strengthening emergency/solidarity mechanisms including coordination of risk assessments and contingency plans; and protecting strategic infrastructure;
 3. Moderating energy demand;
 4. Building a well-functioning and fully integrated internal market;
 5. Increasing energy production in the European Union;
 6. Further developing energy technologies;
 7. Diversifying external supplies and related infrastructure;

²²⁶ COMMISSION STAFF WORKING DOCUMENT In-depth study of European Energy Security Accompanying the document Communication from the Commission to the Council and the European Parliament: European energy security strategy {COM(2014) 330 final}, p. 7

²²⁷ COMMISSION STAFF WORKING DOCUMENT on the European Energy Security Strategy, 2015, p.2

8. Improving coordination of national energy policies and speaking with one voice in external energy policy.²²⁸

The key actions described in the strategy are;

- “Intensified cooperation with the Gas Coordination Group and notably continue monitoring natural gas flows and the level of gas storage and coordinate at EU and/or regional level national risk assessments and contingency plans.”
- “Update the risk assessments and the Preventive Action Plans and Emergency Plans, as provided for by Regulation 994/2010”
- “Launch energy security stress tests in light of the supply disruption risks in the upcoming winter, and develop back-up mechanisms if necessary; such as increasing gas stocks, developing emergency infrastructures and reverse flows and reducing energy demand or switching to alternative fuels in the very short term”
- “Further cooperate with gas suppliers and transmission system operators to identify possible sources for short-term additional supplies, notably LNG.”
- “Strengthening emergency/solidarity mechanisms including coordination of risk assessments and contingency plans; and protecting strategic infrastructure”

The strategy also states that;

- Member States are obliged to build up and maintain minimum reserves of crude oil and petroleum products and this will mitigate the risks of supply disruption.
- Member States are obliged to invest in back-up infrastructure.
- “The solidarity that is the hallmark of the EU requires practical assistance for those Member States most vulnerable to severe energy supply disruptions. Proper contingency planning, based on stress tests of the energy systems and discussions with national authorities and industry, should therefore be organized and regularly reviewed, with the aim of guaranteeing minimum levels of intra-EU deliveries of alternative fuel supplies to complement emergency stocks. In view of current events, the immediate focus should be on Member States on the eastern border of the EU; where appropriate, candidate countries and potential candidates could be associated to such mechanisms”.²²⁹

²²⁸ <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52014DC0330&qid=1407855611566>

²²⁹ <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52014DC0330&qid=1407855611566>

- In early 2015, the “**Energy Union Framework Strategy**” was adopted. The EESS was included as a part of the EUFS, stating that energy security is one of the five mutually dependent and interlinked dimensions of the Energy Union.²³⁰

Earlier energy crises in the EU

The German transmission grid 2006

“An extensive power disruption occurred in the north German transmission grid on 4 November 2006, and was felt over most of the continent, including Austria, Belgium, France, Slovenia and Spain, in addition to Germany. Although the action taken by the transmission system operators (TSOs) prevented the blackout, this case is considered among the most severe and largest disturbances ever in Europe. The effects were important in terms of power cuts at industrial and domestic level (more than 15 million households), while electricity dependent services such as transport were affected (for example hundreds of trains were cancelled or delayed).”²³¹

Brotherhood Pipeline 2009

“The physical threats (ranging from terrorism to boycotts and strikes), disruptive natural events (earthquakes, floods, very cold periods, big storms) and commercial disputes to which the gas network is subject make it vulnerable and jeopardises Europe’s secure access to gas. An illustrative example of the effects of a disruption of the gas network is the Brotherhood pipeline case of 2009. This pipeline, which transports almost 300 million cubic metres of Russian gas every day to Europe, passing through Ukraine, started reducing its flow in early January, leading to a complete shutdown. Its disruption had a significant impact on many Member States, in particular those that depend exclusively on this supply route, leaving homes without gas for heating and forcing production stops in some industries. Gas supplies were only fully restored on 21 January 2009. This disruption was the most serious of its kind in Europe in recent history: for an unprecedented period of two weeks, Europe was cut off from 30% of its total gas imports, an equivalent of 20% of its gas supplies.”²³²

Russian-Ukrainian-EU Gas Dispute 2014-2015

In relation to the Crimea crisis, Moscow threatened to cut gas supply to Ukraine, thus causing disruption to the rest of the EU as well. Even if the dispute was solved, the possibility of supply

²³⁰ COMMISSION STAFF WORKING DOCUMENT on the European Energy Security Strategy, 2015, p.2

²³¹ Brussels, 28.8.2013 - COMMISSION STAFF WORKING DOCUMENT on a new approach to the European Programme for Critical Infrastructure Protection - Making European Critical Infrastructures more secure. P.14

²³² Brussels, 28.8.2013 - COMMISSION STAFF WORKING DOCUMENT on a new approach to the European Programme for Critical Infrastructure Protection - Making European Critical Infrastructures more secure. P.15

disruption sparked the EU efforts to enhance energy security and its capability to manage short and medium-term supply disruption.²³³

Institutional landscape

- **Commission:** Miguel Arias Cañete (2014-2019), Climate Action and Energy.
- **DG:** DG ENER
 - 5 subdirectorates: A – Energy Policy, B – Internal Energy Market, C – Renewables etc., D – Nuclear energy etc., E – EURATOM safeguards & SRD (shared resource directorate ENER & MOVE)

Upon the allocation of portfolios to Commissioners in 2010 a disassembly of DG TREN took place, leading to the creation of the DG's MOVE and ENER. Along with the departments within TREN dealing with energy issues the Task Force Energy from the External Relations DG was transferred to ENER. The work carried out within DG ENER has since been streamlined with the Europe 2020 economic strategy presented by the Commission in 2010 and reformulated into the DG specific Energy 2020 strategy. As such, the main task of ENER according to its mission statement is to develop and implement the EU energy policy in three different areas: the **energy market**, **promote sustainable energy production** and enhance conditions for **safe and secure supply**. Out of the three the most relevant area from a crisis management perspective is safe and secure supply. The area of safe and secure supply is linked to the energy market and sustainability issues, as can be seen below and thus it is not as clearly cordoned off as one might expect.

- **Leadership:**
 - Dominique Ristori (director-general)
 - Christopher Jones (Deputy Director-general A,B,C)
 - Gerassimos Thomas (Deputy Director-General D,E).
 - Mechthild Wörsdörfer (A)
 - Klaus-Dieter Borchardt (B)
 - Marie Donnelly (C)
 - Massimo Garribba (D)
 - Piotr Szymanski (E)
 - Agnieszka Kazmierczak (SRD).

Agencies: EURATOM (and ESA), ACER (INEA, EASME), ENISA (cybersecurity in relation to critical infrastructure protection), JRC.

²³³ <http://www.nato.int/docu/review/2014/NATO-Energy-security-running-on-empty/Ukrainian-conflict-Russia-annexation-of-Crimea/EN/index.htm>

Sector relevant outside DG: Project Team Energy Union led by Maroš Šefčovič and Miguel Arias Cañete who has been tasked by Commission President Juncker to “strengthen energy security on a European Scale” with reference to security of supply.

Sub-sectors within this area

Oil

- Oil is the primary energy source used in the EU, mainly fueling the transport sector (64% of the consumption). The EU is highly dependent on import, which is about 80% of the consumption – making the EU quite vulnerable for price changes.²³⁴ In order to cope with temporary disruptions, the EU has created emergency oil stocks. Demand restraint might be one of the measures for coping with longer disruptions, but the EU states in its In-depth study of European Energy Security that the transport sector has to become more oil independent in order to decrease vulnerability.²³⁵

Gas

- The EU is quite dependent on import for Gas supply, about 60 % of the total demand comes from countries outside the EEA.
- The flexibility of transport infrastructure in terms of geographical location, the number and available capacity of pipelines and LNG terminals, underground storage and the way infrastructure is operated all play an important role in shaping the resilience of the gas sector.
- The commission In-depth study of European Energy Security point to a number of key problems in retaining the needed redundancy regarding gas storages. Examples mentioned are the current business model (excess supply yields storage-to-storage competition), winter-summer pricing spreads and a horizon of expectation based on previous years undermine incentives to prevent crisis situations.
- The in-depth study of the SWD also states that if the gas supply would be disrupted in the EU, the underground storages would be mitigating but the delivery capacity of these would probably be limited during a sustained disruption due to its winter-summer cycle.²³⁶

²³⁴ COMMISSION STAFF WORKING DOCUMENT In-depth study of European Energy Security Accompanying the document Communication from the Commission to the Council and the European Parliament: European energy security strategy {COM(2014) 330 final}, p. 37

²³⁵ COMMISSION STAFF WORKING DOCUMENT In-depth study of European Energy Security Accompanying the document Communication from the Commission to the Council and the European Parliament: European energy security strategy {COM(2014) 330 final}, p. 37

²³⁶ COMMISSION STAFF WORKING DOCUMENT In-depth study of European Energy Security Accompanying the document Communication from the Commission to the Council and the European Parliament: European energy security strategy {COM(2014) 330 final}, p. 62

Nuclear

- The EU is quite dependent on import for uranium as well, but since there is a variety of countries to import from, which are considered reliable, the possibility of shortage seems unlikely.²³⁷

Inventory

Detection

*CIWIN

CIWIN has two main functionalities, one of them being a rapid alert system. The CIWIN portal has 11 specific sector areas, including Energy and Nuclear fuel-cycle industry.²³⁸

*The CSIRT Network

According to the NIS-directive, operators of critical services (of which Energy is one of the most important) must report cyber incidents to their national CSIRT or to their national authority handling cybersecurity – if they are severe enough to have significant impact on the continuity of the service in question. The information about the incident must be thorough enough for the CSIRT/authority to make an assessment of the possible cross border effect of the incident. The NIS-directive furthermore describes parameters for assessing the severity of impact from a cyber incident.²³⁹ Those are;

- “(a) the number of users affected by the disruption of the essential service”.²⁴⁰
- “(b) the duration of the incident;”²⁴¹
- “(c) the geographical spread with regard to the area affected by the incident.”²⁴²
- “(d) the extent of the disruption of the functioning of the service.”²⁴³

The CSIRT or authority is then required to report to Member States who has essential services which might be significantly affected by the incident get information about it.²⁴⁴

²³⁷ COMMISSION STAFF WORKING DOCUMENT In-depth study of European Energy Security Accompanying the document Communication from the Commission to the Council and the European Parliament: European energy security strategy {COM(2014) 330 final}, p. 80

²³⁸ Commission provisions on “ARGUS” general rapid alert system, 2005, p. 3

²³⁹ The NIS-directive Brussels, 18 December 2015, 15229/2/15 REV 2, p. 39-40

²⁴⁰ The NIS-directive Brussels, 18 December 2015 15229/2/15 REV 2, p. 39-40

²⁴¹ The NIS-directive Brussels, 18 December 2015 15229/2/15 REV 2, p. 39-40

²⁴² The NIS-directive Brussels, 18 December 2015 (OR. en) 15229/2/15 REV 2, p. 39-40

²⁴³ The NIS-directive Brussels, 18 December 2015 (OR. en) 15229/2/15 REV 2, p. 43

²⁴⁴ The NIS-directive Brussels, 18 December 2015 (OR. en) 15229/2/15 REV 2, p. 43

EU-Russia Early warning mechanism

Following a gas dispute between Russia and Ukraine in 2009, the EU and Russia established an Early Warning Mechanism in order to ensure rapid communication and prevent disruption in electricity, oil or gas.²⁴⁵

*European Community Urgent Radiological Information Exchange (ECURIE)

ECURIE (European Community Urgent Radiological Information Exchange) is a system implemented in 1987 intended to provide early notification and information exchange during radiological or nuclear emergency. In case of emergency the member states are required to report measures taken and levels of radiation at appropriate intervals. The system consists of three parts: CIS (Convention Information Structure) that defines both what information to send and in what format to send it, CoDecS (Coding Decoding Software) used to create as well as send and receive information in the CIS, lastly each Member State and the EC appoint a network of dedicated Contact Points (CPs) and Competent Authorities (CAs) who operate the system.

Radioactivity Environmental Monitoring (REM)

Integral to ECURIE are **REM (Radioactivity Environmental Monitoring)**. In case of emergency (nuclear or radiological) support for exchange of essential data and information is provided by REM through ECURIE.

European Commission RAdioactive Discharges Database (RADD)

RADD is intended to collect, store, exchange, and disseminate information on radioactive discharges. In the case of a nuclear or radiological/nuclear emergency, REM provides support for the exchange of essential data and distributes messages notifying that an accident has happened.²⁴⁶

*European Radiological Data Exchange Platform (EURDEP)

There is also a real-time monitoring system called EURDEP (European Radiological Data Exchange Platform) that is automated and collects information in 37 European countries and redistributes this data to other relevant authorities, national and international.

The platforms main task is to alert and inform relevant authorities as well as the general public about the release of radioactivity in the atmosphere, during the early phase of an incident. The goal is to do this as fast as possible and to reach out as far as possible.²⁴⁷

Sense-making

²⁴⁵ <http://ec.europa.eu/energy/en/topics/international-cooperation/russia>

²⁴⁶ <https://rem.jrc.ec.europa.eu/RemWeb/Activities.aspx>

²⁴⁷ <https://remon.jrc.ec.europa.eu/>

ENSEMBLE

ENSEMBLE is a web-based platform for the inter-comparison and evaluation of atmospheric chemistry transport and dispersion models.

The system was originally developed for the support in case of nuclear emergencies and has evolved over time into a service to any kind of atmospheric model. ENSEMBLE can now be used for the inter-comparison and evaluation of models working at scales from local to global, and is capable of handling any number of variables and period of time.

Several are the activities in which ENSEMBLE has been used, ranging from data sets of monitoring data, in situ air quality, radiological meteorological data, vertical profiles and airborne data are available for a large number of case study. The ENSEMBLE system also allows users to perform on line ensemble analysis.”²⁴⁸

European Nuclear Safety Regulators Group (ENSREG)

The European Nuclear Safety Regulators Group (ENSREG), an independent expert body, is the product of the Commission decision 2007/530/Euratom. ENSREG is intended to improve the conditions for, and reach common understandings regarding, nuclear safety and radioactive waste management. ENSREG also carry out stress tests, this is a practice induced by the Fukushima nuclear incident. This is a two-track process pertaining to safety and security, where safety is pertinent to ENSREG and refers to “extraordinary triggering events” (such as natural disasters) and how nuclear installations can withstand the consequences of such an event. The findings were summarised in a number of EU level reports in 2011, most importantly the need for preventive measures (such as hardened fixed equipment/bunkered equipment) but also on the response side (additional mobile equipment to mitigate severity of accidents and containment integrity) as well as periodic safety review. The security side pertains to “malevolent or terrorist acts” was handled by an Ad Hoc group on Nuclear Security (AHGNS) created by The Permanent Representatives Committee (COREPER). Its work is summarised in a report of its own, detailing good practices (32 all in all) and identifying a number of key themes: cyber/computer security, intentional aircraft crashes, synergy between safety and security and International Atomic Energy Agency’s (IAEA) International Physical Protection Advisory Services (IPPAS) missions as well as exercises and training.

ENTSO-G exercises and stress-tests

Stress tests are carried out on a regular basis and are centred on scenarios based on horizon scanning, the intention is to create preparedness and detect possible threats to security of supply; highly pertinent seeing how the EU imports 53% of the energy used – 90% of its crude oil and 66% of its natural gas. The 2006 Russo-Ukrainian price dispute, and the resulting Russian cessation of gas deliveries, made it

²⁴⁸ http://ensemble2.jrc.ec.europa.eu/public/?page_id=34

abundantly clear that the import dependent gas sector where parts of EU relied solely on Russian gas was of grave concern and the energy issue was suddenly on the centre stage. The ENTSO-G's mission is to facilitate and enhance cooperation between European transmission system operators (TSO) and guarantee the development of gas transmission systems, as regulated in the European Gas Regulation (EC) 715/2009.

The Incident and Threat Information Sharing EU Centre for the Energy Sector (ITIS-EUC)

The IT IS-EUC is an initiative by DG ENERGY and the portal is maintained by the JRC. The centre collects and shares information about emerging incidents in the energy sector in order to enhance situational awareness. One of the purposes of the IT IS-EUC is to provide a hub where operators within the energy sector may be informed about incidents as well as emerging threats and risks. It is possible that this function will be extended to involve more actors from other sectors in the future.²⁴⁹ Besides providing information on emerging threats, the IT IS-EUC also analyses and distributes information on vulnerabilities to trusted partners within the energy sector, and furthermore works to enhance information sharing among stakeholders.²⁵⁰

***CIWIN**

One of the main purposes with CIWIN is for Member States and stakeholders to exchange ideas, knowledge and best practices of CIP in order to enhance capability and raise awareness of CIP-issues. This happens with support of the CIWIN-portal. The portal “provides an IT tool that will facilitate CIP co-operation between Member States, that will offer an efficient and quick alternative to often time-consuming methods of searching for information, and that will offer Member States the possibility to communicate directly and upload information that they deem relevant”.²⁵¹ It has multiple “areas”, such as the “Member State-area”, where each Member State can create its own space, and “Sector Areas”, involving 11 sectors, including;

- Chemical Industry
- Energy

***The Thematic Network on Critical Energy Infrastructure Protection (TNCEIP)**

The Thematic Network on Critical Energy Infrastructure Protection (TNCEIP) for the energy sector allows operators to exchange information on threat assessment, risk management and cyber security.²⁵²

²⁴⁹ <https://ec.europa.eu/jrc/en/scientific-tool/incident-and-threat-information-sharing-eu-centre-energy-sector-itis-euc>

²⁵⁰ <https://ec.europa.eu/jrc/en/scientific-tool/incident-and-threat-information-sharing-eu-centre-energy-sector-itis-euc>

²⁵¹ <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52008PC0676>

²⁵² <https://ec.europa.eu/energy/en/topics/infrastructure/protection-critical-infrastructure>

On initiative of DG ENER and the Commission, TNCEIP consists of operators and owners of the energy infrastructure in the EU, including electricity, gas and oil. It aims to provide a common, comprehensive approach to protect transboundary energy infrastructure in Europe. Reportedly, all members have experienced a constant and increasing number of attacks on their energy infrastructures, including vandalism and cyberattacks. It furthermore aims to promote openness and information sharing between private-public actors within the sector as well as a common goal to work towards.²⁵³

***ENTSO-G**

ENTSO-G also analyses resilience levels of in the Member States infrastructure, in order to determine the degree of flexibility during times of high demand. The energy infrastructure and its degree of flexibility is also connected to the gas storage and its deliverability, this since during times of high demand congestion may become a problem, however it's not elaborated on how this is to be solved outside of development of interconnectors and reverse flows.

Eastern Partnership Platform on Energy Security

The Eastern Partnership Platform on Energy Security brings together representatives from the EU, Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine to discuss ways to promote energy security, renewable energy, energy efficiency, and nuclear safety. It also discusses the construction of missing infrastructure links and ways to bring partner countries' energy-related rules more in line with EU rules. The Platform meets twice a year.²⁵⁴

***Gas Infrastructure Europe (GIE)**

Gas Infrastructure Europe (GIE) is a trusted partner of the EU institutions and bodies, and represents 68 member companies from 25 countries. The GIE supports the CIP measures of the Commission (as the Gas Transmission Network is one of "The four" focus sectors of the EPCIP) and the Member States such as GCG (Gas Coordination Group)-meetings, performing risk assessments, providing information and running stress-tests of energy security.²⁵⁵

***The GIE Security Risk Assessment Methodology**

The GIE SRAM is a common approach to assess risks amongst the operators of European energy infrastructure. It assesses both threats and consequences of failure, and is available for all GIE members, as well as ENTSOG (the European Network of Transmission System Operators for Gas)

²⁵³ Position Paper of the TNCEIP on EU Policy on Critical Energy Infrastructure Protection (November 2012), p.

²⁵⁴ <https://ec.europa.eu/energy/en/events/eastern-partnership-platform-energy-security>

²⁵⁵

and all other stakeholders interested in the field. It is described as an example of active participation of gas infrastructure operators to EPCIP.²⁵⁶

Decision-making

Emergency stocks

Member States have various emergency response tools at their disposal, many of which are underpinned by EU legislation. Emergency stocks constitute the easiest and fastest way of making large volumes of additional oil and/or petroleum products available to an undersupplied market, thereby alleviating market shortage. The release of stocks can replace disrupted volumes and thereby it might be possible to avoid physical shortage and to dampen or eliminate potential price hikes. As a result, negative impacts of a disruption on the economy can be mitigated. The release of emergency stocks is now generally considered as the main emergency response tool to address an oil supply disruption (with other measures considered as supplementary to stock releases). EU Member States have to hold oil stocks for emergency purposes since 1968. The currently applicable Council Directive 2009/119/EC requires Member States to hold emergency stocks of crude oil and/or petroleum products equivalent to 90 days of net imports or 61 days of consumption, whichever is higher.

Should a supply crisis, a major disruption, occur the Commission is responsible for the organisation of a consultation between member states where it's to be determined how and where the emergency stocks should be used, hence the stocks cannot be moved prior to this consultation. However, there is a caveat regarding urgent situations where members states may release emergency and specific stocks in cases where this is necessary for an initial response, however what constitutes either a major disruption or a case of particular urgency is not expounded on. In Council Directive 2009/119/EC what is labelled specific stocks are introduced, these are stocks with a separate legal status that can be purchased by members states or the central stockholding entities (CSEs), in order to ensure that it is readily available in cases of particular urgency (in the form of disruption, not unfavourable price developments).

Demand Restraint

Another important emergency response tool is demand restraint. By reducing oil use in a sector in the short term, oil can be "freed up", thereby alleviating market shortage. Considering that most oil is used in transport, demand restraint measures typically target this sector. Such measures can range from light-handed measures like information campaigns encouraging people to use public transport to heavy-handed measures such as driving bans based on odd/even number plates. Most of these

²⁵⁶ GIE Security Risk Assessment Methodology, May 2015

measures can be introduced at relatively low cost and at short notice but do require public acceptance (which may sometimes be difficult to obtain) and administrative control. In addition, extensive demand restraint may hamper economic activity and mobility. Demand restraint measures often have a limited impact (e.g. speed limit reductions) and/or take some time to have an impact on consumption (e.g. encouraging ecodriving). In a serious and prolonged disruption, it will be necessary to ensure that certain groups of users (e.g. emergency services) are adequately supplied with petroleum products which might require the introduction of rationing/allocation schemes. According to EU legislation, Member States have to be able to reduce demand and allocate oil products in case of a disruption: Council Directive 2009/119/EC requires them to have procedures in place "to impose general or specific restrictions on consumption in line with the estimated shortages, inter alia, by allocating petroleum products to certain groups of users on a priority basis" (Article 19(1)). Fuel switching means the temporary replacement of oil by other fuels in certain sectors/uses. For example, oil used for electricity generation or for heating purposes may be replaced by other fuels, provided that technical systems are in place to allow the switch to the alternative fuel (e.g. natural gas). However, the actual potential to use fuel switching in a crisis is limited in most Member States. The majority of oil is now used in transport and in the petrochemical sector, where it is difficult or almost impossible to replace significant amounts of oil in the short term. In principle, a temporary increase of indigenous oil production can make additional oil available to the market. However, for technical and economic reasons, it is difficult to increase oil production at short notice. Only a handful of Member States produce oil in the EU and most of them have little or no spare capacity. By relaxing fuel specifications, the supply of certain petroleum products can be increased which, in principle, could contribute to alleviating a shortage. Under Directive 98/70/EC (fuel quality directive), the Commission may authorize higher limit values on the request of a Member State in case of "exceptional events, a sudden change in the supply of crude oils or petroleum products" (Article 7).

IEP (The International Energy Program) reallocation of oil

In case of disruption, the EU relies on. The IEA's founding treaty, the International Energy Program (IEP) also foresees the (re)allocation of oil in case of a severe supply disruption, drawing oil from countries that are less negatively affected to those which are more severely affected. This tool has never been applied in practice. In case of the disruption of supplies on a particular route, it may be possible to switch to alternative supply routes. This is particularly relevant for Member States and refineries supplied by pipelines. For example, the countries supplied by the Druzhba pipeline have the following alternative supply routes at their disposal: the Rostock-Schwedt pipeline (Germany), the Pomeranian Pipeline (Poland), the Ingolstadt-Kralupy (IKL) pipeline (Czech Republic) and the Adria pipeline (Hungary and Slovakia). However, some of these are not immediately available and/or have insufficient capacity to wholly replace the Druzhba pipeline. The oil-related "projects of common

interest" (PCI) announced by the Commission in October 2013 would increase the capacity of these routes and/or would establish additional routes. Producing hydrogen using electricity generated from renewables, and using fuel cells that convert it back into electricity more efficiently than conventional technologies, can provide a solution.²⁵⁷

Coordination

The European Reference Network for Critical Infrastructure Protection (ERN-CIP)

Based under the Joint Research Centre, ERN-CIP (The European Reference Network for Critical Infrastructure Protection) aims at improving security solutions and linking capabilities by carrying out research, experiments and testing of technology and solutions for critical infrastructure protection.²⁵⁸

The ERN-CIP has thematic groups specifically focused on one aspect of CIP. For example;

- Chemical and Biological (CB) Risks to Drinking Water
- Radiological and Nuclear Threats to Critical Infrastructure
- Case Studies for Industrial Automation and Control Systems
- Industrial Automated Control Systems and Smart Grids²⁵⁹

Trans-European Energy Networks (TEN-E)

Since it has been established that modern infrastructure is crucial to reliable energy networks, the trans-European energy networks (TEN-E) was formed. The TEN-E list and rank relevant projects (i.e. if deemed eligible for Community assistance) based on three categories: priority projects, projects of common interest and projects of European interest. Projects of common interest and priority projects must display economic viability and in themselves help reinforce security of supply such as solve bottleneck problems and ensure interoperability (between systems and over state borders and thus enabling energy deliveries from more sources), while a project of European interest must also be of cross-border nature or have significant impact on cross-border transmission capacity.

²⁵⁷ COMMISSION STAFF WORKING DOCUMENT In-depth study of European Energy Security Accompanying the document Communication from the Commission to the Council and the European Parliament: European energy security strategy {COM(2014) 330 final}, p. 112

²⁵⁸ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/crisis-and-terrorism/critical-infrastructure/index_en.htm

²⁵⁹ <https://erncip-project.jrc.ec.europa.eu/>

Meaningmaking/Communication

*European Radiological Data Exchange Platform (EURDEP)

EURDEP aims to provide swift information to the public in case of release of radioactivity to the atmosphere.²⁶⁰

Accountability

*ENTSO-G analysis of disruption effects

ENTSO-G analyses and estimates impact effects of energy disruption in the EU by analyzing the response of the Gas infrastructures in a simulated crisis. Based on these estimates, lessons are drawn about the level of resilience, flexibility and overall response of EU Member States in case of a crisis.²⁶¹

ENISA cyber exercise platform

The Cyber Exercise Platform is a not yet implemented initiative from ENISA, which aims to promote information sharing on cybersecurity exercises practises and lessons learned, as a step of building a cyber security exercise community. It will provide a platform where actors can publish information about their exercises and get access to information about others.²⁶² Exercises involving the energy-sector, and lessons learned from these exercises, will be included in the database.

Radioactivity Environmental Monitoring (REM)

Information about REM evaluations on various EU exercises and initiatives are located in the REM website archives, and includes for example;

EURANOS: European approach to nuclear and radiological emergency management and rehabilitation strategies (ended 2006).

The JRC's Major Accident Hazards Bureau (MAHB) ; eMARS Major Accident Database

The eMARS Major Accident Database is a collection of accident reports which contains events on chemical accidents. MAHB's research focuses on lessons learned studies to understand causes and

²⁶⁰ <https://remon.jrc.ec.europa.eu/>

²⁶¹ COMMISSION STAFF WORKING DOCUMENT In-depth study of European Energy Security Accompanying the document Communication from the Commission to the Council and the European Parliament: European energy security strategy {COM(2014) 330 final}, p. 112

²⁶² <https://www.enisa.europa.eu/topics/cyber-exercises/cyber-exercises-platform>

trends in industrial accidents in the EU and worldwide as an aid to enforcement and monitoring national authorities and also as a general contribution to the study of industrial risks.”²⁶³

Furthermore, the database also encompasses research on investigation, reporting and analytical methods for improving extraction of lessons learned that can broadly influence chemical accident prevention associated with particular substances, industry sectors, processes and equipment. The target audience is a diversity set of competent authorities and therefore, different analyses serve different communities.²⁶⁴

***Incident and Threat Information Sharing EU Centre for the Energy Sector - ITIS-EUC**

One of the objectives of the IT IS-EUC is to analyse incidents, identify and share lessons learned for the energy sectors. ITIS-EUC aims to provide a service to its members and stakeholders through a dedicated office with the tasks to store and disseminate information on threats, vulnerabilities and incidents in the energy sector.²⁶⁵

²⁶³ https://minerva.jrc.ec.europa.eu/en/content/minerva/c76dfa82-97a9-435f-8e0e-39a435aeec3a/who_we_are

²⁶⁴ https://minerva.jrc.ec.europa.eu/en/content/minerva/f4cffe8e-6c6c-4c96-b483-217fe3cbf289/lessons_learned_from_major_accidents

²⁶⁵ <https://itis.jrc.ec.europa.eu/about>

The Transport Sector

Introduction

General Background

The Council Directive 2008/114/EC of 8 December 2008 “on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection” defines the Transport sector as one of the two (the other one is energy) main European critical infrastructure sectors. The document defines the transport subsectors as following;

Sector	Subsector(s)
Transport	Road transport Rail transport Air transport Inland waterways transport Ocean and short-sea shipping and ports

Since the transport sector counts as one of the main CIP-sectors, EU legislation and measures for CIP is highly relevant for this sector. While each of the subsectors have their own crisis management, safety and security measures, and the overall transport sector is the responsibility of DG MOVE at the EU-level, the transport sector and its subsectors are also connected through CIP – which is the responsibility of DG Home. Besides, Space and Critical Information Infrastructure/cyber are two additional sectors which are linked to the functioning of the transport sector. Space infrastructure, more precisely the European Global Navigation Satellite Systems (GNSS), is essential for the functioning of transport activities.²⁶⁶ Due to the dependence on digital services, the transport sector is also vulnerable to cyber threats, which DG Connect and agencies such as ENISA is responsible for. In conclusion, the crisis management measures of the transport sector with subsectors is quite complex, involving everything from subsectors individual measures to overall CIP measures, EU cybersecurity measures and generic crisis management structures.

²⁶⁶ Brussels, 28.8.2013 - COMMISSION STAFF WORKING DOCUMENT on a new approach to the European Programme for Critical Infrastructure Protection - Making European Critical Infrastructures more secure, p.13

Policy Background

Critical Infrastructure Protection

- The EU has continuously funded a great number of projects for improving CIP under the programme ‘Prevention, Preparedness and Consequence Management of Terrorism and other Security Related Risks’ (CIPS) between 2007 and 2013, including;
 - Risk assessment methodologies in air traffic management.
 - Assessments of resilience of control management systems.
 - Interactive risk assessments in critical infrastructures.²⁶⁷
- A review of EPCIP was made in 2012, taking into account opinions of Member States and relevant stakeholders. This review revealed that the cross-sector and cross-boundary links of CI were not given enough consideration. The review resulted in the ‘2013 Staff Working Document on a new approach to the European Programme for Critical Infrastructure Protection’ which includes specifications on implementation activities of the prevention, preparedness and response-work streams. In the new approach, working with the chosen four CIs of the EU dimension is one of the highlighted measures. One of these four is **Eurocontrol**, which is the EU air traffic management Network.
- Moreover, the tools and processes to CIP and Critical infrastructure resilience used in the work with ‘The Four’ might, according to the document, be useful for other infrastructures of relevance. An additional objective of the Staff Working Document is to improve private-public dialogues on CIP. By implementing the new approach and focusing on ‘The Four’, the European Commission aims to support Member States individually as well as collectively regarding CIP.²⁶⁸
- Due to the identified need for enhanced network and information security of critical infrastructure sectors, the Network and Information Security Directive was proposed in 2013 along with the Cybersecurity Strategy of the EU. It states that sectors such as banking, energy, health, transmission and distribution, **transport**, public administrations and internet services play important roles for our society and economy, while being highly dependent on network

²⁶⁷ Brussels, 28.8.2013 - COMMISSION STAFF WORKING DOCUMENT on a new approach to the European Programme for Critical Infrastructure Protection - Making European Critical Infrastructures more secure, p.7

²⁶⁸ Brussels, 28.8.2013 - COMMISSION STAFF WORKING DOCUMENT on a new approach to the European Programme for Critical Infrastructure Protection - Making European Critical Infrastructures more secure, p. 3

and information systems (cyber). According to the NIS-directive, the companies in these critical sectors will be required to;²⁶⁹

- Report to the cybersecurity authorities (or CSIRT) cyber incidents that may significantly affect the continuity of critical services.²⁷⁰
- Assess and manage cyber risks.²⁷¹

Expected implementation of the NIS-directive is August 2016.²⁷²

Air

- In 1980, the EU adopted the Directive 80/1266/EEC on cooperation and mutual assistance between the Member States in the field of air accident investigation. The Directive of 1980 was subsequently replaced by Directive 94/56/EC, which transposed into the EU legislation a number of principles contained in Annex 13 of the Chicago Convention.
- During 2002, the Regulation (EC) No 1592/2002 on common rules in the field of civil aviation was adopted, which also established the **European Aviation Safety Agency**.
- On May 2006, Regulation (EC) No 736/2006 on working methods of the European Aviation Safety Agency was adopted.
- In 2008, Regulation (EC) No 216/2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency replaced the initial framework Regulation N° 2320/2002 of the European Parliament and of the Council in order to meet evolving risks and to allow new technologies to be introduced.

Commission Regulation (EU) N°72/2010 lays down procedures for conducting Commission inspections in the field of aviation security.

- In 2010, the European Commission conducted a comprehensive review of EU legislation on civil aviation accident and incident investigations. This review resulted in the adoption of Regulation (EU) No 996/2010, which currently provides the legal framework for the conduct of civil aviation accident and incident investigations in the EU.
- Following the entry into force of Regulation (EU) No 996/2010, civil aviation safety investigation authorities of EU Member States gathered on 19 January 2011 in Brussels to establish the "European Network of Civil Aviation Safety Investigation Authorities" (ENCASIA).

²⁶⁹ Proposal for a Directive of the European Parliament and of the Council concerning measures to ensure a high common level of network and information security across the Union, REV 2, December 2015, p. 25

²⁷⁰ Proposal for a Directive of the European Parliament and of the Council concerning measures to ensure a high common level of network and information security across the Union, REV 2, December 2015, p. 25

²⁷¹ Proposal for a Directive of the European Parliament and of the Council concerning measures to ensure a high common level of network and information security across the Union, REV 2, December 2015, p. 25

²⁷² Proposal for a Directive of the European Parliament and of the Council concerning measures to ensure a high common level of network and information security across the Union, REV 2, December 2015, p. 25

- Additionally, a European Central Repository of Safety Recommendations and their responses has been created, access to which is regulated by Commission Decision 2012/780/EU.²⁷³
- In 2016 the whole set of previous implementing legislation was updated: Commission implementing Regulation (EC) N° 2015/1998 lays down detailed measures for the implementation of the common basic standards on aviation security.

Maritime

- In order to support Member States in case of pollution accidents, the EU set up the “Urgent Pollution Alert Section” in 1984. The Community Cooperation Framework (2000-2006) was established in order to support preparedness mechanisms in maritime accidents.²⁷⁴
- After the Erika incident 2002, EMSA (The European Maritime Safety Agency) was established by Regulation (EC) 1406/2002. Subsequent amendments have enlarged its mandate (see Regulation (EU) 100/2013).²⁷⁵
- The EU legislation on maritime security consists of preventive measures such as the Regulation on enhancing ship and port facility security and the Directive on port security on the other hand.
- The Commission monitors the implementation of Maritime security legislation and evaluates the effectiveness of Member States Maritime security structures. In order to perform this task, the Commission has adopted a regulation on procedures for conducting Commission inspections in the field of maritime security.
- With the Third Maritime Safety Package adopted in 2009, the EU expanded its legislative arsenal covering all chains of responsibility in the maritime sector.
- Piracy is a major maritime security concern which is addressed in for example the Commission Recommendation of 11 March 2010 on measures for self-protection and the prevention of piracy and armed robbery against ships [2010/159/EU].²⁷⁶
- Cleaning and recovery efforts after oil spill accidents can be extremely costly. The Helsinki and Barcelona conventions, as well as the Lisbon and Bonn Agreements are cooperation agreements to support recovery efforts. The EU participates in these agreements.²⁷⁷

Other EU policy document on Maritime security;

²⁷³ http://ec.europa.eu/transport/modes/air/safety/accident_investigation/index_en.htm

²⁷⁴ http://ec.europa.eu/echo/what/civil-protection/response-to-marine-pollution_en

²⁷⁵ http://ec.europa.eu/transport/modes/maritime/emsa/emsa_en.htm

²⁷⁶ http://ec.europa.eu/transport/modes/maritime/security/index_en.htm

²⁷⁷ http://ec.europa.eu/echo/what/civil-protection/response-to-marine-pollution_en

- Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security
- Directive 2005/65/EC of the European Parliament and of the Council of 26 October 2005 on enhancing port security
- Report from the Commission to the Council and the European Parliament on transport security and its financing [COM/2006/0431 final]
- Commission Regulation (EC) No 324/2008 of 9 April 2008 laying down revised procedures for conducting Commission inspections in the field of maritime security
- Report assessing the implementation of the Directive on enhancing port security [COM(2009) 2]
- The Second report assessing the implementation of the Directive on enhancing port security [COM(2013) 792]

Land

- According to DG MOVE, there is “currently no EU legislation addressing land transport security (apart for dangerous goods where there is some overlap of safety and security requirements). Though it is noteworthy that in the 21st century the number of deaths in the EU from terrorist attacks on land transport far exceeds the number killed in aviation or maritime, and theft of cargo from road and rail is estimated to cost some €8 billion per year, EU Transport Ministers have, to date, not requested the Commission to bring forward any legislation for EU security requirements for either road or rail transport.”²⁷⁸
- “In 2012, the Commission adopted a Staff Working Document on Transport Security, which highlighted the lack of EU legislation in land transport security and made suggestions of possible areas where EU action could add value. In the first instance an **EU Expert Group for Land Transport Security** was set up in order to have a forum to discuss issues with both Member States and stakeholders.”²⁷⁹
- One of the reasons to the lack of rules and policies in land transport is that the threats and risks are quite diverse, which makes it tough to design policies that fits all and the responsibility of legislation falls down sector by sector instead.²⁸⁰

²⁷⁸ http://ec.europa.eu/transport/themes/security/land_security_en.htm

²⁷⁹ http://ec.europa.eu/transport/themes/security/land_security_en.htm

²⁸⁰ http://ec.europa.eu/transport/themes/security/land_security_en.htm

Earlier Incidents/crises

Eyjafjallajökull volcano ash cloud (air)

In 2010, the volcano eruption on Iceland and the following ash cloud demonstrated the vulnerability of the European aviation system, and made the lack of functioning of emergency procedures clear.

However, the EU, led by the Commission with support of EUROCONTROL, used the lessons learned in order to make swift institutional change and establish the European Aviation Crisis Coordination Cell (EACCC) under the responsibility of the Network Manager (EUROCONTROL).²⁸¹

ERIKA & Prestige accidents (maritime)

The Erika and Prestige were oil spill accidents. When ERIKA sank in December 1999 outside the French western coast it spilled 20,000 tons of heavy fuel oil. PRESTIGE sank three years later, spilling 70,000 ton of oil. The accidents caused the EU to reform and adopt new rules to prevent maritime accidents. With the support of the European Maritime Safety Agency (EMSA), the Commission focuses on the EU Member States proper implementation of EU Maritime safety regulation.

Institutional Landscape

DG Home (Critical Infrastructure Protection)

DG MOVE

EUROCONTROL

Eurocontrol is not an EU agency, but the EU Air Traffic Management Network, an intergovernmental organization of 41 states. However, in 2011, the EU nominated Eurocontrol as the European Network Manager, and is in close cooperation to the Commission and the EU in many ways. For example, the EACCC (European Aviation Crisis Coordination Cell) was established in 2010 as a joint initiative of Eurocontrol and the Commission to coordinate the management of crisis response in the ATM network. Also, Eurocontrol is one of “The Four” chosen CI’s of EPCIP.

Eurocontrol’s tasks includes;

- Providing operational and technical expertise.
- Advisory services, both military and civilian.
- Coordination among states.
- Training and simulations.

²⁸¹ http://ec.europa.eu/transport/modes/air/single_european_sky/eaccc_en.htm

- Information exchange.
- Civil-military cooperation.²⁸²

The European Railway Agency (ERA)

ERA was set up in 2006 with the objective of building an integrated European railway area and promoting rail safety as well as interoperability. ERA is based in France and works closely with EU institutions. Among its tasks are;

- To develop common technical specifications as well as common safety approaches.
- To monitor and report on rail safety in the EU.²⁸³
- To develop a common European training programme for investigators.
- To coordinate accident investigation.²⁸⁴

European Maritime Safety Agency (EMSA)

EMSA was set up 2002 as a measure after the “Erika” accident. Among the tasks of EMSA are;

- To assist the Commission in the fields of maritime security, safety and environmental issues.
- To assist the Commission in updating and developing Maritime legislation and monitor as well as evaluating its implementation.
- To perform inspections in Member States.
- To assist Member States with implementation of EU legislation.
- To organize training activities and support information exchange.²⁸⁵

The Agency also provides satellite imagery for detection and monitoring of oil spills, pollution response experts to give operational and technical assistance, and information service for chemical spills at sea.

Subsectors

Connected subsectors: Satellite system/Cyber

Space and Critical Information Infrastructure/cyber are two sectors which are linked to the functioning of the other subsectors. Space infrastructure, more precisely the European Global Navigation Satellite

²⁸² <http://www.eurocontrol.int/articles/who-we-are>

²⁸³ http://ec.europa.eu/transport/modes/rail/interoperability/index_en.htm

²⁸⁴ <http://www.era.europa.eu/Core-Activities/Safety/Accident-Investigation/Pages/Maintenance.aspx>

²⁸⁵ http://ec.europa.eu/transport/modes/maritime/safety/emsa_en.htm

Systems (GNSS), is essential for the functioning of activities such as telecommunications, transport and trade.²⁸⁶

Cyber security and critical information infrastructure becomes an important aspect of transport security since it the sector rely on cyber for its services, thus becoming vulnerable to cyber threats which may hinder;

- “Confidentiality – unauthorized access to or interception of information.”²⁸⁷
- “Integrity – unauthorized modification of information, software, physical assets.”²⁸⁸
- “Availability – blockage of data transmission and/or making systems unavailable.”²⁸⁹

“Galileo is the European Global Navigation Satellite Systems (GNSS) – which is the first EU owned Space Infrastructure. A major failure, whether accidental or intentional, of such GNSS infrastructure will impact the users but also affect many other critical infrastructures in which GNSS services are already deeply integrated: **Transport**, telecommunications, trade and banking activities rely on GNSS signals for timing, navigation and secure transactions. GNSS signals can be subject to a number of threats on the radiofrequency links such as interference, unauthorised access and misuse, jamming, falsification and cyber-attacks”.²⁹⁰

Inventory

Detection

Eurocontrol Pilot-In-Flight Reports

Pilot-in-Flight Reports, detects and observes threats such as ash-clouds.²⁹¹

*Galileo Security Monitoring Centre (GSMC)

Galileo Security Monitoring Centre (GSMC) monitors security threats, manages security alerts and monitors the functioning of the systems components.²⁹²

²⁸⁶ Brussels, 28.8.2013 - COMMISSION STAFF WORKING DOCUMENT on a new approach to the European Programme for Critical Infrastructure Protection - Making European Critical Infrastructures more secure, p.13

²⁸⁷ https://ec.europa.eu/energy/sites/ener/files/documents/EECSP%20_%20cfe__FINAL.pdf

²⁸⁸ https://ec.europa.eu/energy/sites/ener/files/documents/EECSP%20_%20cfe__FINAL.pdf

²⁸⁹ https://ec.europa.eu/energy/sites/ener/files/documents/EECSP%20_%20cfe__FINAL.pdf

²⁹⁰ Brussels, 28.8.2013 - COMMISSION STAFF WORKING DOCUMENT on a new approach to the European Programme for Critical Infrastructure Protection - Making European Critical Infrastructures more secure, p.13

²⁹¹ <http://www.eurocontrol.int/articles/what-has-changed-aviation-dealing-volcanic-ash-2010>

²⁹² <http://www.gsa.europa.eu/security/gsmc>

SafeSeaNet

SafeSeaNet is a vessel traffic monitoring and information system for European waters. It is operated by EMSA together with Member States and in cooperation with the Commission. It identifies and tracks vessels by their **Tracking Automatic Identification System (AIS)** and provides near real-time information about their positions and other status information. By doing so, it supports EU reporting services. The information provided by SafeSeaNet could be, for example;

- hazardous goods
- the number of people on board
- past positions of ships
- ships with high risk profiles
- accidents and incidents
- estimated or actual arrival and departure times in ports.
- Tracking vessels outside the range of AIS coastal networks requires the use of satellites.

The EU Long-Range Identification and Tracking (LRIT) Cooperative Data Centre

LRIT is an international tracking system for vessels. EMSA operates the EU LRIT Cooperative Data Centre, which covers 35 countries. The LRIT system was originally intended for maritime security purposes, but now includes areas such as maritime safety and Search & Rescue operations. The system gets information from vessels through satellites.²⁹³ Except for monitoring vessels, the Centre can exchange information with other monitoring centres around the world. The EU LRIT CDC tracks 8000 ships every day.²⁹⁴

*Eurocontrol Network Operations Portal (NOP)

The Network Operations Portal (NOP) is an internet portal which brings together a number of Eurocontrol tools and provides instant information about air traffic operations for air professionals to use. One of its main purposes is monitoring (including capacity management measures). The portal allows users (both civil and military) to react to events faster, monitor performance and report functionality (or non-functionality).²⁹⁵

SECRET (Security of Railways against electromagnetic attacks) Detection Sensors

Since railways increasingly use wireless connection, the likelihood for communication jammers to be used in order to disrupt or damage railway communication has grown. Therefore, The SECRET

²⁹³ <http://www.emsa.europa.eu/operations/vessel-reporting-services.html>

²⁹⁴ <http://www.emsa.europa.eu/lrit-home/lrit-home.html>

²⁹⁵ <https://www.eurocontrol.int/articles/tools-available>

detection sensors were developed in order to make it possible to detect an electromagnetic attack on railways both fast and with certainty.²⁹⁶

Sense-making

*The Air Traffic Management Network Manager (NM)

The Network Manager is a centralized function for the EU created by the Commission. It functions as a hub for different actors in aviation and traffic management who are involved with management and planning of the ATM (air traffic management)-network.²⁹⁷ Eurocontrol is the nominated Network Manager from 2011 until the end of 2019. During an event which could possibly affect the European aviation network negatively, the Network Manager receives a warning, gathers information and monitors the situation further. The NM assesses what information should go on the Network Operations Portal, and also decides on facilitating information exchange through, for example, teleconferences.²⁹⁸ Among the tasks of the Network Manager is to foster partnership and operational cooperation (for example cooperative decision-making).²⁹⁹ If a disruption of air traffic becomes major, the Network Manager moves from pre-alert to the disruption management phase. It continues to be an information hub and closely follows the development. It also decides what information should be distributed through the Network Operation Portal. Depending on the development of the situation, the NM may move back to pre-alert phase or to the crisis management phase, where it also activates the EACCC. During the crisis management phase, the Network Manager assists to mitigate the impact by, for example, providing situational awareness, tools and services for actors to react more efficiently.³⁰⁰

CIWIN portal: transport

One of the main purposes with CIWIN is for Member States and stakeholders to exchange ideas, knowledge and best practices of CIP in order to enhance capability and raise awareness of CIP-issues. This happens with support of the CIWIN-portal. The portal “provides an IT tool that will facilitate CIP co-operation between Member States, that will offer an efficient and quick alternative to often time-consuming methods of searching for information, and that will offer Member States the possibility to communicate directly and upload information that they deem relevant”.³⁰¹ It has multiple “areas”, such

²⁹⁶ http://cordis.europa.eu/news/rcn/123444_en.html

²⁹⁷ <http://www.eurocontrol.int/faq/corporate>

²⁹⁸ <http://www.eurocontrol.int/articles/disruptions-and-crisis-management>

²⁹⁹ <https://www.eurocontrol.int/articles/network-manager-governance-and-functions>

³⁰⁰ <https://www.eurocontrol.int/articles/network-manager-governance-and-functions>

³⁰¹ <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52008PC0676>

as the “Member State-area”, where each Member State can create its own space, and “Sector Areas”, involving 11 sectors, including **Transport**.³⁰²

***Eurocontrol Network Operations Portal (NOP)**

The Network Operations Portal allows practitioners to increase their knowledge of the air situation and plan collaborative air operations from strategic to tactical levels, increasing efficiency and collaboration capacity.³⁰³ The NOP serves two main purposes. One is monitoring airspace and capacity as well as planning pan-European operations and utilizing the collaborative ATM capacity.³⁰⁴ The other one is to enable partners to anticipate or react to disruptive events more effectively. By offering an updated situational picture, it improves decision making during a time of crisis.³⁰⁵

European Network of Civil Aviation Safety Investigation Authorities (ENCASIA)

ENCASIA consists of EU Member State air safety authorities. Its establishment is based in the Regulation (EU) 996/2010 on the investigation and prevention of accidents and incidents in civil aviation, which entered into force on 2 December 2010. ENCASIA aims to support the development of training activities, safety investigation best practices and sharing resources. ENCASIA also advises the EU institutions on air incident prevention and investigation.³⁰⁶

The Maritime Security Committee (MARSEC)

MARSEC seeks to support the Commission with specific focus on its activities under Directive 2005/65/EC. MARSEC is a forum chaired by the Commission and consisting of Member State experts. The forum discusses maritime security issues, shares best practices and indicators. The committee has developed a mechanism for secure mutual information sharing (on sensitive information), including threat evaluations.³⁰⁷

The Stakeholder Advisory Group on Maritime Security (SAGMaS)

The Stakeholder Advisory Group on Maritime Security is a forum where stakeholders discuss the work of MARSEC. The Commission has regular meetings with SAGMaS, and any organization of stakeholders related to Maritime security can be invited.³⁰⁸

The European Rail Agency’s harmonized Safety Management System (SMS)

- Ensures risk management of infrastructure managers regarding railway undertakings.

³⁰² <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52008PC0676>

³⁰³ <https://www.eurocontrol.int/articles/tools-available>

³⁰⁴ <http://www.eurocontrol.int/articles/tools-available>

³⁰⁵ <http://www.eurocontrol.int/articles/tools-available>

³⁰⁶ http://ec.europa.eu/transport/modes/air/encasia/index_en.htm

³⁰⁷ EU legislation on Maritime Security framework

³⁰⁸ EU legislation on Maritime Security framework

- Provides a methodology for monitoring safety requirements.³⁰⁹

The European Rail Agency's NIB Network

- Consists of national investigation bodies that meet a couple of times a year in order to exchange views and experiences with topics such as common investigation methods. Often, ERA work with smaller task forces on issues such as safety recommendations and training.³¹⁰

***European Aviation Crisis Coordination Cell (EACCC)**

In the event of crisis, the EACCC acts as an information hub and organizes conferences involving experts, its members as well as state focal points. Based on the assessment of the situation, it distributes communications to the Commission, EASA, Eurocontrol, the Network Manager, civil and military authorities, etc.³¹¹

During the crisis management process, the EACCC collects, analyzes and distributes information to generate a common situational picture and situational awareness among the aviation community.³¹²

***EVITA**

EVITA is one of the Network Operations Portal's features - an online tool which was originally created to monitor ash clouds, but has developed to be used for crises caused by for example pandemics or nuclear emergencies. It works by visualizing the impact of various crises in aviation/air traffic and on the air network in Europe. For example, it allows airlines to calculate which of their aircrafts will be affected by an ash-cloud. Its functions support decision-makers during a crisis as well as information sharing between relevant actors such as airlines, state regulators and air navigation. It counts as the principal communication channel for airlines in Europe during a major crisis.³¹³

European Maritime Safety Agency (EMSA)

Besides providing detection-systems for oil spill accidents, EMSA also provide pollution response experts to give advice and assistance during the response phase, and also distribute information on chemical spills.³¹⁴

³⁰⁹ <http://www.era.europa.eu/Core-Activities/Safety/Safety-Management-System/Pages/Csm-On-Monitoring.aspx>

³¹⁰ <http://www.era.europa.eu/Core-Activities/Safety/Accident-Investigation/Pages/Networking.aspx>

³¹¹ <http://www.eurocontrol.int/articles/what-has-changed-aviation-dealing-volcanic-ash-2010>

³¹² <http://www.eurocontrol.int/articles/european-aviation-crisis-coordination-cell-eaccc>

³¹³ <http://www.eurocontrol.int/articles/tools-available>

³¹⁴ http://ec.europa.eu/echo/what/civil-protection/response-to-marine-pollution_en

Decision-making

*European Aviation Crisis Coordination Cell (EACCC)

In the event of a crisis:

- The EACCC chairperson contacts the relevant State Focal Points and those at risk at the beginning of any crisis, as well as relevant expert organisations, depending on the type of crisis.³¹⁵
- The EACCC is then convened via meetings or teleconferences, and the State Focal Points contacted.³¹⁶
- Then, a crisis-mitigation policy is discussed, agreed and approved by the EACCC. The State Focal Points provides the necessary link to the national level actions.³¹⁷

*The Air Traffic Management Network Manager

If a disruption of air traffic becomes major, the Network Manager moves from pre-alert to the disruption management phase. It continues to be an information hub and closely follows the development. It also decides what information should be distributed through the Network Operation Portal. Depending on the development of the situation, the NM may move back to pre-alert phase or to the crisis management phase, where it also activates the EACCC. During the crisis management phase, the Network Manager assists to mitigate the impact by, for example, providing situational awareness, tools and services for actors to react more efficiently. The Network Manager has developed a network disruptions management procedure, which was aligned with the NM IR and published in summer 2011, in order to support the EACCC. In case of a crisis (which could be caused by for example volcanic ash, a pandemic or a massive cyber-attack) the **Network Manager Operations Centre** (NMOC) monitors and coordinates the measures taken in response.³¹⁸ The NMOC (previously called Central Flow Management Unit /CFMU) performs both crisis and contingency management as well as post-operations analysis.³¹⁹

³¹⁵ <http://www.eurocontrol.int/articles/european-aviation-crisis-coordination-cell-eaccc>

³¹⁶ <http://www.eurocontrol.int/articles/european-aviation-crisis-coordination-cell-eaccc>

³¹⁷ <http://www.eurocontrol.int/articles/european-aviation-crisis-coordination-cell-eaccc>

³¹⁸ <http://www.eurocontrol.int/articles/disruptions-and-crisis-management>

³¹⁹ <https://www.eurocontrol.int/network-operations>

Coordination

The Civil Protection Mechanism/ERCC: Marine pollution emergency response

The ERCC has the capacity to assist during a marine pollution accident, for example by gather and coordinate supporting expertise from both EMSA and participating states and by mobilizing oil recovery measures.³²⁰

European Maritime Safety Agency (EMSA)

During an oil-spill accident by sea, EMSA can upon request mobilize commercial normal vessels in the regional seas of Europe to cease their ordinary activities and become oil spill recovery vessels.³²¹

*European Aviation Crisis Coordination Cell (EACCC)

In the event of network crisis, the Network Manager, with the support of the European Aviation Crisis Coordination Cell (EACCC) is responsible for coordinating the management of response to the network crisis, involving close cooperation with corresponding structures in Member States.

During a crisis, the EACCC proposes and takes crisis response initiatives and coordinates information flows between decision makers, airspace users and service providers.³²²

*EACCC: Volcanic Ash Crisis Exercises (VOLCEX)

The EACCC is used to conducting exercises to maintain the high level of preparedness for possible crisis events. Crisis exercises dealing with volcano ash clouds, cyber-security and nuclear incidents have already taken place.³²³ For example, the **Volcanic Ash Crisis Exercises (VOLCEX)**, which is are annual simulation exercises to test the European Aviation Crisis Coordination Cell and the European Crisis Visualization Interactive Tool for ATFCM (EVITA).³²⁴

*EVITA

EVITA allows airlines to calculate which of their aircrafts will be affected by an ash-cloud. EVITA support decision-makers during a crisis as well as the information sharing between relevant entities such as airlines, state regulators and air navigation. EVITA is one of the principal communication channel for airlines in Europe during a major crisis.³²⁵

³²⁰ http://ec.europa.eu/echo/what/civil-protection/response-to-marine-pollution_en

³²¹ http://ec.europa.eu/echo/what/civil-protection/response-to-marine-pollution_en

³²² <http://www.eurocontrol.int/articles/what-has-changed-aviation-dealing-volcanic-ash-2010>

³²³³²³ http://ec.europa.eu/transport/modes/air/single_european_sky/eaccc_en.htm

³²⁴ <http://www.eurocontrol.int/articles/what-has-changed-aviation-dealing-volcanic-ash-2010>

³²⁵ <http://www.eurocontrol.int/articles/tools-available>

***The Air Traffic Management Network Manager (NM)**

The Network Manager is a centralized function for the EU created by the Commission. It functions as a hub for different actors in aviation and traffic management who are involved with management and planning of the ATM (air traffic management)-network with the aim to make the network run as smoothly as possible under any circumstances.³²⁶ Eurocontrol is the nominated Network Manager from 2011 until the end of 2019, when it will seek re-designation. The ATM Network includes the 28 Member States of the EU as well as all of Eurocontrol's members and others according to agreements.

Among the events which could raise the alert-levels of the Network Manager are;

- Bad weather;
- Industrial action;
- Volcanic eruption;
- Armed conflict;
- Security incidents;
- Nuclear accident;
- Staff shortages;
- Uncontrolled re-entry of satellites.

***Network Manager Operations Centre**

In case of a crisis (which could be caused by for example volcanic ash, a pandemic or a massive cyber-attack) the **Network Manager Operations Centre (NMOC)** monitors and coordinates the measures taken in response.³²⁷ The NMOC (previously called Central Flow Management Unit /CFMU) performs both crisis and contingency management as well as post-operations analysis.³²⁸

³²⁶ <http://www.eurocontrol.int/faq/corporate>

³²⁷ <http://www.eurocontrol.int/articles/disruptions-and-crisis-management>

³²⁸ <https://www.eurocontrol.int/network-operations>

Meaningmaking/Communication

*European Aviation Crisis Coordination Cell (EACCC)

During a crisis, the EACCC distributes and manages communications to the Commission, EASA, Eurocontrol, the Network Manager, civil and military authorities.³²⁹

The EACCC also manages communication through a nominated communications focal point, in order to ensure a consistent message based on the situational assessment made. This is transmitted to the Network Manager (Eurocontrol/EC/EASA) as well as other relevant civilian and military actors.³³⁰

*The Galileo Public Regulated Service

The PRS is a service which ensures continuity, more specifically service to authorized users when access is denied to other navigation services. It provides a protected signal for critical application. The PRS can be useful for EU public safety and emergency services.³³¹

Accountability

*EACCC Lessons learned session

Since the EACCC is mainly tasked to manage crises at the response-phase, it is not focused at learning or recovery. When a crisis is assessed to be resolved, the EACCC is deactivated. However, in order to address remaining actions and identify lessons learned, a debriefing EACCC-session is held.³³²

*European Maritime Safety Agency (EMSA)

EMSA is the secretariat for the Permanent Cooperation Framework of Accident Investigation Bodies. It is responsible for assisting the implementation of Directive 2009/18/EC which establishes the principles of accident investigation in the maritime sector. EMSA is also responsible for EMCIP, the European Marine Casualty Information Platform. Among EMSA's recovery-tasks are also;

- To support activities to develop Member States accident investigation capabilities.
- To support the ability to collect and analyze casualty data at the EU-level.
- To verify EMCIP data.
- To provide operational support to Member States (if requested) during marine accident investigations.
- To analyze marine casualty data and reports.

³²⁹ <http://www.eurocontrol.int/articles/what-has-changed-aviation-dealing-volcanic-ash-2010>

³³⁰ <http://www.eurocontrol.int/articles/european-aviation-crisis-coordination-cell-eaccc>

³³¹ <http://www.gsa.europa.eu/security/prs>

³³² <http://www.eurocontrol.int/articles/european-aviation-crisis-coordination-cell-eaccc>

- To publish the marine casualty and incident annual overview.³³³

*EASA

The agency has several tasks when it comes to accident and incident investigation support, such as;

- To support investigations with technical expertise.
- To monitor the progress of aircraft incident investigations.
- To provide reports on Safety Recommendations.
- To cooperate closely with European Accident Investigation Bodies.
- To establish corrective actions for identified safety deficiencies.³³⁴

The European Marine Casualty Information Platform (EMCIP)

A database and system operated by EMSA on behalf of the Commission and Member States, the EMCIPs main tasks are;

- To improve safety investigations.
- To improve analysis of the results of casualty investigations.
- To provide means for risk identification

Since 2011, incident reporting (including data resulting from investigation) has been mandatory for Member States. This has allowed EMSA to achieve new proposals for safety recommendations and improvements of existing legislation. EMCIP stores information regarding marine casualties, including all types of ships. The information collected in the system allows analysis of a variation of factors involved in marine accidents and incidents, including human errors, environmental factors, organizational factors and technical errors. Member States are data providers in the system, and the system supports their notification, reporting and searching tasks. The database has a common taxonomy, developed by EMSA and Member States.³³⁵

EMCIP holds a portal where investigators from around the EU may share information about incidents. Here, information about marine incidents is also published for the general public, for example through reports. The database is hosted by the JRC.³³⁶

³³³ <http://www.emsa.europa.eu/implementation-tasks/accident-investigation.html>

³³⁴ <https://www.easa.europa.eu/easa-and-you/safety-management/accident-and-incident-investigation-support>

³³⁵ <https://emcipportal.jrc.ec.europa.eu/index.php?id=83>

³³⁶ <http://www.emsa.europa.eu/emcip.html>

European Maritime Safety Agency Permanent Cooperation Framework (PCF)

The Permanent Cooperation Framework is an operational forum established by Member States in close partnership with the Commission. It allows Member States' maritime incident investigation bodies to cooperate, and it enables EMSA to facilitate cooperation required by its founding regulation. Notes from the PCF meetings are usually published on the European Casualty Information Platform (EMCIP).

The Health Sector

Introduction

General background

In the modern society, cross border health threats such as communicable diseases, chemical and biological events could spread quickly. Just like in other sectors, actual events have sparked development of new prevent and response measures at the EU-level. For example, the EU Health Security Committee was set up by the EU health Ministers in 2001 after the terrorist attacks and the deliberate release of anthrax toxins in the US.

The EU action regarding health has focused on general coordination, coordination of information , measures to combat communicable diseases and substances related to chemical, biological and radio-nuclear agents. Since 2005, the European Centre for Disease Prevention and Control has been working on risk assessments and supports the technical and scientific prevention/response of communicable diseases in Europe.³³⁷

Being a cross border threat, priority is to increase the preparedness at national level in all member states, that national plans are developed and that the EU dimension is considered. Moreover, interoperability of these plans is an important objective and is supported through coordination mechanisms and communication tools.³³⁸

Policy Background

- The 2008-2013 Health programme of the EU came into force on 1 January 2008 with the objective “to complement, support and add value to the policies of the Member States and contribute to increase solidarity and prosperity in the European Union by protecting and promoting human health and safety and by improving public health.”³³⁹
- The Justice and Home Affairs Council adopted on 6 December 2007 Conclusions ‘on addressing chemical, biological, radiological and nuclear risks and on bio-preparedness.
- The comprehensive EU strategy “Together for health” was adopted in 2007 in order to responds to challenges faced by member countries by strengthening cooperation and coordination across the EU.³⁴⁰
- On 24 June 2009 the Commission adopted a Communication on ‘Strengthening Chemical, Biological, Radiological and Nuclear Security in the European Union’ with an EU CBRN

³³⁷ http://ec.europa.eu/health/preparedness_response/docs/commission_staff_healthsecurity_en.pdf

³³⁸ http://ec.europa.eu/health/preparedness_response/preparedness/index_en.htm

³³⁹ http://ec.europa.eu/health/programme/policy/2008-2013/index_en.htm

³⁴⁰ http://ec.europa.eu/health/strategy/policy/index_en.htm

Action Plan, including recommendations in the areas of prevention, detection and response. A significant amount of financial resources (up to €100 million) was allocated to its implementation. The Communication was accompanied by a Commission Staff Working Document ‘Bridging security and health: Towards the identification of good practices in the response to CBRN incidents and the security of CBR substances’.

- In April 2009 the European Commission adopted a three-year programme (2009–2011) to fight terrorism, trafficking and proliferation of weapons of mass destruction, including chemical, biological, radiological and nuclear (CBRN) materials.
- On 22 October 2013, the EU adopted a Decision to improve preparedness across the EU and strengthen the capacity to coordinate response to health emergencies. This Decision entered into force on 6 November 2013. The 2013 decision aimed at strengthening EU level planning capacity by coordination and improved information sharing of health security actions at the member state level. As many health threats are transboundary, ensuring a sufficient level of preparedness of all member states becomes even more important. Therefore, the decision describe that member states shall every three years (starting from 2014) give the Commission an update on;
 - “identification of, and update on the status of the implementation of, the core capacity standards for preparedness and response planning as determined at national level for the health sector, as provided to the WHO in accordance with IHR;
 - description of the measures or arrangements aimed at ensuring interoperability between the health sector and other sectors including the veterinary sector, that are identified as being critical in the case of an emergency, in particular: (i) coordination structures in place for cross-sectoral incidents; (ii) emergency operational centres (crisis centres); (c) description of the business continuity plans, measures or arrangements aimed at ensuring the continuous delivery of critical services and products. The obligation to provide the information referred to in points (b) and (c) shall only apply if such measures or arrangements are in place or are provided for as part of national preparedness and response planning”.³⁴¹

Moreover, the 2013 document aimed to improve risk assessments regarding health threats. Recognizing its important role in the coordination of previous crises, the Health Security Committee was consolidated legally as a coordinator of health security preparedness, as well as a response manager (including communication with the public and decision of coordination

³⁴¹ DECISION No 1082/2013/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 22 October 2013 on serious cross-border threats to health and repealing Decision No 2119/98/EC

of national responses in case of a crisis).³⁴² According to the 2013 Decision, experiences confirm the added value of coordinated EU action regarding health threat monitoring and early warning. The 2013 Decision also confirmed the adoption of the integrated all-hazards approach of the WHO. A report on the implementation of the Decision was adopted on 7 December 2015.³⁴³

- Third health programme (2014-2020) has four main objectives;
 - Promote health, prevent diseases and foster supportive environments for healthy lifestyles taking into account the 'health in all policies' principle,
 - Protect Union citizens from serious cross-border health threats,
 - Contribute to innovative, efficient and sustainable health systems,
 - Facilitate access to better and safer healthcare for Union citizens.³⁴⁴

Institutional landscape

- **DG SANCO**

Agencies:

- **European Centre of Disease Prevention and Control (ECDC)**

The European Centre of Disease Prevention and Control (ECDC) was established in 2005. It is an EU agency with aim to strengthen Europe's defences against infectious diseases. It is seated in Stockholm, Sweden.

- **European Medicines Agency (EMA)**
- **European Food Safety Authority (EFSA)**

Earlier health threats

- **Ebola outbreak (2014-2015)**

The Ebola epidemic that emerged in West Africa in March 2014 – and declared a Public Health Event of International Concern by WHO in August 2014 – was the first emergency event addressed by ECDC and its partners under Decision 1082/2013 and SMAP.

- **Polio and MeRs outbreaks (2014-2015)**
- **Pandemic H1N1 (2009)**
- **Refugees / Migration following unrest in North African countries (2011)**

³⁴² http://ec.europa.eu/health/preparedness_response/policy/decision/index_en.htm

³⁴³ http://ec.europa.eu/health/preparedness_response/docs/commission_staff_healthsecurity_en.pdf

³⁴⁴ http://ec.europa.eu/health/programme/policy/index_en.htm

- **Volcano ash cloud (2010)**
- **Shortage of radio-isotopes used for medical purpose in the EU (2008)**

Inventory

Detection

***European Centre of Disease Prevention and Control (ECDC)**

Included in the ECDC's mission is to identify and communicate current and emerging threats to human health posed by infectious diseases. It cooperates with various European national health protection entities to improve and develop early warning and monitoring systems that covers the whole continent.³⁴⁵

***RAS CHEM**

RAS-CHEM is a detection and rapid alert system for chemical incidents. While RAS-BICHAT is only focused on terrorist activities, this early warning system covers accidental events as well and all public health aspects. It identifies and rapidly distributes information on chemical incidents, illnesses caused by chemical exposure etc.³⁴⁶

***RAS BICHAT**

Rapid Alert System on Biological and Chemical Attack (RAS-BICHAT) manages rapid alerts due to terrorist attacks involving chemical, biological and radio-nuclear agents (CBRN). The primary target group is Health Security Committee members. RAS BICHAT is part of the Programme of cooperation on preparedness and response to biological and chemical agent attacks. Like RAS-CHEM, RAS-BICHAT is web-based and performs detection, early warnings. The Commission is moderator, unlike with the EWRS-system.³⁴⁷

Threat Tracking Tool (TTT)

The Threat Tracking Tool (TTT) is a database developed by the ECDC. Its task is to monitor verified health threat events, and supports the activities of the ECDC linked to these verified events.³⁴⁸

***The Epidemic Intelligence Information System (EPIS) early warning systems**

EPIS has several early warning/detection platforms:

³⁴⁵ http://ec.europa.eu/health/preparedness_response/docs/hsc_factsheet_en.pdf

³⁴⁶ http://ec.europa.eu/health/ph_threats/com/preparedness/docs/HEOF_en.pdf

³⁴⁷ http://ec.europa.eu/health/ph_threats/com/preparedness/docs/HEOF_en.pdf

³⁴⁸ http://ecdc.europa.eu/en/aboutus/what-we-do/epidemic-intelligence/Pages/EpidemicIntelligence_Tools.aspx

FWD (Food- and Waterborne Diseases and Zoonoses)

EPIS-FWD manages early warnings regarding outbreaks of food and waterborne diseases. Included in the platform are epidemiologists and microbiologists from all EU member states plus 16 non-EU countries.³⁴⁹

STI (Sexually Transmitted Infections)

EPIS-STI manages early warning regarding STI in the EU. The nominated contact points for STI monitoring in EU/EEA countries can submit reports to EPIS-STI.³⁵⁰

ELDSNet (European Legionnaires' Disease Surveillance Network)

“EPIS-ELDSNet brings together data on Legionnaires’ disease, with a focus on the detection and follow-up of travel-associated clusters, and the investigation of community outbreaks (in an ad hoc forum with restricted access).”³⁵¹

VPD (Vaccine Preventable Diseases)

“EPIS-VPD facilitates the early detection and sharing of information on outbreaks of VPDs and adverse events from vaccinations, and allows exchange of information on technical topics related to vaccinations and the control of vaccine preventable diseases. The platform connects vaccination programme managers, vaccine experts, epidemiologists and microbiologists from the 31 EU/EEA Member States.”³⁵²

AMR-HAI (Antimicrobial Resistance and Healthcare-associated Infections)

“EPIS-AMR-HAI supports the rapid reporting and dissemination of information related to bacterial pathogens with previously unseen or emerging antimicrobial resistance and healthcare-associated infections which are or may become relevant for public health within the EU/EEA. All 31 EU/EEA Member States have access to EPIS-AMR-HAI.”³⁵³

The Early Warning and Response System (EWRS)

EWRS is a confidential computer system used for early warnings and alerts regarding communicable diseases with potential impact on the EU. The system connects member state public health authorities

³⁴⁹ http://ecdc.europa.eu/en/aboutus/what-we-do/epidemic-intelligence/Pages/EpidemicIntelligence_Tools.aspx

³⁵⁰ http://ecdc.europa.eu/en/aboutus/what-we-do/epidemic-intelligence/Pages/EpidemicIntelligence_Tools.aspx

³⁵¹ http://ecdc.europa.eu/en/aboutus/what-we-do/epidemic-intelligence/Pages/EpidemicIntelligence_Tools.aspx

³⁵² http://ecdc.europa.eu/en/aboutus/what-we-do/epidemic-intelligence/Pages/EpidemicIntelligence_Tools.aspx

³⁵³ http://ecdc.europa.eu/en/aboutus/what-we-do/epidemic-intelligence/Pages/EpidemicIntelligence_Tools.aspx

with the Commission and the European Centre for Diseases Prevention and Control (ECDC). The EWRS also include EEA countries. Members should report events which might affect public health, such as outbreaks. The system is hosted by the European Centre for Disease Control (ECDC) and has close links to the WHO. The ECDC performs risk assessments based on the information coming in through EWRS. The EWRS has been successfully tested in a number of outbreaks such as the Pandemic Influenza A (H1N1)³⁵⁴

According to the Decision on serious cross-border threats to health from 2013, threats which fulfils the following criteria shall be reported to the EWRS;

“(a) it is unusual or unexpected for the given place and time, or it causes or may cause significant morbidity or mortality in humans, or it grows rapidly or may grow rapidly in scale, or it exceeds or may exceed national response capacity; and
(b) it affects or may affect more than one Member State; and
(c) it requires or may require a coordinated response at Union level.”³⁵⁵

Moreover, when member states notify the WHO of events that may constitute public health emergencies of international concern, they shall before or at the same time report an alert in the EWRS. When the alert is notified, the reporting competent national authority and the Commission shall provide as much information as possible of the event which might help coordination of response action.³⁵⁶

***Emerging Viral Diseases-Expert Laboratory Network (EVD LabNet)**

The EVD-LabNet (**E**merging **V**iral **D**iseases-**E**xpert **L**aboratory **N**etwork) focuses on detection and monitoring of viral diseases in Europe, especially re-emerging vector-borne viral infectious diseases.³⁵⁷

***The European Surveillance System (TESSy)**

TESSy is a database hosted by the ECDC, providing a technical platform for monitoring/surveillance of communicable diseases in Europe.³⁵⁸

³⁵⁴ http://ec.europa.eu/health/preparedness_response/generic_preparedness/planning/rapid_alert_en.htm

³⁵⁵ DECISION No 1082/2013/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 22 October 2013 on serious cross-border threats to health and repealing Decision No 2119/98/EC

³⁵⁶ DECISION No 1082/2013/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 22 October 2013 on serious cross-border threats to health and repealing Decision No 2119/98/EC

³⁵⁷ http://ecdc.europa.eu/en/activities/diseaseprogrammes/emerging_and_vector_borne_diseases/Pages/EVD-Lab-Net.aspx

³⁵⁸ <http://ecdc.europa.eu/en/aboutus/what-we-do/surveillance/Pages/index.aspx>

MediSys (part of the Health Emergency Operations Facility (HEOF))

The MediSys is a tool developed by the Commission. It collects information from the ‘European Media Monitor’ in order to improve early detection of bioterrorism activities. By this system, key persons can be alerted about upcoming threats through texts or email. It reinforces the Network for Surveillance of Communicable diseases.³⁵⁹

***Health Security Committee (HSC)**

The Health Security Committee was set up in 2001 by the EU health ministers and has since then expanded its responsibilities. Among its main tasks are detection and rapid alerts including all types of health threats at the EU level.³⁶⁰

EMMa

EMMa is an online mapping tool created by ECDC to support epidemiologists and public health professionals. It aims to facilitate mapping of national and subnational areas worldwide.³⁶¹

The Surveillance Atlas of Infectious Diseases

The Surveillance Atlas of Infectious Diseases is a web-based tool aiming to provide easily available information/data on European infectious diseases and provide good conditions for prevention and control of diseases. It contains diagrams, maps, tables and distributions and users have various search variables such as period or geographical region.³⁶²

European Influenza Surveillance Network (EISN)

The European Influenza Surveillance Network (EISN) is a European network that monitors influenza (both epidemiological and virological). By providing experts and decision makers with information, the network aims to create better conditions for timely and proper decision making and action. It is coordinated by the ECDC.³⁶³

³⁵⁹http://ec.europa.eu/health/preparedness_response/generic_preparedness/planning/medical_intelligence_en.htm

³⁶⁰ http://ec.europa.eu/health/preparedness_response/risk_management/hsc/index_en.htm

³⁶¹ <https://emma.ecdc.europa.eu/Pages/home.aspx>

³⁶² <http://ecdc.europa.eu/en/data-tools/atlas/Pages/atlas.aspx>

³⁶³ <http://ecdc.europa.eu/en/healthtopics/influenza/EISN/Pages/index.aspx>

Sense-making

VectorNet

VectorNet launched 2014 as a joint initiative by the European Food Safety Authority (EFSA) and the European Centre for Disease Prevention and Control (ECDC). It is a network for information sharing and data collection on the distribution/ geographical presence of vectors and pathogens in vectors related to health.³⁶⁴

*Health Security Committee (HSC)

The HSC works as an information hub in the EU regarding health threats. Besides detection and alerts, it collects data from EU agencies in order to share with member state authorities, provides technical assistance and guidelines to improve national preparedness and can rapidly collect expert opinions during a public health crisis. It promotes connections between alert systems and various actors across sectors. The HSC also develop guidelines and protocols for emergencies, which are tested in exercises.³⁶⁵

*RAS CHEM

Besides being a detection and early alert system for chemical incidents, RAS-CHEM operates as a forum of advice and information exchange. The target audience is EU poison centres and Ministries of Health.³⁶⁶

*RAS BICHAT

Besides performing detection and rapid alert tasks, Rapid Alert System on Biological and Chemical Attack (RAS-BICHAT) also manage information exchange among partners on suspected or confirmed events. The target audience is members of the Health Security Committee³⁶⁷

*Emerging Viral Diseases-Expert Laboratory Network (EVD LabNet)

Besides monitoring and early detection of viral diseases, the EVD LabNet analyses and assesses the treat from identified viral diseases. It provides member states with a common situational picture from a coordinated investigation as well as scientific advice and interpretation.³⁶⁸

³⁶⁴ <http://ecdc.europa.eu/en/healthtopics/vectors/VectorNet/Pages/VectorNet.aspx>

³⁶⁵ http://ec.europa.eu/health/preparedness_response/risk_management/hsc/index_en.htm

³⁶⁶ http://ec.europa.eu/health/ph_threats/com/preparedness/docs/HEOF_en.pdf

³⁶⁷ http://ec.europa.eu/health/ph_threats/com/preparedness/docs/HEOF_en.pdf

³⁶⁸

http://ecdc.europa.eu/en/activities/diseaseprogrammes/emerging_and_vector_borne_diseases/Pages/EVD-Lab-Net.aspx

***The European Surveillance System (TESSy)**

TESSy is a database hosted by the ECDC, providing a technical platform for monitoring/surveillance of communicable diseases in Europe. The output from this system is compiled to threat reports published by ECDC. Besides an annual report on epidemiological diseases, several articles and reports are published weekly and monthly on more specified issues.³⁶⁹

***HEDIS (part of the Health Emergency Operations Facility (HEOF))**

HEDIS is a web based tool which provides the Commission and the member states with an overview of the situation during a health crisis. It includes sub-portals where relevant information about the threat(s) can be found, including maps, news, scientific advice and a timeline of actions taken. HEDIS also includes forums for information sharing between stakeholders, models for analyzing spread and control of diseases and an interactive disaster analysis system.³⁷⁰

***The Epidemic Intelligence Information System (EPIS)**

EPIS is a web-based information sharing platform which allows public health experts to exchange information about upcoming and ongoing public health threats. EPIS assesses the possible impact of the identified threats in order to improve coordination of response. All EU member states nominate participating experts to EPIS.³⁷¹

Many EPIS early warning/detection platforms also perform risk assessments, such as;

FWD (Food- and Waterborne Diseases and Zoonoses)

“EPIS-FWD facilitates the early detection and assessment of multi-country/multinational molecular typing clusters and outbreaks of FWDs. The platform connects epidemiologists and microbiologists from 45 countries: 28 EU Member States, three countries of the European Economic Area (EEA) - Iceland, Norway and Liechtenstein - and 14 other non-EU countries”.³⁷²

STI (Sexually Transmitted Infections)

“EPIS-STI supports the rapid reporting and dissemination of unusual events related to STI transmission across the EU and assess their EU relevance. Reports are submitted by the nominated contact points for STI surveillance in EU/EEA countries. All 31 EU/EEA Member States have access to EPIS-STI”.³⁷³

³⁶⁹ <http://ecdc.europa.eu/en/aboutus/what-we-do/surveillance/Pages/index.aspx>

³⁷⁰ http://ec.europa.eu/health/ph_threats/com/preparedness/docs/HEOF_en.pdf

³⁷¹ http://ecdc.europa.eu/en/aboutus/what-we-do/epidemic-intelligence/Pages/EpidemicIntelligence_Tools.aspx

³⁷² http://ecdc.europa.eu/en/aboutus/what-we-do/epidemic-intelligence/Pages/EpidemicIntelligence_Tools.aspx

³⁷³ http://ecdc.europa.eu/en/aboutus/what-we-do/epidemic-intelligence/Pages/EpidemicIntelligence_Tools.aspx

ELDSNet (European Legionnaires' Disease Surveillance Network)

“EPIS-ELDSNet brings together data on Legionnaires’ disease, with a focus on the detection and follow-up of travel-associated clusters, and the investigation of community outbreaks (in an ad hoc forum with restricted access). This allows risk assessment and timely risk communication to the authorities in charge of risk management. “³⁷⁴

VPD (Vaccine Preventable Diseases)

EPIS-VPD allows exchange of information on technical topics related to vaccinations and the control of vaccine preventable diseases. The platform connects vaccination programme managers, vaccine experts, epidemiologists and microbiologists from the 31 EU/EEA Member States. ³⁷⁵

MATRIX

MATRIX is a system which provides member states with assessments on their vulnerability against specific biological and chemical agents. The main target audiences are HSC and EWRS members and committees, and the website furthermore gives access to incident classification tables, guidelines, algorithms for crisis management and health threat focused databases. ³⁷⁶

***EU Health Security Committee (HSC)**

The EU Health Security Committee (HSC) is an advisory group on health security at the European level, including high-level representatives from the Ministries of Health of the EU Member States, Norway, Iceland and Switzerland. The Commission provides the secretariat. European Centre for Disease Prevention and Control (ECDC), European Medicines Agency (EMA) and WHO are observers to the HSC. The HSC provides expertise and has developed member state work plans for threat assessments. The advisory services of HSC can be used for prevention as well as crisis response.³⁷⁷

***European Centre of Disease Prevention and Control (ECDC)**

Included in the ECDC's mission is to, after identification, assess and communicate current and emerging threats to human health posed by infectious diseases. It aims to pool health expertise and be able to provide advice regarding risks of upcoming and current diseases. ³⁷⁸ Moreover, the centre aims at supporting information sharing among relevant public health actors. ³⁷⁹

³⁷⁴ http://ecdc.europa.eu/en/aboutus/what-we-do/epidemic-intelligence/Pages/EpidemicIntelligence_Tools.aspx

³⁷⁵ http://ecdc.europa.eu/en/aboutus/what-we-do/epidemic-intelligence/Pages/EpidemicIntelligence_Tools.aspx

³⁷⁶ http://ec.europa.eu/health/ph_threats/com/preparedness/docs/HEOF_en.pdf

³⁷⁷ http://ec.europa.eu/health/preparedness_response/docs/hsc_factsheet_en.pdf

³⁷⁸ http://ec.europa.eu/health/preparedness_response/docs/hsc_factsheet_en.pdf

³⁷⁹ http://ec.europa.eu/health/preparedness_response/docs/hsc_factsheet_en.pdf

The EU's Joint Research Centre (JRC) Modeling/Impact Assessment

The EU's Joint Research Centre (JRC) applies mathematical models in order to assess the spread and control as well as effects of health security threat situations such as epidemics. By doing so, they enhance situational awareness and support decision making during a crisis.³⁸⁰

Decision-making

***The Health Emergency Operations Facility (HEOF) crisis rooms**

HEOF was a priority of the Health Security Programme, aiming at setting up a "mechanism for information exchange, consultation and coordination for the handling of health-related issues linked to attacks in which biological and chemical agents might be used or have been used."³⁸¹ Included in HEOF is a Crisis room and Communication Centre facility installed in Luxembourg for the management of health security alerts and incidents. This consists of a crisis room, a communication room and one multifunctional meeting room. All operations of the Network for the epidemiological surveillance and control of communicable diseases are conducted from this facility. The HEOF crisis rooms are equipped with various tools for communication during a crisis, such as audio-conferencing system for as much as 100 participants and a Digital Alert Communication system.³⁸²

Coordination

*** European Centre of Disease Prevention and Control (ECDC)**

In accordance to the Decision from 2013 on serious cross-border threats to health, the ECDC aims at supporting the EU's preparedness objectives by promoting interoperability among relevant actors. The Centre shall also coordinate the European networking of bodies operating in the fields within the Centres mission and facilitate implementation of joint actions.³⁸³

***The Early Warning and Response System (EWRS)**

During a health crisis such as a pandemic, the Commission leads the EU coordination through the EWRS and keeps in contact with ECDC, WHO, Global Health and Security Initiative (GHSI) and the

³⁸⁰http://ec.europa.eu/health/preparedness_response/preparedness/preparedness_planning/index_en.htm#fragment0

³⁸¹ http://ec.europa.eu/health/preparedness_response/generic_preparedness/planning/heof_en.htm

³⁸² http://ec.europa.eu/health/preparedness_response/generic_preparedness/planning/heof_en.htm

³⁸³ http://ec.europa.eu/health/preparedness_response/docs/hsc_factsheet_en.pdf

European Medicines Agency (EMA). In case of a pandemic, the Commission may use a fast track procedure regarding pandemic influenza vaccines.³⁸⁴

***Health Security Committee (HSC)**

2007 EU health Ministers agreed to extend the HSC mandate to include pandemic preparedness and response as well as coordination of emergency planning at EU level.

According to the Decision from 2013 on serious cross-border threats to health, the Commission and member states shall consult each other within the HSC with a view of coordinating their efforts to develop or maintain capacities to assess and respond to cross border health threats. During crises situations, the HSC ensures coherence of actions by Member States in order to protect human health.³⁸⁵

***The Health Emergency Operations Facility (HEOF)**

During a health crisis, HEOF ensures coordination between the Commission, Member States, other associated countries and relevant agencies such as European Centre for Disease Prevention and Control (ECDC), European Food Safety Agency (EFSA) and European Agency for the Evaluation of Medicinal Products (EMA), and international organisations (such as WHO). HEOF also facilitates the decision making process of response measures.³⁸⁶

***SANCO public health emergency management**

The Health Emergency Operations Facility (HEOF) is a part of SANCO public health emergency management structure, led by a Senior Management Team. This structure activates during a health crisis and stays as long as the “red alert level” is maintained. There are three alert phases; Green – during small sized event, Yellow – during medium or major sized event which can be managed by Health Threats Unit and enhanced operating procedures, Red – during a crisis which cannot be managed by normal procedures. The Senior Management Team is supported by a number of operational teams. All but the communication team is responsible for coordinating actors and response activities. The Emergency Management Team works with the Commissioner and his Cabinet, coordinating the response and establishing policy lines. The External interface coordinates with the Presidency, the Council and the Parliament and, if necessary, the Committee of Regions and Economic and Social Committee. The Internal interface team coordinates activities with different Commission Directorates General and services through ARGUS. The Health Emergency Operations

³⁸⁴http://ec.europa.eu/health/preparedness_response/preparedness/preparedness_planning/index_en.htm#fragment1

³⁸⁵ http://ec.europa.eu/health/preparedness_response/docs/hsc_factsheet_en.pdf

³⁸⁶ http://ec.europa.eu/health/ph_threats/com/preparedness/docs/HEOF_en.pdf

team contributes to the coordination of health crisis management efforts by the Member States' Ministries of Health, ECDC and International organizations.³⁸⁷

European Centre of Disease Prevention and Control Outbreak Assistance Teams

During an outbreak situation, ECDC can mobilize outbreak assistance teams with various disease experts. These teams are permanently available / have a 24/7 readiness to support Member States. The outbreak assistance laboratories network provides microbiology experts. Moreover, ECDC have constant readiness to provide material and administrative support for field missions together with the outbreak assistance teams.³⁸⁸

Meaningmaking/Communication

***EU Health Security Committee's Communicators' Network**

Recognizing that confusing messages to the public during a crisis can undermine effectiveness of emergency or crisis response, HSC Communicators' network was set up in order to provide reliable and coherent messages to the citizens during a public health crisis. The network discusses communication strategies and conducts meetings in order to better understand the developing situation during a crisis, reviewing media concerns, and discussing public approaches.³⁸⁹

HSC Communicators Network supports Member States efforts on risk and crisis communication with the general public during a public health crisis. The HSC also provides a platform for exchange of information between the Member States and the Commission.³⁹⁰ Continuous contact between communicators within the network supports rapid information exchange during a crisis situation. Information within the network may be shared through the HEDIS (Health Emergency and Disease Information System), and the network has a "Red Book24" which provides information on national communication structures.³⁹¹ Globally, the network enables the EU to spread information rapidly worldwide, by connecting with existing communicators' networks under the Global Health Security Initiative and the WHO network under the International Health Regulations (IHR).³⁹²

***The Health Emergency Operations Facility: Communication**

³⁸⁷ http://ec.europa.eu/health/ph_threats/com/preparedness/docs/HEOF_en.pdf

³⁸⁸ <http://ecdc.europa.eu/en/aboutus/what-we-do/preparedness/Pages/default.aspx>

³⁸⁹ Brussels, 23.11.2009 SEC(2009) 1622 final COMMISSION STAFF WORKING DOCUMENT Health Security in the European Union and Internationally

³⁹⁰ http://ec.europa.eu/health/preparedness_response/docs/hsc_factsheet_en.pdf

³⁹¹ Brussels, 23.11.2009 SEC(2009) 1622 final COMMISSION STAFF WORKING DOCUMENT Health Security in the European Union and Internationally

³⁹² http://ec.europa.eu/health/preparedness_response/risk_communication/index_en.htm

The Health Emergency Operations Facility is composed of two teams, one in Luxembourg and the supporting one in Brussels. Besides crisis rooms and meeting rooms, the teams have several communication systems and communication rooms to their disposal.³⁹³

***SANCO Public Health Emergency Management Structure: Communications Team**

The Communication team is one of the operational teams under SANCO public health emergency management structure. The team is in charge of media communication, producing public messages and interaction with other communication officers from member states, relevant organisations and institutions.³⁹⁴

Accountability

***EU Health Security Committee (HSC): accountability**

The EU Health Security Committee identifies and discusses the lessons learned from past health emergency situations and ensures the follow-up on them.³⁹⁵

Reports on the implementation of the legal framework

The Commission is required by law to submit every three years a report on the implementation of the latest legislation which governs the capacities as described above. The reports include an assessment of the operation of the EWRS and of the epidemiological surveillance network, as well as information on how the mechanisms and structures established complement other alert systems.

³⁹³ http://ec.europa.eu/health/ph_threats/com/preparedness/docs/HEOF_en.pdf

³⁹⁴ http://ec.europa.eu/health/ph_threats/com/preparedness/docs/HEOF_en.pdf

³⁹⁵ http://ec.europa.eu/health/preparedness_response/docs/hsc_factsheet_en.pdf

The Migration Sector

Introduction

General background

The policy area of migration has a long history within the EU and is closely connected to issues of asylum, free movement of people and external affairs. These issues have historically been handled, primarily by the European Commission (the Commission), and foremost by DG Home and Migration and former DG Relx. However, since the founding of the European External Action Service (EEAS) in 2010 and the establishment of FRONTEX in 26 October 2004 capacities to handle the ay to implementation of common European migration objectives been moving out of the Commissions institutional framework. Further, migration is not an isolated policy area; there are several overlaps between such as civil protection and counter terrorism. It shall also be mentioned that this inventory is written under the ongoing refugee crisis that has been ongoing since 2015, which makes the line between general capacities and crisis capacities somewhat blurry.

Institutional Landscape

The majority of capacities identified in the migration field are located within the institutional framework of the Commission (primarily in Directorate General (DG) Migration and Home affairs) and the Commission agency Frontex. Further, the DG of Civil Protection and the European External Action Service (EEAS) is worth mentioning in the context of migration policy relevant EU-departments.

Migration and Home affairs

DG Migration and Home Affairs implement EU-level legislation and rules in the policy areas dealing with cross-border issues, such as asylum, migration, border control, organized crime and terrorism.³⁹⁶ Furthermore, DG Migration and Home Affairs is responsible for the EU's overarching migration policy. The migration area is not one clear cut policy area; DG Migration and Home Affairs handles a wide range of migration related policies and agenda setting activities including the implementation of the Schengen agreement, the strive for a common European asylum system and irregular migration.³⁹⁷ At the time of writing DG Migration and Home Affairs Director General is Mr. Matthias Ruete. The premises of DG Migration and Home Affairs are located in Brussels. The organization consists of five main departments dealing with “Strategy and General Affairs”, “Migration and Mobility”, “Migration and Protection”, “Security” and “Migration and Security Funds”. On the political level of the Commission the policy area of migration is currently under the leadership of the Commissioner for migration and Home Affairs, Dimitris Avramopoulos.

³⁹⁶ http://ec.europa.eu/dgs/home-affairs/who-we-are/index_en.htm

³⁹⁷ http://ec.europa.eu/dgs/home-affairs/index_en.htm

Frontex

Frontex³⁹⁸ in its contemporary form was established in 2007³⁹⁹ and is the European Union's external border agency. Frontex missions cover a wide range of crisis management tasks related to the management of the external borders of the European Union, for example, Frontex plans, coordinates, implements and evaluates joint operations conducted using Member States' staff. Furthermore, Frontex is involved of the preparation phase of the crisis management by its responsibility to develop common standards for training. Moreover, Frontex serve as an important agency in the process of the detection of potential crisis situations. The agency is responsible for the gathering and analyzing intelligence on the ongoing situation at the external borders. This by gathering data from border crossing points, operational information, information exchange with the member states and open sources. Frontex is also active in the risk assessment covering short- medium- and long-term trends. For this, Frontex monitors the global security environment, political, economic, social, technological, legal and environmental factors that have a possible affect upon the border security of the European Union.⁴⁰⁰ The current executive director of Frontex is Mr. Fabrice Leggeri and its premises is located in Warsaw, Poland.

The European External Action Service (EEAS)

At a first glance the involvement of EEAS in the field of migration policy is not self-evident, however the external and the internal dimensions of the EU is not always given. Migration is a policy area connected to global patterns of mobility, to that end migration (and management of migration flows) cannot be reduced to an issue of internal EU affairs. The EU is also working with external actors and third countries in order to manage the ongoing migration crisis. For instance, EEAS handles the partnership agreements with neighboring countries, which includes agreements with third countries on migration and asylum related topics such as migration.⁴⁰¹ The EEAS is located in Brussels, Belgium, and is under the political leadership of Federica Mogherini.

Humanitarian aid, Crisis management and Civil Protection

The commissioner responsible for issues of Humanitarian Aid and Crisis Management is Christos Stylianides. As mentioned in previous inventories this organizational design, where one Commissioner is responsible for "Crisis management", naturally centralizes some of the crisis management capacities worth mentioning in the context of Migration within DG humanitarian aid and Civil Protection.

³⁹⁸ <http://Frontex.europa.eu/about-Frontex/origin/>

³⁹⁹ [\(EC\) 2007/2004](#).

⁴⁰⁰ <http://frontex.europa.eu/about-frontex/mission-and-tasks/>

⁴⁰¹ http://eeas.europa.eu/topics/migration-partnership/408/migration-partnerships_en

Further, DG humanitarian aid and Civil Protection is worth mentioning in the context of migration funding of one more reason; it supplies economic aid to member states most affected by the refugee crisis.⁴⁰²

Inventory

Detection

Coordination Points

Thus, few initiatives in the area of detection on record the 2011 project “Coordination Points” are worth highlighting. Participating in the project were Austria, Poland and Romania and the project received 40 000 Euro in founding’s from Frontex.⁴⁰³ The project aimed at improving the exchange of information with the border authorities of Moldova and Ukraine and to work for the establishment of an early warning system of global migration trends.⁴⁰⁴

*Frontex Situation Centre (FSC)

The Frontex Situation Centre (FSC) provides, and continuously update of Europe’s external borders and migration situation. But the FSC has more than an information-gathering function. It acts as a central point of contact and information access for all Frontex stakeholders. The center assists in the area of detection. It provides media monitoring by scanning of big data. Further, FSC works with situational monitoring, providing early alerts and situational pictures to both internal and external clients. Lastly, the FSC offers support to joint operations in the shape of data processing and information sharing structures.⁴⁰⁵

Sense-making

The Smart Border-package

The "Smart Borders" Package was proposed by the Commission in February 2013. Since then the design and implementation of the proposal has toughly examined in numerous reports (See for example; Technical Study, the executive summary⁴⁰⁶, Costs Study⁴⁰⁷ and the executive summary of the Impact Assessment⁴⁰⁸ The aim of the project is two folded; 1.) To improve the management of the

⁴⁰² http://ec.europa.eu/echo/refugee-crisis_en

⁴⁰³ <http://Frontex.europa.eu/operations/archive-of-operations/E0MVZZ?slug=coordination-points>

⁴⁰⁴ <http://Frontex.europa.eu/operations/archive-of-operations/E0MVZZ?slug=coordination-points>

⁴⁰⁵ <http://Frontex.europa.eu/intelligence/information-management/>

⁴⁰⁶ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/smart-borders/docs/smart_borders_executive_summary_en.pdf

⁴⁰⁷ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/smart-borders/docs/smart_borders_costs_study_en.pdf

⁴⁰⁸ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/securing-eu-borders/legal-documents/docs/20160406/smart_borders_package_-_20160406_-_impact_assessment_-_summary_en.pdf

external borders of the Schengen Member States, and, 2.) to continue the fight against irregular immigration. Further, the smart border-package shall provide information on people who overstay their permits within EU territory, as well as facilitate border crossings for pre-vetted frequent third country national travelers.⁴⁰⁹ Thereby, this initiative is geared toward improving the sense making capability among EU personal and will result in a capacity in the Commissions and Frontex toolbox managing extraordinary migration flows.

Visa Information System (VIS)

The Visa Information System (VIS) is a system for information exchange in-between the Schengen states.⁴¹⁰ The design of the system is centered on two main functions; First, there is a central IT system and of a communication infrastructure, Second, there is from the central system connecting this central system to national systems.⁴¹¹ VIS connects consulates in non-EU countries and all external border crossing points of Schengen States, offering a structure information sharing. Further, it processes data and decisions for applicants that request a short-stay visa to visit the EU or plan to transit within the Schengen area.⁴¹² Finally, the system can perform biometric matching, primarily of fingerprints, for identification and verification purposes.

Risk analysis

Frontex manage issues of risk analysis and assessment related to migration flows. Frontex collects data from Member States, EU bodies, its partner countries, organizations and from open sources on the situation at and beyond of Europe's borders. The aim of the data collection is to create a picture of the situation at the EU's external borders. Further Frontex risk analysis aims at identifying the key factors that influence the situation at the EUs borders.⁴¹³ Further, beyond mapping trends and identifying risks, Frontex provides advice on appropriate operational responses to various challenges. This includes not only migration related risks; it also includes cross-border crime in the areas of EUs external borders. Moreover, Frontex risk analysis is used to advise decision-making within concerned bodies of the EU apparatus as well as used in the daily coordination of joint operations carried out by Frontex.⁴¹⁴ There are three categories of risk analysis carried out by Frontex; 1.) strategic analysis, 2.)

⁴⁰⁹ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/smart-borders/index_en.htm

⁴¹⁰ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/visa-information-system/index_en.htm

⁴¹¹ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/visa-information-system/index_en.htm

⁴¹² http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/visa-information-system/index_en.htm

⁴¹³ <http://Frontex.europa.eu/intelligence/risk-analysis/>

⁴¹⁴ <http://Frontex.europa.eu/intelligence/risk-analysis/>

operational analysis and 3.) analytics.⁴¹⁵ Moreover, Frontex carries out an annual risk analysis which is used as a decision basis within the organization.⁴¹⁶

Schengen information System (SIS II)

The Schengen Information System (SIS) is a large-scale information system that supports external border control and law enforcement cooperation in the Schengen area.⁴¹⁷ The SIS enables authorities, such as police and border guards, "to enter and consult alerts on certain categories of wanted or missing persons and objects"⁴¹⁸. Thus, SIS II serves multiple functions it constitutes a capacity in the field of migration crisis management due to Regulation (EC) No 1987/2006 that regulates border control cooperation. In accordance with the regulation border control cooperation within the EU the SIS-system enables border guards and migration authorities in members states to check alerts on third-country nationals, which help refusing unwanted individuals entry into or stay in the Schengen Area.⁴¹⁹

EUROSUR

Eurosur is an additional information sharing system. It is designed improve the management of Europe's external borders. It is located within the institutional framework of FRONTEX and aims to support in Member States by increasing their situational awareness and reaction capability in combating tackling irregular migration and preventing loss of migrant lives at sea.⁴²⁰ To that end, Eurosur is a sensemaking-capacity in the EU with the purpose of supplying relevant authorities with relevant information to prevent disasters at sea and tackling illegal immigration at its borders.

EURODAC

The EURODAC Regulation⁴²¹ establishes an EU asylum fingerprint database which has been in operation since the year of 2003. The main function of the database is to that when someone applies for asylum, no matter where they are in the EU, their fingerprints are transmitted to the central system of EURODAC.⁴²² However, this system is not spelled out as a "crisis capacity", however, EURODAC

⁴¹⁵ <http://Frontex.europa.eu/intelligence/risk-analysis/>

⁴¹⁶ <http://Frontex.europa.eu/operations/roles-and-responsibilities/>

⁴¹⁷ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/schengen-information-system/index_en.htm

⁴¹⁸ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/schengen-information-system/index_en.htm

⁴¹⁹ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/schengen-information-system/index_en.htm

⁴²⁰ <http://Frontex.europa.eu/intelligence/eurosur/>

⁴²¹ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/identification-of-applicants/index_en.htm

⁴²² http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/identification-of-applicants/index_en.htm

is a tool for EU-level response, sense-making and management of asylum seekers and guides collective action.

Automated Border Control (ABC) systems

Automated border control is systems developed within the Frontex framework of border checks. According to the Frontex guide, “Best Practice Operational Guidelines for Automated Border Control (ABC) Systems”⁴²³, the ABC is “An automated system which authenticates the e MRTD, establishes that the passenger is the rightful holder of the document, queries border control records and automatically determines eligibility for border crossing according to pre-defined rules”⁴²⁴. These systems are used for biometric verification and/or identification solutions. Further, Frontex has, in recent times, invested in helping the end-users of these systems in order to handle tradeoffs in-between passenger facilitation and security.⁴²⁵

Decision-making

In this section we deal with crisis capacities that in different ways offer an institutional framework for crisis induced decision making or actual places made for crisis decision making (e.g. crisis rooms). However, the latter category of decision making capacities has not been found in this inventory.

The Temporary Protection Directive

In 2001 the “Temporary protection directive” was formally adopted by EU authorities, this as a response to the recent conflict in former Yugoslavia and the refugees from the region entering the EU.⁴²⁶ The directive is a crisis measure geared towards situations of mass influx of refugees and offers a decision making structure to deviate from common regulation in events of crisis. “*The existence of a mass influx of displaced persons should be established by a Council Decision, which should be binding in all Member States in relation to the displaced persons to whom the Decision applies. The conditions for the expiry of the Decision should also be established*”⁴²⁷. The directive offers the legal basis to an exceptional measure to provide displaced persons from non-EU countries and unable to return to their country of origin, with immediate and temporary protection.⁴²⁸ It applies in situations when there is a risk that the standard asylum process in the member states, most affected by the mass influx, struggles to cope with increasing demand evoked by mass influx of refugees.⁴²⁹ Moreover, the

⁴²³http://Frontex.europa.eu/assets/Publications/Research/Best_Practice_Operational_Guidelines_for_Automated_Border_Control.pdf

⁴²⁴http://Frontex.europa.eu/assets/Publications/Research/Best_Practice_Operational_Guidelines_for_Automated_Border_Control.pdf

⁴²⁵ <http://Frontex.europa.eu/research/border-checks/>

⁴²⁶ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:212:0012:0023:EN:PDF>

⁴²⁷ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:212:0012:0023:EN:PDF>

⁴²⁸ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/temporary-protection/index_en.htm

⁴²⁹ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/temporary-protection/index_en.htm

directive is geared to handle situations where there are risks that asylum applicants runs the risk of negative impact on the processing of claims due to the mounting pressure in the asylum system.⁴³⁰ Beyond defining a decision making process for trigger and extend temporary protection it foresees harmonized systems for the individuals covered by the measures of temporary protection.⁴³¹

***Rapid-intervention teams**

The deployment process of Rapid-intervention teams is discussed in greater detail in the section for “coordination-capacity”. However, it should be mentioned that the deployment structure itself constitutes a crisis structure for decision making with pre-established steps and procedures enabling the coordination of national resources.⁴³²

EU Civil Protection Mechanism

The EU Civil protection mechanism was established in 2001 and is primarily a capacity in terms of civilian protection.⁴³³ The mechanism is located within the institutional framework of DG Humanitarian aid and civilian protection.⁴³⁴ However, as noted in the above standing section the policy area of migration overlaps with other policy areas. Under large influxes of refugees and other migrants, civil protection and migration is intuitively interconnected. By this mechanism of pooled resources of governmental aid, the mechanism is an important response-capacity in the immediate aftermath of a disaster or humanitarian crisis. The response can take different forms; “Deployment of specially-equipped teams, or assessment and coordination by experts sent to the field”⁴³⁵. Moreover, in the recent refuge crisis the Commission has (via The Civilian Protection Mechanism) coordinated the delivery of immediate material to support Member States and neighbouring countries facing major peaks in the refugees that overwhelmed their immediate response capacities.⁴³⁶ Thus, it shall be noted the participating and support by the mechanism is voluntary.⁴³⁷ The Mechanism is coordinated by the European Commission's Emergency Response Coordination Centre (ERCC), “*which is closely monitoring the refugee crisis and facilitates a coherent and efficient European response*”.⁴³⁸ To that end the civilian protection mechanism serve as a capacity in crisis response when

⁴³⁰ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/temporary-protection/index_en.htm

⁴³¹ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/temporary-protection/index_en.htm

⁴³² <http://frontex.europa.eu/operations/rapid-intervention/>

⁴³³ http://ec.europa.eu/echo/what/civil-protection/mechanism_en

⁴³⁴ http://ec.europa.eu/echo/what/civil-protection/mechanism_en

⁴³⁵ http://ec.europa.eu/echo/what/civil-protection/mechanism_en

⁴³⁶ http://ec.europa.eu/echo/refugee-crisis_en

⁴³⁷ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.320.01.0001.01.ENG

⁴³⁸ http://ec.europa.eu/echo/refugee-crisis_en

High-Level Dialogues on Migration and third country partnerships

A further important decision making capacity in the field of migration is partnerships with third countries on migration.⁴³⁹ Since 2015 the EEAS and The commission has been involved in at least 16 dialogues with third countries resulting in partnership agreements involving policy goals related to migration flows.⁴⁴⁰ EUs decision making capacity in the making of Partnerships deals with neighboring countries has shown to be an important resource in the light of the increased migration flows both during the Arab spring and the current migration crisis. The EU-Turkey agreement is the most well-known example. In the agreement EU and Turkey aimed to end the irregular migration from Turkey to the EU, and that the EU should offer significant economic support to Turkey in order for Turkey to manage the Syrian refugees within the countries borders.⁴⁴¹

Coordination

*Rapid-intervention teams

The rapid intervention teams were established in order to bring assistance to a Member State that is under urgent and exceptional pressure of large number of third-country nationals trying to enter the territory illegally.⁴⁴² The operations are organized and planned by FRONTEX: The process of the deployment of rapid intervention teams includes the following steps:

- Request of a Member State to Frontex.
- Information about the request from the Executive Director to the Management Board in Frontex.
- Assessment of the situation based on Frontex risk analysis and information provided by a Member State. The Executive Director may also send experts to the area in order to assess the situation on the spot. (See the section on FSC)
- Decision of the Executive Director of Frontex (no later than five working days from the date of receipt of the request).
- Communication on the decision to the requesting Member State and the Management Board.

⁴³⁹ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160607/communication_external_aspects_eam_towards_new_migration_ompact_en.pdf

⁴⁴⁰ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160607/communication_external_aspects_eam_towards_new_migration_ompact_annex_2_en.pdf; http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160607/communication_external_aspects_eam_towards_new_migration_ompact_en.pdf

⁴⁴¹ <http://www.consilium.europa.eu/en/press/press-releases/2016/03/18-eu-turkey-statement/>

⁴⁴² <http://Frontex.europa.eu/operations/rapid-intervention/>

- If the decision is positive: A.) Preparation of the operational plan (no later than five working days from the date of the decision). B.) Selection and composition of the teams to be sent C.) Deployment (no later than five working days after the operational plan is agreed between the Executive Director and the requesting Member State).⁴⁴³

These steps touch upon several of the crisis task examined in the inventories. Including both sense-making activities, a structure for decision making and an effort to coordinate resources.

European Response Coordination Centre (ERCC)

The Emergency Response Coordination Centre (ERCC) is operating within DG ECHO and is connected to the EU Civil Protection Mechanism. ERCC is a “coordination hub” the was set up to support and coordinate a response to disasters both inside and outside European territory.⁴⁴⁴

Furthermore, it is worth noting that The ERCC replaces the functions of the previously carried out within the framework of “Monitoring and Information Centre” (MIC).⁴⁴⁵ Further; the ERCC supports a range of prevention and preparedness activities, ranging for awareness-raising to field exercises simulating emergency response. In the ongoing, global, refuge crisis the ERCC plays a role by “closely monitoring the refugee crisis and facilitates a coherent and efficient European response”.⁴⁴⁶

National Training Coordinators (NTC) Network

Furthermore, Frontex also manages crisis prevention capacities related to coordination in-between relevant Member Sates representatives in the field of training. The NTC Network (NTC) provides Frontex counterparts with a formal platform for continuous dialogue on training matters. Via this platform Frontex aim to promote “a long-term sustainable cooperation with the key actors of border guard agencies”.⁴⁴⁷

European Border Guard Teams (EBGT)

The European Border Guard Teams (EBGT) is involved in a wide range of activities. Their activities are located within the institutional framework of Frontex and it fulfills an important capacity in the field of migration management. It is relevant as a capacity for the management of sharp rises in migration for two main reasons. First, because of its function when it comes to assisting in the process of identifying nationalities of irregular migrants detected at the borders. Second, the EBGT provides

⁴⁴³ <http://Frontex.europa.eu/operations/rapid-intervention/>

⁴⁴⁴ http://ec.europa.eu/echo/what/civil-protection/emergency-response-coordination-centre-ercc_en

⁴⁴⁵ http://ec.europa.eu/echo/what/civil-protection/emergency-response-coordination-centre-ercc_en

⁴⁴⁶ http://ec.europa.eu/echo/refugee-crisis_en

⁴⁴⁷ <http://Frontex.europa.eu/training/training-infrastructures-and-networks/>

training of national personal.⁴⁴⁸ To that end, EBGT is a coordinating capacity in the category of crisis preparation activities.

The EBGT and its mission were established in the new Frontex regulation that came into force in December 2011. The document specifies the conditions for deployment in Frontex joint operations and rapid border interventions.⁴⁴⁹ The EBGT is composed by a range of personnel spanning from border guards supplied by the EU Member States, experts in different areas of border management including land and sea border surveillance. For instance they train personnel in order teach them how to debrief migrants in a way which enables the systematic extraction of information for intelligence purposes from migrants willing to cooperate.⁴⁵⁰ Other examples of training performed by EBGT includes how to deal with the assumption of nationality and identity among undocumented migrants, how to identify vulnerable persons during a screening interview, basic fact finding interviews in migrant interviews and techniques for examination of all kinds of border-related documents.⁴⁵¹

EBGT consists of personal supplied by the Member States. This pool of personal is recruited based on specific expert profiles. Following the selection process Frontex provides training of team members, relevant to their field of expertise, and the tasks that they performed. All members of EGBT will receive training in relevant union and international law, including fundamental rights and access to international protection.

Joint operations

Joint operations are an example of EU capacity when it comes to institutionalizing procedures for coordination of pooled resources from the member states. Frontex is also organizing joint operations upon requests from Member States. This capacity The Joint operations performed by Frontex are planned and developed on the basis of an Annual Risk Analysis Report.⁴⁵² The risk analyses describe the likely future risk of irregular migration along the EU external border (See section “risk analysis”). During the annual meetings with Member States the agency then prioritizes the proposed joint operations on the basis of their importance and the resources available in order to ensure an effective response.⁴⁵³ Moreover, Frontex plans the operations together with the host country whom requested the operation. Thereinafter, they proceed by an assessment of the number of officers needed to carry out the mission and evaluate the need for specific expertise, consider the quantity and type of technical

⁴⁴⁸ <http://frontex.europa.eu/operations/european-border-guard-teams/>

⁴⁴⁹ <http://frontex.europa.eu/operations/european-border-guard-teams/>

⁴⁵⁰ <http://Frontex.europa.eu/training/ebgt-training/>

⁴⁵¹ <http://Frontex.europa.eu/training/ebgt-training/>

⁴⁵² <http://Frontex.europa.eu/operations/roles-and-responsibilities/>

⁴⁵³ <http://Frontex.europa.eu/operations/roles-and-responsibilities/>

equipment required to fulfill the proposed mission.⁴⁵⁴ Furthermore, joint operations include operational planning and implementation of the mission. During the operation the deployed guest officers work under the command of the authorities of the host country. Moreover, the joint operations are ruled by a common code of conduct and evaluations of the missions are performed by Frontex personnel.⁴⁵⁵

Partnership Academies (PA) Network

The Partnership Academies network constitutes what is described as “a key element” in promoting excellence in border guard education and training by maintaining cooperation with European law enforcement stakeholders.⁴⁵⁶ This network of national border guard academies supports Frontex by hosting training activities and by promoting the share of expertise in education and training projects. The network contributes to enhanced cooperation, common use of resources and ensures quality of professional performance in Europe and beyond.⁴⁵⁷

Meaningmaking/Communication

The inventory of the migration policy area hasn't revealed any EU specific capacities for communication or meaning making (e.g. official crisis communication plans or procedure). However, existing venues such as twitter, former commissioner of Home affairs, Cecilia Malmström's blog and webpages on the ongoing refugee crisis frequently approach issues of migration and refugees.

Twitter

Twitter is frequently used by several EU institutions in a way that touch upon issues and turns in migration flows. For example, the current Commissioner for Migration and Home Affairs, Dimitris Avramopoulos, twitter account ⁴⁵⁸does, on a daily basis, approach the ongoing European migration crisis. Further, the European Parliament⁴⁵⁹, EEAS⁴⁶⁰ and DG Migration and Home affairs⁴⁶¹ are active on twitter and with the current focus in the public debate on migration; social media seems to be crisis communication capacities worth highlighting.

⁴⁵⁴<http://Frontex.europa.eu/operations/roles-and-responsibilities/>

⁴⁵⁵ <http://Frontex.europa.eu/operations/roles-and-responsibilities/>

⁴⁵⁶ <http://Frontex.europa.eu/training/training-infrastructures-and-networks/>

⁴⁵⁷ <http://Frontex.europa.eu/training/training-infrastructures-and-networks/>

⁴⁵⁸ <https://twitter.com/Avramopoulos>

⁴⁵⁹ https://twitter.com/euoparl_en

⁴⁶⁰ https://twitter.com/eu_eeas

⁴⁶¹ <https://twitter.com/euhomeaffairs>

Webpage: Refugee crisis in Europe

The European commission has set up a temporary webpage on the ongoing refugee crisis and the measurements taken by the EU and the European Commission to handle the situation.⁴⁶² The homepage is administrated by DG Humanitarian aid and civil protection.⁴⁶³

Webpage: Timeline - response to migratory pressures

This webpage is provided by European Council of the European Union and offers a timeline of events “On how the crisis unfolded in 2015, and how the EU developed its comprehensive response. It covers 9 months of crisis in 2015, as told by key witnesses from the Council of the EU and the European Commission”⁴⁶⁴. To that end the webpage is a capacity designed to communicate the EU response to the citizens of the EU.

Accountability

So, what is an accountability capacity in the field of migration? In this section there are a number of funds established within the European Union framework that in different ways are designed to, in different ways, ease the effects of extreme influxes of third countries nationals due to effects of transnational crisis for the effected member states. In this section we deal with capacities geared towards recovery and restored public confidence.

External Borders Fund (EBF)

Was a fund active during the year of 2007, the fund was designed to provide financial support to assist member states in responding to large influx of migrants. Furthermore, the fund has financed a large number of projects, especially in member states located in geographically exposed to a large number of migrants. The EIF aims at, by supporting countries most exposed for migration pressure, to improve the implementation of common standards for control of the EU’s external borders.⁴⁶⁵ represents a heavy burden. Further, the Fund also supports actions for managing efficient controls.⁴⁶⁶

European Fund for the Integration of third-country nationals (EIF)

EIF was established in order to facilitate integration. Furthermore, and the Union for managing effectively security-related risk and crisis, and preparing for protecting people and critical infrastructure against terrorist attacks and other security related incidents.⁴⁶⁷ By striving for fast

⁴⁶² http://ec.europa.eu/echo/refugee-crisis_en

⁴⁶³ http://ec.europa.eu/echo/refugee-crisis_en

⁴⁶⁴ <http://www.consilium.europa.eu/en/policies/migratory-pressures/history-migratory-pressures/>

⁴⁶⁵ http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/external-borders-fund/index_en.htm

⁴⁶⁶ http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/external-borders-fund/index_en.htm

⁴⁶⁷ http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/integration-fund/index_en.htm

integration on newly arrived migrants and refugees this fund is labeled as an accountability capacity that aims to restoring public confidence in current crisis situation.⁴⁶⁸

The Asylum, Migration and Integration Fund

The “Asylum, Migration and Integration Fund” (AMIF) is a fund with the resources of 3.137 billion Euros. the fund is aimed at promoting efficient management of migration flows and the implementation, strengthening and development of a common Union approach to asylum and immigration.⁴⁶⁹ The fund will be active for seven years (2014-2020) and is a capacity to restore accountability and handling the aftermath of the refugee crisis. This Fund will contribute to the achievement of four specific objectives.⁴⁷⁰

Research, Frontex

Frontex conduct research in numerous areas. As a capacity this foremost is concentrated on issues closely linked to crisis preparation and prevention. However, Frontex research program is geared towards numerous issues such as advanced technologies and Technical assistance to the European Commission, Member States and Third Countries etc.⁴⁷¹

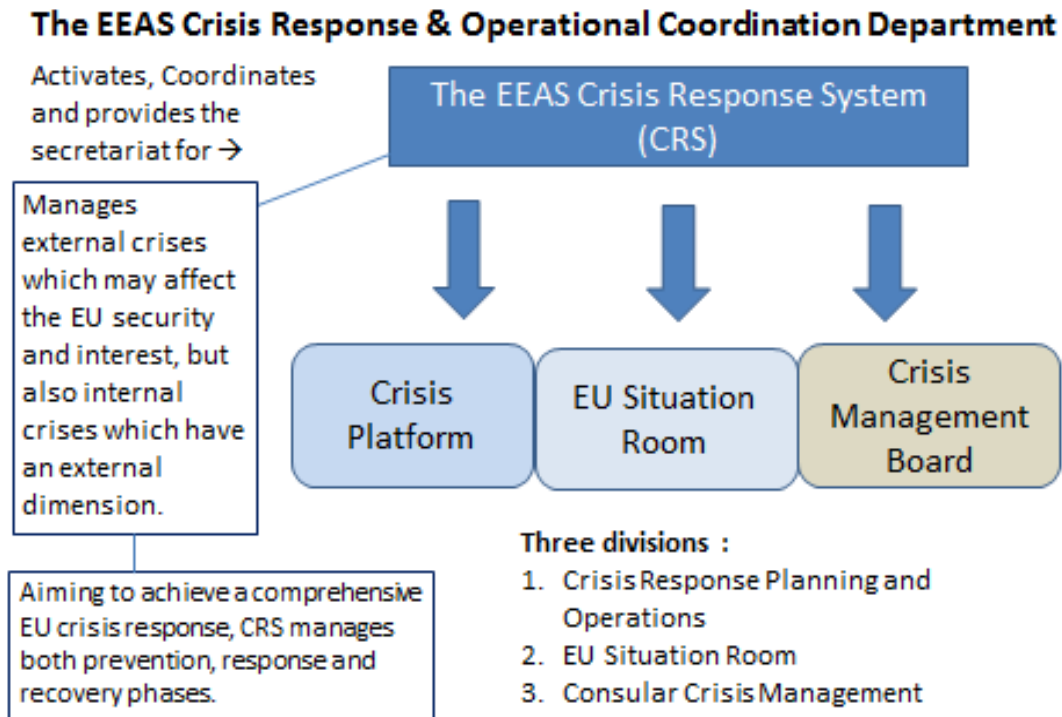
⁴⁶⁸ http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/integration-fund/index_en.htm

⁴⁶⁹ http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/asylum-migration-integration-fund/index_en.htm

⁴⁷⁰ http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/asylum-migration-integration-fund/index_en.htm

⁴⁷¹ <http://Frontex.europa.eu/research/role/>

Part II: Council of the European Union & EEAS Crisis Management Capacities



Detection

The Crisis Response Planning and Operations-division of the EEAS Crisis Response & Operational Coordination Department

- The “Crisis Response Planning and Operations”-division of the department closely monitors potential crises in the world in order to enable a fast response.⁴⁷²

Sense-making

The Crisis Response Planning and Operations-division of the EEAS Crisis Response & Operational Coordination Department

- The “Crisis Response Planning and Operations”-division has responsibility for overall planning of crisis management activities.⁴⁷³

⁴⁷² http://eeas.europa.eu/crisis-response/what-we-do/index_en.htm

⁴⁷³ http://eeas.europa.eu/crisis-response/what-we-do/index_en.htm

The EU Situation Room-division of the EEAS Crisis Response & Operational Coordination Department

- The EU Situation Room keeps a 24/7 situational awareness and worldwide crisis monitoring.⁴⁷⁴
- It functions as an information hub for EU institutions and collects crisis information provided from Member States, international organizations and EU delegations and others. The Situation Room is also the contact point for crisis centres of other regional organizations around the world as well as Member States crisis centres.⁴⁷⁵

The integrated crisis response (IPCR): ISAA

- During a crisis, the EEAS and the Commission together form an Integrated Situational Awareness and Analysis (ISAA) which supports the Presidency and the decision making of the Council.⁴⁷⁶

The integrated crisis response (IPCR): IPCR Web-Platform

- The IPCR Web-platform functions as an information sharing tool and a crisis room. It is owned by the Council and allows relevant stakeholders from both Member States and EU-level to timely exchange crisis information which may be used for analysis and decision making. The website may be used both in normal conditions as well as crisis conditions. It can monitor upcoming events which may lead to activation of IPCR.⁴⁷⁷

The integrated crisis response (IPCR): Exercises

- In order to spread the IPCR “culture”, exercises and training courses for decision makers are held in order to raise awareness and level of preparedness.⁴⁷⁸

Decision-making

The Crisis Platform of the EEAS Crisis Response & Operational Coordination Department

The Crisis Platform is an external crisis mechanism (coordinated by the Crisis Response Planning and Operations division) chaired by the High Representative, the EEAS Executive General (ESG) or the EEAS Managing Director for Crisis Response. It can bring together various military and civilian crisis management actors/structures depending on the crisis in question. It has proved to be an important instrument for external crisis decision making within the EU (for example used in the Libyan crisis and the Arab spring).⁴⁷⁹

⁴⁷⁴ http://eeas.europa.eu/crisis-response/what-we-do/index_en.htm

⁴⁷⁵ http://eeas.europa.eu/crisis-response/what-we-do/eu-situation-room/index_en.htm

⁴⁷⁶ Council of the European Union: The EU integrated political crisis response arrangements

⁴⁷⁷ Council of the European Union: The EU integrated political crisis response arrangements

⁴⁷⁸ Council of the European Union: The EU integrated political crisis response arrangements

⁴⁷⁹ http://eeas.europa.eu/crisis-response/what-we-do/crisis-platform/index_en.htm

The integrated crisis response (IPCR): Coordination/Decision-making

- In 2013, the EU Integrated Political Crisis Response arrangements (IPCR) replaced the previous EU Emergency and Crisis Coordination Arrangements (CCA), aiming to improve EU-level decision making as well as coordination during major crises.⁴⁸⁰
- The Presidency is in lead, but supported by the General Secretariat of the Council (GSC), the European Commission, the European External Action Service (EEAS) and, in the case of terrorist attacks, the EU Counter-Terrorism coordinator.⁴⁸¹
- The IPCR allows the Council to coordinate during an invocation of the solidarity clause.⁴⁸²
- The IPCR is based on a progressive approach. Its activation by the Presidency, at the request of the affected member state(s), leads to a number of stages, starting from situational awareness to political coordination and decision-making, at Coreper, Council or even European Council level.”⁴⁸³

Coordination

EEAS Crisis Response & Operational Coordination Department

- Coordinates the mobilization of crisis management measures, including instruments and actors.
- Continues to coordinate and ensure coherence of actions in the following phases of crisis management.
- The department is responsible for the implementation of the comprehensive EU crisis response.

The Crisis Response Planning and Operations-division of the EEAS Crisis Response & Operational Coordination Department

- The “Crisis Response Planning and Operations”-division assists the EU High representative to coordinate crisis management response and coordinated the action of the EU Crisis Platform.

The EU Situation Room-division of the EEAS Crisis Response & Operational Coordination Department

- The situation room supports the EU Integrated Political Crisis Response arrangements (IPCR) and cooperates closely with the Commission to support coordination of complex crises.⁴⁸⁴

⁴⁸⁰ Council of the European Union: The EU integrated political crisis response arrangements

⁴⁸¹ Council of the European Union: The EU integrated political crisis response arrangements

⁴⁸² Council of the European Union: The EU integrated political crisis response arrangements

⁴⁸³ Council of the European Union: The EU integrated political crisis response arrangements

⁴⁸⁴ http://eeas.europa.eu/crisis-response/what-we-do/index_en.htm

The Consular Crisis Management-division of the EEAS Crisis Response & Operational Coordination Department

- The “Consular Crisis Management”-division functions as a support for a coordinated crisis response.⁴⁸⁵ For example, it supports the Presidency to coordinate crisis management. The CoOl (Consular On-Line) provides a website where member states and a few external states (Switzerland, Norway, the US, Canada and Australia) may cooperate during a crisis.⁴⁸⁶

⁴⁸⁵ http://eeas.europa.eu/crisis-response/what-we-do/index_en.htm

⁴⁸⁶ http://eeas.europa.eu/crisis-response/what-we-do/consular/index_en.htm

Part III: Descriptive Statistics

European Commission Crisis Management Capacities

Sector	Total number of capacities
<i>Energy</i>	30
<i>Cyber</i>	25
<i>Counter Terrorism</i>	30
<i>Civil Protection</i>	23
<i>Transport</i>	33
<i>Health</i>	45
<i>Migration</i>	26
<i>All sectors</i>	212

Tasks	Total number of capacities
Detection	46
Sense-making	75
Decision-making	14
Coordination	35
Meaningmaking/Coordination	18
Accountability	24

Figure I

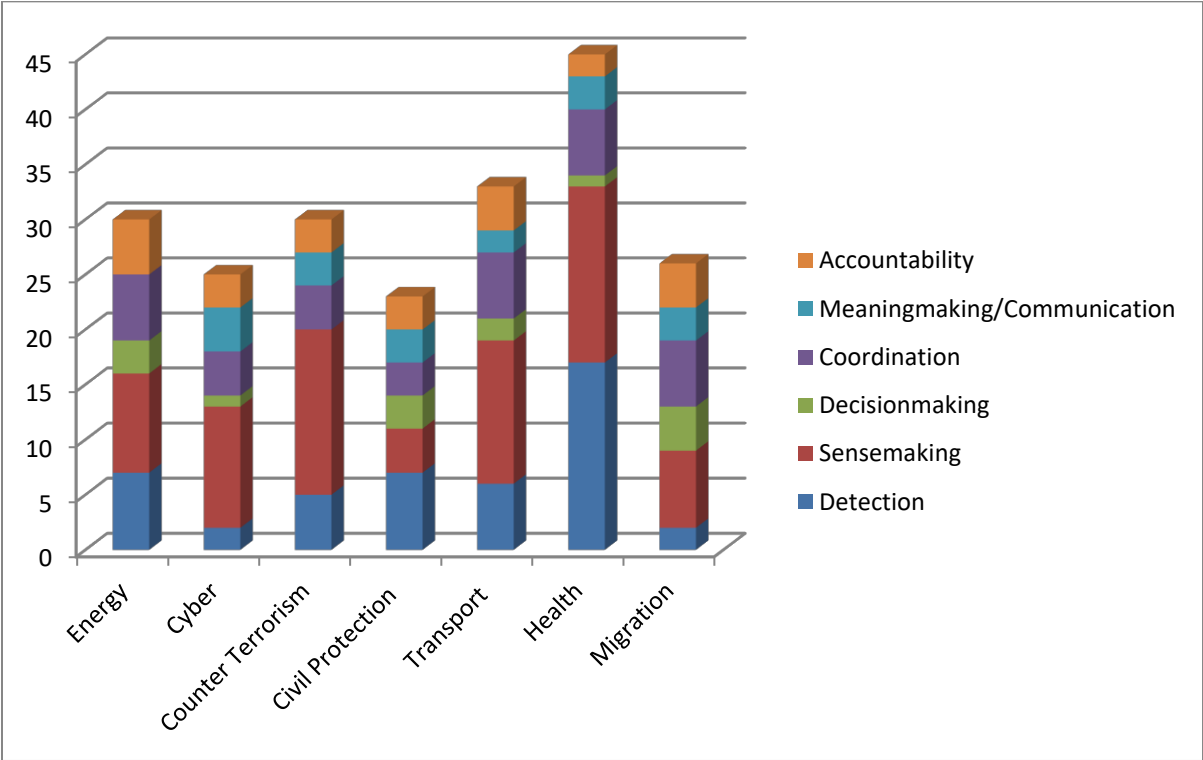


Figure II

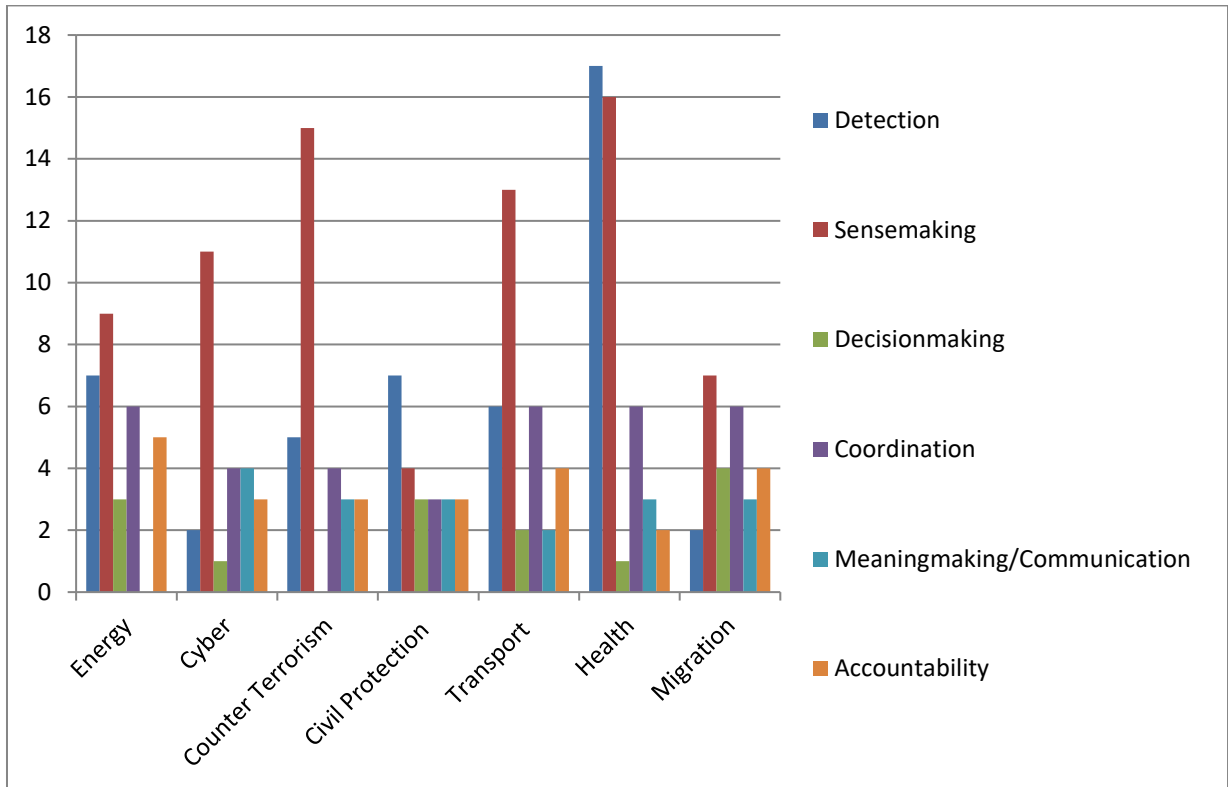
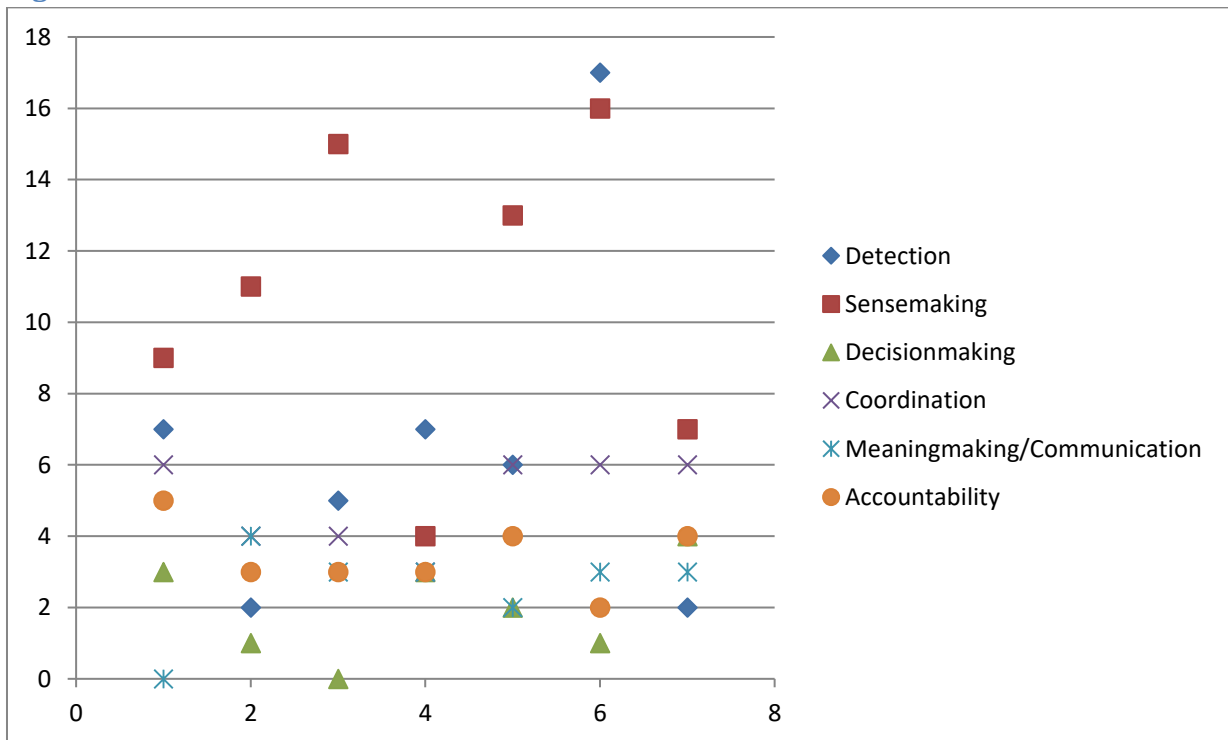


Figure III



Chapter 2

The European Union's Capacities for Managing Crises

NB: This chapter is the draft an article by Sarah Backman and Mark Rhinard, accepted and currently scheduled for publication in *Journal of Contingencies and Crisis Management*

2) The European Union's Capacities for Managing Crises⁴⁸⁷

Abstract

This article draws on a comprehensive new data set of crisis management capacities at the European Union level to highlight key patterns in their development and use. Organized within the categories of detection, sense-making, decision-making, coordination, meaning-making, communication and accountability, the data show considerable accumulation of capacities in detection and sense-making while decision-making capacities lag behind. We find that most capacities are sector-oriented rather than cross-sectoral, and reside primarily within the European Commission rather than other EU institutions. Comparing the data to previous studies, we note that capacities overall are increasing and some are undergoing evolution, e.g. horizon-scanning tools once limited to collecting information have increasingly been given an analytical, “information enrichment” function akin to sense-making.

1. Introductionⁱ

In recent years, much research attention has shifted to the nature and implications of “transboundary” crises (Ansell, Boin & Keller 2010; Boin, Ekengren & Rhinard 2014b). A crisis is traditionally defined as a shared perception of threat to a fundamental part or value of a society, which requires urgent action on the part of authorities under conditions of deep uncertainty (Rosenthal, Charles, et al. 1989). A transboundary crisis compounds the previous crisis definition in that its origin, spread and implications unfold across borders. The transboundary crisis can, in effect, cut through multiple types of borders: geographic, policy, political, cultural, language, and legal (Boin, Rhinard, and Ekengren 2014). This is clearly an expansive view of crises, although the scholarly focus tends to fall on urgent, unfolding events in which a fast response is perceived as necessary. The prototypical transboundary crises are intertwined with increasingly complex critical infrastructures and free-flowing forces linked to globalization, and would include cyber breakdowns, the spread of pandemics, and massive migration flows.

Considering the compounded nature of transboundary crises, attention is needed on the politico-administrative requirements of managing them. However, most studies in that regard focus only on the national level (Ansell, Boin & Keller 2010; Boin et al. 2016), whereas the transboundary nature of modern crises clearly calls into question the sufficiency of national, “unilateral” responses (Boin, Ekengren & Rhinard 2013). More attention is needed on how well-equipped and well-suited international organizations, for instance, are in helping to coordinate responses to transboundary crises. This article focuses on one such international organization – the European Union – to assess this very question. While the EU has received some scholarly crisis management attention (e.g. Attinà, Boin, and Ekengren 2014; Boin, Ekengren and Rhinard. 2013; Morsut 2014; Hollis 2012), two developments of late require a reassessment of our understanding of supranational crisis management. First, how scholars assess the politico-administrative requirements of modern transboundary crisis management has changed. In recent years, the traditional focus on prevention, preparation, response and recovery capacities

⁴⁸⁷ This text is an early draft of an article already approved for publication. Backman, Sarah and Rhinard, Mark (2017) ‘The European Union's Capacities for Managing Crises’ *Journal of Contingencies and Crisis Management*, accepted May 27, 2017, currently in production. DOI:10.1111/1468-5973.12190.

has given way to more nuanced analytical frameworks with a stronger emphasis on the politico-social aspects of crisis management – such as sense-making and meaning-making (Boin et al. 2016; Boin, Kuipers and Overdijk 2013). This article makes an original contribution by applying these new understandings of crisis management to studying the EU. Second, the EU itself has changed. A complex, supranational policymaking system, the EU continuously develops its cooperative policies, instruments, and objectives (Princen & Rhinard 2006) and evolves as an actor in European governance. For instance, since the onset of the migration crisis, the Paris and Brussels terrorist attacks, and a reframing of the European Union as one of a “Security Union”, new empirical developments demand new analysis. Our study here allows us to compare recent trends with those recorded and presented several years ago (Boin, Ekengren and Rhinard 2013).

This article helps to fill these research gaps by presenting a comprehensive new data set of the crisis management capacities found in the EU. We combed through the institutions which house most of this capacity: the European Commission, the largest bureaucratic organization within the EU system, which represents supranational perspectives (Nugent & Rhinard 2015); and the Council of the EU, which represents national perspectives and is growing its own administrative capacity (Christiansen & Vanhoonacker 2008). Together, these institutions contain the most administration capacity of the EU and most of its crisis management capacities. We include some EU agencies when their capacities are closely linked to the European Commission but have not comprehensively mapped agencies (for more on agencies and transboundary crisis management, see Boin, Busuioc and Groenleer 2014). We exclude the European External Action Service, since our main focus in this article is capacities related to managing transboundary crises in Europe. The sheer volume of data precludes its full presentation here, but we have made the database publicly available elsewhere, on-line.ⁱⁱ The data constitutes the most comprehensive accounting of the EU’s role as a “transboundary crisis manager” to date, considering that previous research focused on a narrower set of analytical categories and completed data collection in 2012 (Boin, Ekengren, and Rhinard 2013).

The goal of this article is to summarize and analyze the data in terms of one of the more recent academic frameworks in crisis management research – the key tasks facing transboundary crisis managers (Boin, Kuipers and Overdijk 2013; Boin et al. 2016) – and to draw out key implications for future research. Discussing EU capacities related to each of these key tasks highlights underappreciated trends and critical gaps and allows us to look across the EU’s many policy sectors. In the conclusion, we suggest tentative hypotheses to take forward in future research, and invite the crisis management research community to take part by identifying additional lines of research.

2. Conceptualizing Transboundary Crisis Management Capacity

Why should we study transboundary crisis management, and more particularly, why in the EU political setting? Answering this question directs our attention to two kinds of literature. The first literature is presented often in the pages of this journal. Crisis management research examines the multifold challenges that crises present to the political-administrative level of governance systems (Rosenthal, Boin & Comfort 2001). In this literature, emphasis has traditionally been less on the crisis (defined typically as any threat to common values, which must be handled under conditions of urgency and uncertainty) and more on the desired response capacities within a governance system. Capacities tend to be grouped by scholars in the

categories of “prevention”, “preparation”, “response” and “recovery” (Comfort 2002). Those categories are seen as challenging areas requiring special kinds of capacity building to successfully manage crises (Rosenthal, Charles, et al. 1989).

This kind of crisis management literature has undergone two major developments of late, both of which are addressed by this article. The first is a renewed focus on the nature of the crisis. Recent studies have explored a new species of crisis: the transboundary crises (Boin & Rhinard 2008; Ansell, Boin & Keller 2010). Transboundary crises are those with characteristics from the previous definition, but which generate new problems in that they originate, travel and become manifest across multiple kinds of boundaries: geographic, policy, political, cultural, language, and legal. This focus illuminates the challenges of crisis management in a technologically inter-connected, globalized world, and directs attention towards the supra- or inter-national levels that may have to be involved in crisis management.

A second development in the crisis management literature is a refinement in the analytical categories in which “crisis management capacities” are often discussed and measured. Recently, the prevention, preparation, response and recovery continuum has been nuanced. In 2005, based on policymakers’ perceptions of crisis management practice, five critical tasks for crisis leadership were defined; sense-making, decision-making, meaning-making, terminating and learning (Boin et al. 2005: 10). Since then, these tasks have been further refined into seven key, strategic activities critical for the effective and legitimate management of crises (Boin et al. 2016: 147-148; Boin, Kuipers and Overdijk 2013).

These seven activities, namely detection, sense-making, decision-making, coordination, meaning-making, communication and accountability, aim to capture both the process as well as the challenging tasks involved in effective transboundary crisis management. The assumption here is that performing these tasks will support public trust in the functioning of institutions, and that a successful collective response and mitigation of a common threat may even increase legitimacy of involved institutions (Boin et al 2016:13).

Detection. The detection task is about recognizing emerging and actual risks and threats through, for example, mechanism, procedures, software or systems put in place for horizon scanning and/or threat perception (Boin, Kuipers, et al. 2013: 82; Meyer & De Franco 2011). Timely crisis recognition is quite challenging, given that a crisis often starts with only vague indications that something out of the ordinary may be taking place. This puts decision-makers in a tough situation where they must grasp the situation and respond based on information that is likely to be confusing, inconsistent, and over-abundant (Boin et al. 2005:38). Timely detection is further complicated by complex organizational environments with many actors and intransigent institutional constraints.

Sense-making regards the task of collecting, systematically analyzing, and distributing critical information which helps to generate a shared situational picture (Boin, Kuipers & Overdijk 2013: 82-83). After detecting a threat, decision-makers have to understand what is going on, how critical the detected threat is and what/who could be affected in order to take appropriate countermeasures – a task easier said than done given the often massive stream of information surrounding an emerging crisis (Weick & Sutcliffe 2007). In cases of transboundary crises, the sense-making task becomes even harder with extensive numbers of involved actors and stakeholders which all have to agree to a common situational picture and provide the best conditions possible for decision-making.

Decision-making. The decision-making task entails issues such as making (joint) critical strategic decisions in relation to the identified threat or crisis, acting based on the information available, and formulating an effective strategy to implement decisions (Boin et al 2016:16-17). Moreover, the decision-making task is shaped by institutional context and is not only about agency and leadership -- since it often requires adaption of public bureaucracies. Indeed, decision-making is less straightforward and more about managing a complex process in which leader-driven adaptation to stressful circumstances is the key challenge (Boin, Kuipers & Overdijk 2013: 83).

Coordination. There are usually an extensive amount of actors, agencies and organizations involved in transboundary crisis management (Rhinard & Sundelius 2010). Failing to coordinate can lead to gaps or overlaps in measures taken, as well as to conflicts between involved parties (Comfort & Kapucu 2006). The coordination task therefore entails challenges such as identifying key actors and partners and facilitating collaboration between them in relation to risk, threat, or crisis (Boin et al 2016:17).

Meaning-making/Communication. The meaning-making task, in turn, entails challenges such as formulating a message of what has happened in relation to the crisis, providing advice and explaining measures taken in order to achieve a sense that leaders are in control of the situation. This task is important for decision/policy maker's credibility and it is by performing this task with success they get support and understanding for their decisions during the crisis (Coombs & Holladay 2009). Closely linked to meaning-making is the communication task, which is about effective broadcasting of a message regarding the risk, threat, or crisis to selected audiences such as the public, the media, victims, etc. (Boin et al 2016:18).

Accountability. Finally, the task of rendering accountability is about explaining decisions, strategies, and actions initiated before, during, and after the crisis. This includes processes of feedback, stakeholder dialogue, and learning (Boin et al 2016:19). The challenge to effective accountability is the prevalence of "blame games" during and after crisis moments (Hood 2002; Brändström, Kuipers & Daléus 2008). Capacities for rendering accountability include transparent processes for assessing how, why, and with what affect crisis managers took action during crises (Boin, Kuipers & Overdijk 2013; Kuipers & 't Hart 2014)

Another literature implicated by this study is that on the institutional politics of the European Union. EU scholars have been slow to recognize the EU's role in crisis management (but see Wendling 2010, Tercovich 2014, Morsut 2014, Boin, Rhinard & Ekengren 2014). Scholars tend to focus on traditional areas of EU cooperation: normally those boxed within easy-to-define policy sector areas. Transboundary crisis management crosses policy areas and boundaries, however, which means it does not fit easily into existing scholarly agendas (for a similar argument, see Rhinard 2015). And yet transboundary crisis management generates a number of critical questions relevant to those interested in Europe's highly complicated multi-level governance system. One is the way in which crisis policy responsibilities are divided amongst local, national, and supranational authorities (Hollis 2015). Another is how crisis management responsibilities at the EU level are shared amongst different institutions in Brussels. Scholars of the EU have long studied the relative balance of power amongst the European Commission, for instance, as a quasi-independent body with a constitutional duty to represent the European collective rather than individual states (Nugent 2010). The Council of the EU and the European Council, as intergovernmental bodies, tend to focus more on national concerns and, on average,

protect national interests over European ones and prioritize perceived erosions of national sovereignty (Hayes-Renshaw & Wallace 1997). Thus, inter-institutional politics (which includes the European Parliament) in the EU has been a fruitful context in which to understand balance-of-power questions in European integration more broadly. Which institutions drive, and control, policy developments is relevant for what kinds of forces shape cooperation – a major theoretical and empirical concern in EU studies and international relations regarding which issues enter supranational agendas (Pollack 1999; Princen & Rhinard 2006).

3. Data Collection and Methods

The conceptual discussion regarding crisis management capacities only takes us so far. To examine them empirically, clearer definitions and specific operationalization are needed. First, we must define and clarify what we mean by “EU crisis management capacities”. To capture the full range of phenomenon under analysis here we use a broad definition, namely: the politico-administrative features within the EU institutions relevant to one or more of the seven tasks of effective crisis management discussed above. This requires careful operationalization (below) and may include, for example, crisis early warning systems, horizon scanning programs, platforms for crisis-related information sharing, protocols for communicating in crisis situations, databases and tools for deploying crisis management-related resources, crisis rooms and “emergency response” centres, risk assessment units, and decision-making procedures for crisis situations.

Operationalization of the seven crisis management tasks took place as follows. We returned to the literature to ensure a detailed understanding of what these generic tasks meant in practice and how they could be identified empirically.

Detection capacities, for instance, were operationalized as capacities focused on the timely recognition of an emerging threat, including activities on threat monitoring, horizon scanning, and early warning. *Sense-making* was operationalized as capacities involving the creation of situational awareness, common situation pictures, risk assessment, analysis of information from detection or distribution of information, as well as information-sharing practices for creating a common situational picture or to create a basis for decision making. *Decision-making* capacities are those involving selection of or support for member state strategic decisions and formulation of strategy during a crisis such as crisis rooms or decision-making protocols for use during a crisis. *Coordination* was operationalized as actions or mechanisms focused on synchronizing and integrating crisis-related responses amongst EU institutions, national governments or other international organizations. *Meaning-making and communication* capacities were operationalized as resources to assist in the formulation of crisis messages and crisis communication between crisis managing actors as well as crisis communication to the public. (We combined these categories for practical reasons; namely, they are hard to distinguish in practice). *Accountability* was operationalized as procedures and forums for explanations of crisis measures and rendering accounts of action during crises. We included the presence of crisis exercises (if on a regular basis) and procedures in place for lesson-learning (measured as stakeholder dialogues and event reports).

The categories were applied to seven sectors (policy areas) in which the EU actively governs and which are most relevant to the phenomenon of transboundary crises, namely: transport, health, cyber, energy, counter-terrorism, civil protection, and migration. Additionally, we assessed if the capacities were concerned with *pre-crisis* or *actual-crisis* activity. Pre-crisis

capacities are those focused on “getting ready” for crises (such as horizon-scanning, assessing risks, and conducting exercises). Actual-crisis capacities are those activated when a potential or actual crisis emerges (such as decision protocols, aid deployment, or communication strategies). To capture trends over time, we recorded adoption dates (to the extent possible) and, in the database accessible elsewhere (see endnote ii), noted whether capacities were created before or after 2013 (the last scholarly record of developments). As noted above, research was limited to capacities focused mainly on crisis management in the European region, and excluded crisis management focused only on the EU institutions themselves, such as business continuity planning.

Regarding data collection, we applied open source scanning which proceeded in three steps within each sector. We started by examining Commission sector-specific websites (largely found in individual Directorates-General websites). This was complemented by in-site Google searches for lexicon such as “crises”, “threats”, “emergencies”, “disasters”, “preparedness”, “early warning”, and “urgent” to widen the search. Then, we turned to EU legislative databases such as Eur-Lex, generating search results in different sectors that enabled us to see if we missed any significant capacities. Eur-Lex allows for some formal search terms (such as “civil protection”) but to further widen the search we included key word searches using the terms above. Finally, secondary sources – scholarly and other analytical studies – were consulted to see if any data escaped our earlier searches. All sources are dated and documented in the above-mentioned database.ⁱⁱⁱ We should note that our assessment of capacities was based on their presence (or existence) rather than their quality; in other words, discussion of the operational effectiveness of these capacities is outside the scope of this paper – but certainly of great interest for future research (see conclusions).^{iv} Moreover, since our findings are based mainly on open source scanning, we map the capacities whose existence is communicated publicly in some way.

4. Empirical Findings

We now turn to the substance of the article: the presentation of the data set. We organize the presentation of EU crisis management capacities in terms of the seven key tasks associated with modern crisis management.

Detection

Our study mapped a total of 57 EU capacities devoted to the timely recognition of an emerging risk or threat. We found that EU detection capacities tend to be quite specific, often focusing on a particular kind of threat or risk. Therefore, it was no surprise that we found not just one but several detection capacities within each of the sectors studied. Each subsector, we discovered, has its own systems for horizon scanning, monitoring and early warning devoted to specific threats. For example, the transport sector has specific detection systems for sea, rail, and air, respectively. European Maritime Security Agency (EMSA) has several vessel monitoring capacities such as SafeSeaNet and EU Long Range Identification and Tracking system (LRIT). Related to railway security, the EU has developed railway electromagnetic attack detection sensors through the ‘SECRET’-project,^v and the air subsector has a monitoring system called the Network Operations Portal (NOP), which allows users to react to events faster, monitor performance, and report functionality (or non-functionality).^{vi}

Another example is the health sector, in which few conceivable threats are without a specific detection system. The European Centre for Disease Prevention and Control (ECDC) through the Epidemic Intelligence Information System (EPIS) has no less than five detection platforms for different types of disease. For instance, working with officials in EU civil protection cooperation, health officials help to run a system to detect CBRN (Chemical, Biological, Radiological, and Nuclear) threats from an intentional source (RAS-BICHAT), which is separate from CBRN threats from accidental sources (RAS-CHEM). Moreover, the migration sector has capacities regarding detection of third country nationals crossing EU borders three systems: EURODAC, the Visa Information System (VIS), and the recently proposed Entry-Exit System (part of the Smart Borders package of proposals). Within civil protection we see detection systems for different kinds of natural disasters, such as European Forest Fire Information System (EFFIS) and The European Flood Awareness System (EFAS). More recently, in the fastest growing transboundary sectors of cybersecurity and counter terrorism – the detection focus *de jour* – we spot two new monitoring capacities, each established in 2015.

Unsurprisingly, perhaps, detection capacities are particularly pronounced in areas that experienced recent attacks or emergencies. Following the Icelandic ash cloud eruption in 2010, Eurocontrol's Pilot In-Flight Reports system collects real-time information about ash cloud positions and concentrations. The European Maritime Security Agency's oil spill detection systems were initiated after the ERIKA and Prestige oil spill accidents. After a gas dispute between Russia and Ukraine in 2009, the EU and Russia established an Early Warning Mechanism (EWM) to ensure rapid communication and prevent disruption in electricity, oil, and gas.^{vii} The creation of the EU Counter Terrorism Centre during 2016 was an answer to an increase in terror attacks in Europe.^{viii} One exception worth mentioning is the cybersecurity sector. Although cyber "incidents" are common, there have been few examples of cyber crises in the EU to this date. The one event frequently referred to as a "cyber crisis" is the cyberattacks on Estonia in 2007.^{ix} Despite this, we have noted a swift growth of capacities (including detection capacities) at the EU level since 2013. The creation of the European Cybercrime Centre 2013 and Computer Security Incident Response Teams (CSIRTs) in 2016 are two such examples.

Perhaps related to the proliferation trend, we also note consolidation efforts. "Systems of systems" seem to be on the rise when compared to previous research (Boin et al. 2006; Boin, Ekengren, et al. 2014a). Copernicus (previously "Global Monitoring for Environment and Security", or GMES) provides a "rapid mapping" facility to spot potential environmental problems from earth and space, drawing together existing systems like the EFAS (flood alert) and the EFFIS (forest fire warnings). DG Santé's Epidemic Intelligence Information System (EPIS) draws in various health systems under a common platform. Another example is FIU.net, an intelligence platform which became embedded in Europol's financial intelligence and counter terrorism capabilities in the beginning of 2016. By integrating the network, Europol aims to boost the fight against terrorism and organized crime in the EU, and create synergy effects between criminal and financial intelligence.^x Meanwhile, ARGUS, although dating back to 2006, is undergoing revision. ARGUS is the Commission Secretariat-General's effort to build a single platform for all detection systems. At least one Commission insider described it the following terms: real crises lead to new detection systems, which in turn lead to efforts to link them together after initial attention fades (Interview 7).

Sense-making

Our results were surprisingly robust in the sense-making category, especially when viewed in temporal perspective. In fact, our study found the most capacities falling within this analytical category, about 85 capacities in total. Clearly, much EU-level effort goes into creating better conditions for actors in transboundary sectors to get a common situational picture and to make sense of what is going on – both in the context of an ever more complicated risk landscape and an actual threat or a crisis. In recent years, effort has focused on the Council’s Integrated Situation Assessment and Analysis (ISAA) function, for instance, which allows the General-Secretariat of the Council to provide a situation assessment in the outbreak of a crisis. Another example is in civil protection, where many resources have been directed towards understanding the breadth and impact of an emerging disaster, via technological tools housed in the ERCC. Indeed, even the terminology of “sense-making” is used by officials to describe their efforts.

We found that several new sense-making capacities have emerged during the last years. For example, a new unit to spot terrorist financing has been placed in Europol, built around a FIU.net network of information sharing and situation assessment. Following the 2010 Ash Cloud crisis, Eurocontrol’s EACCC (European Aviation Crisis Coordination Cell) seeks to get “ahead of the game” when major aviation failures occur by providing early analysis Europe-wide. European Border Guard Teams engage in a form of sense-making when they assess “pressure points” and report to central authorities. Also, a new EU-level cybersecurity network has been set up recently to improve analysis and information sharing on possible cross border cyber incidents, namely the CSIRT-network.

Our results in the sense-making task fall into two broad categories. The first is capacities related to making sense of risks, threats and vulnerabilities *before* they turn in to actual crises. The financial intelligence network fits into this category, in that it seeks to assess which emerging problems are “actionable”. Another example is the EU Internet Forum, a private-public cooperation framework that brings together representatives from the internet industry, Europol, the EU Counter Terrorism Coordinator, the European Parliament and EU interior ministers. It enhances discussions on how to combat online radicalization and protect citizens from terrorism exploitation.^{xi} The EU Internet Forum is a central initiative of the European Agenda on Security, which introduced the “Security Union” concept, from early 2015.^{xii} In December 2015, the Commission held the first EU Internet Forum meeting, discussing and agreeing on the importance of effective mechanism for private-public cooperation to efficiently and swiftly remove terrorist content online, and also to counter terrorist narratives. The participants also agreed on using the umbrella of the EU IT Forum for synergy effects in the counter terrorism work.^{xiii}

The second category contains sense-making procedures and bodies for *actual* unfolding crises. They often involve marshalling expert group input for use in crisis. Examples include the Council’s stakeholder advisory group on maritime security, which is expected to be ready when a maritime-related event takes place, and the counter-terrorism first response network, which convenes during an attack. Another is the CSIRT-network, which can, after a report on a cyber incident with potential cross border effect, discuss and assess the cyber incident. As in most capacities inventoried, we have very little information on whether these tools actually work in practice, and how well. Some sectors with many new capacities, such as the cybersecurity sector or the counter terrorism sectors, have several untested tools, instruments, and networks.

It is worth noting a key trend here, which becomes apparent when compared with previous analyses on EU sense-making (Boin, Ekengren and Rhinard 2015): systems originally designed

for information collection (e.g. largely about detection) have been “enriched” with an analytical function (e.g. sense-making). In critical infrastructure protection, the CIWIN system (Critical Infrastructure Warning and Information Network) not only collects information (about problems in different infrastructures) but also enriches the data through analysis. The same goes for the Epidemic Intelligence Information System (EPIS)-systems of the health sector, as well as with RAS-BICHAT and RAS-CHEM (the detection/early warning systems for chemical accidents and CBRN attacks). Another example is EFFIS (detection/early warning system focusing on forest fires) and EFAS (detection/early warning system focusing on floods), which detects but also analyzes and distributes information on emerging threats. That is, many systems or networks which falls into the category of detection also falls within the category of sense-making due to the fact that they – in addition to detection – also perform analysis of the collected data, assesses it and, in many cases, distribute that assessment to stakeholders in order to create a common situational picture.

Decision-making

Direct decision-making capacities for crisis management exist in only a few sectors. Those sectors correspond with issue areas in which the EU has a clear competence. Thus, during an animal health outbreak, key decisions must be made in the European institutions related to quarantine, for instance. Some aspects of air transport security involve Eurocontrol (not formally an EU body but closely related) issuing guidelines when a crisis hits, via its EACCC and Network Manager. In a major financial crisis, the European Council will mobilize to coordinate a common response amongst member states and institutions like the European Central Bank.

But in most areas the EU’s decision-making role is, at best, arms-length from the actual crisis. The EU’s competences rarely allow it to intervene directly in a crisis. Thus, the ERCC has a variety of rapid decision-making protocols and an impressive information support system to match. Its three crisis rooms operate on a 24 hour/7 days a week basis. Decisions made here, however, relate mainly to the mobilisation of the EU’s own assets—which are proportionally a small contribution to crisis response. The same applies to DG Santé’s Health Emergency Operations Facility (HEOF). The Facility operates mainly to gain a situation awareness of a pandemic outbreak and to understand what EU member states are doing individually or bilaterally to manage a crisis. One official interviewed for this project described HEOF’s attempts as “managing chaos” since DG Santé’s role is not always self-evident (Interview 4). In the area of cyber crises, the “EU Standard Operating Procedures for Cyber Events” involve a degree of decision-making but largely in terms of what EU capacities should be mobilized – whether demanded by outside crisis managers or not.

Coordination

We found a plethora of coordination capacities, arguably because coordination is the very essence of the EU’s role in crises (Boin, Ekengren, and Rhinard 2013). As argued above, the EU has few direct decision-making functions during crises. Rather, it is heavily concerned with coordinating itself (services, institutions) and *attempts* to coordinate national actors. We find that many of the capacities listed in this report are, in fact, coordinating in nature (even decision-making, which involves making decisions when and how to coordinate). For example, one of the main tasks of the newly established European Counter Terrorism Centre (ECTC) is to contribute to a coordinated reaction to a terrorist attack. Its focus lies in sharing expertise and

intelligence on terrorism, especially on terrorism financing (supported by TFTP and FIU.net), counter foreign fighters, online radicalization, and enhancing efficiency of international cooperation on counter terrorism. Member States also have the possibility to *second* experts to the center in order to support investigations, of which the Task Force “Fraternité” is an example. In connection to the ECTC, tools like SIENA and EIS are used for sensitive information exchange of counter terrorism intelligence.^{xiv}

Similar to the sense-making findings above, we find that coordination capacities of the EU fall into two categories, related to coordination before and during a crisis, respectively. Capacities used *before* a crisis are aimed at trying to assemble key actors, to educate on available resources, and to practice using relevant tools in advance of a crisis. Not all sectors engage in exercises, but they seem to be growing. The Council’s IPCR (Integrated Political Crisis Response) is practiced once per year, under the leadership of the Council Presidency. Pandemic response plans are exercised on a fairly regular basis. And Cyber Europe is a bi-annual Pan-European cyber exercise that aims, amongst other goals, to practice crisis response collaboration with various actors – both vertically and horizontal.

Capacities for use *during* a crisis blend somewhat with the “partial” decision-making capacities described above. What the EU considers decision-making capacities are actually coordination capacities according to our framework. Thus, the European Response Coordination Centre (ERCC), the IPCR, the Health Emergency Operations Facility (HEOF, in Luxembourg) and the European Aviation Crisis Coordination Cell (EACCC) are all sometimes considered “decision platforms”, but are more accurately described as coordination centres.

Moving beyond the decision-making vs. coordination issue, another reason that coordination efforts have grown in Brussels is the increasing number of actors involved in various crisis issue areas.^{xv} As mentioned earlier, the rise of new agencies, new member state officials, increased public-private relations, and new staff focused on crisis issues makes coordination more complicated than in previous years. Besides creating a need for more sense-making capacities, this also increases the need for supranational coordination. As described by Boin, Ekengren and Rhinard (2013), the EU is in a unique position to provide supranational coordination when Member States has to face increasingly complex and transboundary threats or crises.

Meaning-making/Communication

Both meaning-making and communication capacities tend to be centrally organized in media relations departments. For the Commission, this is the Spokespersons’ Service located under the Commission President. An example of a generic meaning-making/communication capacity is the “Vademecum” website. The website contains information on disaster management measures taken by Member States and at the EU level. Its crisis communication service is especially aimed towards civil protection professionals at various levels of the EU as well as NGOs and volunteers.^{xvi}

However, we found some sector specific meaning-making/communication capacities as well. Often these involve the use of social media, such as Twitter procedures or the use of specialized mobile apps. During the migration crisis in 2015/2016, Twitter was frequently used by several EU institutions.^{xvii} The European Commission, for instance, set up a webpage to communicate measures being taken to handle the situation, including a timeline and encouragement to sign-up to social media sites.^{xviii} Another example is the “fire news” by EFFIS (European Forest Fire

Information System), which provides a selection of timely and relevant news on wildland fires in Europe to the public. Users may choose to focus on news from specific countries and may access the information through the EFFIS app.^{xix}

Recognizing that confusing messages to the public during a crisis can undermine effectiveness of emergency or crisis response, the “Communicators Network” of the Health Security Committee (HSC) was set up in order to provide reliable and coherent messages to citizens during a public health crisis. The network discusses communication strategies and holds exchange-of-views meetings to better understand the developing situation during a crisis, reviewing media concerns, and discussing public approaches.^{xx}

The HSC Communicators Network supports Member State efforts on risk and crisis communication with the general public during a public health crisis. The HSC also provides a platform for exchange of information between the Member States and the Commission.^{xxi} Continuous contact between communicators within the network supports rapid information exchange during a crisis situation. Information within the network may be shared through the HEDIS (Health Emergency and Disease Information System), and the network has a “Red Book24” which provides information on national communication structures.^{xxii} Globally, the network enables the EU to spread information rapidly worldwide, by connecting with existing communicators' networks under the Global Health Security Initiative and the WHO network under the International Health Regulations (IHR).^{xxiii}

Accountability

Like meaning-making/communication, accountability is a task that does not differ greatly amongst issue areas. So here we provide a cross-sectoral assessment of accountability for the EU institutions under examination. As mentioned, accountability involves the rendering of an explanation, in a public forum, the relevant decisions and strategies that were initiated before, during and after the crisis. It is largely about the mechanisms by which officials can be held to account for their actions. It includes processes of and mechanisms for “lesson learning” after crises.

In general, we can focus on three versions of accountability in the EU (Scharpf 1999). Input-forms of accountability concern the relationship between citizens and those democratically chosen to represent them. National leaders taking decisions in the Council of the EU and European Council are accountable to their respective national publics, for instance. Collectively, however, national leaders are not accountable to a European public since each represents only his/her respective citizens. Throughput versions of accountability concern how citizens can understand and hold to account the procedures and ways crises are handled. The EU machinery for acting on crises is not particularly transparent or easily comprehensible. Worse still, crisis-specific procedures do not always follow the familiar Community Method of decision-making. Output forms of accountability concern holding leaders to account for their performance during crises. What decisions were taken, why and did they work? Here accountability mechanisms are somewhat strong. First, the EU’s institutional checks-and-balances encourage oversight and investigations into one another. The European Parliament takes seriously its role as “watchdog” over other institutions, launching countless investigations. Second, the Brussels Press Corps is active and large – by some counts, the largest in the world – and can shine light and ask tough questions regarding crisis management performance. That said, the “blame game” that is so prevalent in post-crisis situations at the

national level (Hood 2002) is likely to be intense in a multi-level governance system like the EU. With its intentionally unclear division of competences (Nugent 2010), the EU’s national and supranational officials may very well point fingers at one another for crisis management failures.

In terms of lesson-learning, we uncovered evidence of a moderate amount of processes and mechanisms. Lesson-learning is most prevalent in the aftermath of crisis exercises, when “hot wash” discussions and analysis outline problems that need fixing. Other lesson-learning takes place following actual events. For example, investigations into transport sector accidents and incidents, and the recommendations and conclusions drawn from them, are fairly frequent and are said to play an important role in prevention. By way of another example, as part of its crisis management procedure, the EACCC (European Aviation Crisis Coordination Cell) is tasked to identify lessons learned during a debriefing after deactivation. Another example is in the Counter Terrorism sector, where the EU Bomb Data System (EBDS) provides a platform for information sharing between experts on lessons learned from incidents.^{xxiv}

* * *

By way of an overview, the distribution of crisis management capacities across the seven sectors studied is presented in Figure 1. It is worth noting that the capacities collected in this research are diverse (e.g. some are bureaucratic protocols, others are technical mapping software), inter-related (e.g. some cyber-related crisis activities apply to energy-grid resilience programs), and are ultimately subjectively categorized (e.g. whether medical aid response teams are part of coordination or decision-making, for instance, is not crystal clear). Care must thus be taken when drawing statistical inferences. Such challenges, however, do not deter our goal of sketching the contours and assessing developments of a poorly understood and little-researched empirical area of crisis management.

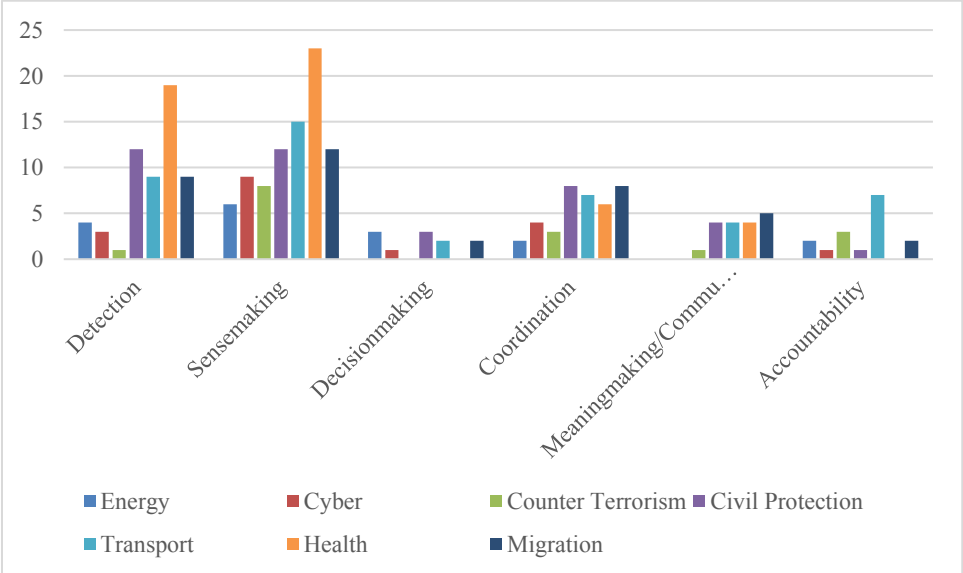


Figure 1: Distribution of EU crisis management capacities in the transboundary sectors (energy, cyber, counter terrorism, civil protection, transport, health and migration).

6. Discussion

With the content of the data collection reviewed above, we now turn to a discussion of general findings.

As expected, most capacities relevant for managing crises reside in the largest organisation in the EU institutional landscape: the European Commission. There are some major exceptions, including the Integrated Political Crisis Response (IPCR), which sits in the General Secretariat of the Council and endeavours to draw in all EU institutions directly. The European Council has a very small secretariat – relying on the Council General Secretariat and European Commission for most of its heavy lifting – but has a potentially powerful role in crisis decision-making. Worth further exploring is the modest but noticeable accumulation of capacities outside of the Commission in both the Council’s General Secretariat and the European Council.

We found that most capacities are sector-oriented. Very few operate across sectoral boundaries. Exceptions include the Council’s IPCR and the Commission’s ARGUS (a system linking together early warning systems). Compared to previous findings in 2013 (Boin, Ekengren & Rhinard) and 2015 (Boin, Ekengren & Rhinard), cross-sectoral capacity building seems to have stalled. The Commission Secretariat-General unit for cross-sectoral crisis coordination has changed name (from crisis coordination to business continuity) and emphasis. That said, in speaking to practitioners the importance of “acting across sectors” repeatedly came up – suggesting that ambitions remain even if practical efforts seem to have slowed in comparison to previous findings. It may be possible to argue that as the number of capacities increases in each sector, and therefore the number of involved actors, coordinating crisis management efforts within and especially across sectors becomes a greater challenge.

There is a difference in scope regarding the EU detection/sense-making activities and EU decision-making/coordination activities. The former tend to focus on very specific threats, while the latter tends to cover a wide range. Examples of detection activities include the RAS-BICHAT and RAS-CHEM rapid alert systems (which differ mainly based on whether terrorism is involved), as well as the various early warning and information sharing systems for different diseases (nominally aggregated in the Epidemic Intelligence Information System) and for different modes of cross-border transport. Yet for decision-making and coordination, systems tend to be more generic. Thus, the ERCC claims a role as an “all hazards” decision/coordination centre, and the IPCR has no specific threat orientation. Some of this can be explained by institutional affiliation and bureaucratic politics: the ERCC has maneuvered to become the main crisis hub for the Commission, while the IPCR’s Council location explains its broad approach. Nevertheless, more exploration of this phenomenon is warranted.

Our more curious finding is the high number of capacities found in detection and sense-making. Regarding detection, we surmise that building detection capacities requires very little political authorisation from member states. Creating better detection and early warning capacities is something the Commission does largely as an administrative act and seems like a “good idea” to everyone. Contrast with decision-making or coordination, which impacts upon national sovereignty and autonomy to a greater extent – and are thus less well-developed. These impressions drawn from limited interviews, however, require further research (see conclusion below).

Our research revealed consolidation efforts of various detection systems. We saw several examples of specific detection systems re-organized under a larger umbrella system or network, such as when the European Forest Fire Information System (EFFIS) and the European Flood

Awareness System (EFAS) became a part of Copernicus Emergency Management Service in 2012 and 2015, respectively. Consolidation may be linked to the initial proliferation trend, in that too many systems emerged and administration becomes difficult. It might also be a result of the need (a) to get sufficient data into the detection system and make sure the system is being used, or (b) to link these systems to information sharing capacities and political coordination structures. A recent ENISA study of crisis management practices at the EU-level states echoes the point:

[R]apid alert tools are useful only insofar as good quality and current information is shared with them. As such, there is a clear need, for any tool to be deployed at the EU or Member State level, to be supported by a cooperation framework and a culture of information exchange amongst the Member States and Agencies. For instance, the Early Warning Response System, a web-based system linking the Commission, Member State public health authorities and the European Centre for Disease Prevention and Control (ECDC), is reported to suffer from slow updates and inadequate exchanges.^{xxv}

The rise of sense-making capacities, when compared to previous research (Boin, Ekengren and Rhinard 2013; 2014), is worth further exploring. Many of the tools and systems previously focused only on detection and early warning now contain an “information enrichment” and analysis component. Systems that started as detection, threat mapping, and early warning – and then grew into sense-making systems – include the “Network Manager” function in the Network Operations Portal for Eurocontrol, Copernicus Emergency Management Service for environmental threats, and ENSEMBLE, which monitors atmospheric problems. Why have such evolutions taken place? One hypothesis is cognitive: detection systems produce large quantities of data but not quality data. Policymakers saw the need for improvement, along the lines of crisis management theory’s message that information does not equate to understanding. Another hypothesis is functional-bureaucratic: the overproduction of detection systems led to consolidation, which in turn demanded a functionalist response to organise the data more efficiently. The result was filtering, analysis and reporting functions to justify the continued existence of the system.

The empirics also show a clear division between efforts in the seven tasks of crisis management that relate to anticipating crises and efforts related to these tasks during an actual crisis. For instance, sense-making activities can be found directed towards horizon-scanning (pre-crisis), but also in terms of situation assessment (mid-crisis). The same goes for coordination. Some coordination activities are focused on ‘getting ready’ for a crisis and some are engineered for use during a crisis. Another interesting finding in this regard is the fact that relatively new areas of crisis cooperation – cyber security, for instance – show the same patterns of development as established areas. Cyber security and health risk cooperation both display tendencies to focus on detection (a prevention task) rather than decision-making (a preparation task), suggesting more fundamental dynamics at play worth further exploring. The next section continues the discussion on what implications this study has for broader, future research agendas.

6. Conclusion

This article presented the results of a major study of the EU’s capacities to engage in the seven key tasks facing politico-administrative crisis management in Europe. The full findings of the study are publicly available through a novel new database allowing for custom searches and

graphing. This article provided an outline of the main findings of the study, in hopes of spurring additional research from scholars in the crisis management community.

To conclude, we draw out the main implications of our study for future research. One implication concerns the utility and feasibility of the analytical framework. The seven-part framework used here -- detection, sense-making, decision-making, coordination, sense-making, communication, accountability – proved useful in revealing capacities that might have remained hidden if crude categories like “preparation” or broadly-defined “decision-making” had been used. For instance, the analytical distinction made between decision-making and coordination does not hold in the case of the EU, revealing that much of what the EU considers – and publicly advertises as – decision-making, is actual coordination of others’ crisis management decisions. “Others” may include the EU institutions themselves, national governments, or national agencies during crises. This clearly implicates public and practitioners’ expectations of what role the EU plays in managing transboundary crises, and the possibly the legitimacy it can claim in so doing. The framework also deserves further development, however, in light of our findings. The strict distinction between detection and sense-making works analytically but in practice obscures the fact that sense-making is a process that begins early – even at the stage of designing detection systems. Systems are designed to uncover some threats and risk by unintentionally ignoring others – clearly a situation that affects how we make sense of impending crises.

Another implication is the apparently inexorable march of crisis capacity accumulation. What explains, even in an era of ostensibly growing Euroskepticism, that EU member states continue to authorize the growth of crisis management capacities at the European level? This question is surely worth further exploration in future studies. Some initial thoughts on growth relate to three well-known explanations in the field of European integration studies. The first is crisis-driven integration. The role of crises in shaping the European project is well-established in neofunctionalist theory (Niemann & Schmitter 2009): the key determinate of how crises matter is whether national governments respond to events by seeing cooperation as a source of crises (leading to ‘spill-back’ and fewer joint initiatives) or a way to address the causes of crises (leading to ‘spill-over’ and increased cooperation). Future research could usefully test the relevance of this explanation, and explore the significance of the EU’s growing focus on prevention rather than response in crisis management.

A second classical explanation of capacity growth in the EU is policy entrepreneurship by supranational institutions. The Commission is a well-known advocate of European solutions to any and all problems, driven by bureaucratic as well as normative incentives (Pollack 2003). Our evidence offers strong indications of Commission entrepreneurship, using crises as windows of opportunity to advance previously stalled initiatives, assembling networks of national officials interested in crisis-related tasks, and promoting analysis of European vulnerability in the face of increasingly complex threats. Finally, one explanation of growth in European level capacities is the cycle of institutionalization, by which new, broad goals are set out, experimental policies are devised, subsequent problems are ironed out through policy revision, supporting instruments and resources accumulate, vested interests form, and finally, legitimacy grows. This cycle was used in previous accounts of European crisis management developments (Boin, Ekengren and Rhinard 2013) and seems to be validated by the results here.

More generally, and in conclusion, the empirics and analysis presented in this paper add to growing evidence that studying modern crisis management demands considering multi-level

governance frameworks in which it takes place (Hollis 2012; Kuipers et al. 2015; Christensen et al. 2014). European and international levels appear to be ramping up their role in, and capacities related to, crisis management, especially considering the transboundary nature of modern crises. Whether we speak of pandemics or ash clouds, or terrorist attacks or cyber breakdowns, national crisis management now takes place with a supranational framework – with important implications for practitioners and academics alike.

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Chapter 3

Mapping the Legitimacy of the EU as a Crisis Manager - and Evaluating the Legitimacy/Effectiveness Trade-Off

3) Mapping the Legitimacy of the EU as a Crisis Manager - and Evaluating the Legitimacy/Effectiveness Trade-Off

Introduction

The European Union (EU) takes an increasingly active role in managing crises.⁴⁸⁸ Some crises emanate from external sources, as did the threat of Ebola, while others are linked to the European project itself, such as the Eurozone or migration crises. Whatever the source, dynamic or impact of various crises, EU member states acknowledge the need to coordinate their responses to significant disturbances and threats to European societies. Over the years, this drive has led to a wide array of crisis tools, platforms, standard operation procedures, financial resources, and other crisis management capacities aimed at improving the collective European response to crises. These capacities are normally generated from necessity rather than strategy: an actual crisis demonstrates the weakness of crisis response systems or a lack of preparation. In the aftermath of an actual crises, member states agree to delegate more authority to the European Union level to help assist in all aspects of managing crises, from prevention and preparation to response and recovery. The result is a rich set of crisis management capacities outlined in our Mapping Exercise (see Chapter 1).

With the empirical contours of transboundary crisis management capacities in the EU mapped out, it is now time to ask: *on what bases of legitimacy can and does the EU act as a ‘manager of crises’?* In so doing, this paper not only fulfills a Transcrisis deliverable but also connects to a growing research agenda on the legitimacy of international organizations—an agenda gathering followers as citizen discontent in global governance increases (Zürn, 2004; Zaum, 2013; Scholte et al. 2011)—and its corollary focus on ‘legitimation’. Legitimation suggests a more instrumental approach by international organization (IOs) to shape an audience’s beliefs in the organization’s legitimacy. The questions of legitimacy and legitimation are both relevant to the EU as a crisis manager for two reasons. First, although the question of ‘what bases of legitimacy’ for EU cooperation has been asked before (e.g. Scharpf, 1999; Dehousse, 1995; Joerges & Neyer, 1997; Majone, 1996), more specific answers are needed for an area of European cooperation which is increasingly in the public spotlight and which seems to expand on a regular basis. Second, the political and democratic stakes are high: the ability of the EU to manage severe disturbances and threats touches upon individual lives, while it also feeds perceptions of the efficacy of European cooperation in general. When it comes to managing crises, the public is increasingly asking ‘what is the EU doing?’ and ‘why is it doing it?’, which both speak to the central question of legitimacy and legitimation.

This paper features two central points of inquiry. The first point is to examine the sources of legitimacy that underpin EU activity, generally, and considers whether those sources are still relevant under EU crisis management conditions. It uses a conventional framework for assessing EU policymaking legitimacy—input, throughput, and output based sources of

⁴⁸⁸ This chapter is based on an unpublished paper written by Mark Rhinard titled ‘The Legitimacy of the EU as a Crisis Manager’. The paper was presented at the ECPR-SGEU conference in Trento Italy in 2016 as part of a panel organized by the Transcrisis consortium.

legitimacy – and considers the relevance of these sources against the backdrop of the particularities of decision-making during crises. The second is to assess the relationship between legitimacy and effectiveness – a classic duality in political theory that, we argue here, requires reassessment in the case of transboundary crisis management in the EU.

The EU as Crisis Manager

Before moving to the analysis, a brief empirical overview of this emerging phenomenon is in order. The EU, long accustomed to taking decisions that lead to slow, incremental steps towards common policies, is increasingly being asked to take urgent, decisive steps during extreme events. In contrast to the early years of the EU, today hardly a day goes by without a news report of EU involvement in what might generically be called a ‘crisis’: a possible pandemic, a major cross-border flood, a cyber-attack, a looming energy shortage, a civil war, a chemical spill, a volcanic eruption, or, of late, a debt-driven financial breakdown. These are all very different kinds of events and the EU’s involvement varies. But they conform to the generic definition of a crisis as an unexpected, acute disruption to normal societal functions that must be handled quickly and under conditions of uncertainty (Rosenthal, ’t Hart, & Kouzmin, 1991). A crisis is intriguing—from a scholarly perspective—because it shines a spotlight on the governance capability of a political-administrative system. It reveals the nature of leadership, the connectedness of government, the distribution of power, the degree of competence, and, ultimately, the quality of relations with citizens. The EU, which was never designed to withstand such ‘stress tests’, is today attempting to do so on a fairly regular basis (Boin, Ekengren and Rhinard, 2013). The EU studies community, however, has largely neglected the study of this empirical phenomenon (Rhinard, 2015), so a brief overview is in order here.

Discussions of the EU and crises used to be dominated by discussions of the ‘crisis management’ missions carried out under the Common Security and Defense Policy (CSDP) banner. More recently, mentioning the EU and ‘crisis’ in the same sentence elicits thoughts of either the Eurozone or the migration crises – two major challenges not only to the EU’s ability to manage crises but also to European cooperation itself. Beyond these cases, there are many more situations in which the EU is being asked to make acute decisions under conditions of uncertainty and urgency, ranging from ash clouds to terror attacks to pandemic diseases. Several studies have emerged in recent years providing descriptive inventories of where, when, why and how such decision-making has occurred (Olsson, 2009; Boin, Ekengren and Rhinard, 2013) and official documents, albeit fairly few, have emerged which document the range of crisis-related activities taking place (see, for instance, Commission, 2009). An overview of developments at the levels of policy, operations, treaty/strategic, and institutional illustrates the point.

Crisis Policies

On the policy side, few EU policy sectors are without some focus on real and potential crises. The language of ‘all hazards’ preparation is trendy (Paton and Jang, 2011), but a closer look reveals a more pragmatic concern to officials: breakdowns. What happens when something goes wrong in a policy sector that the EU has helped to integrate? This question animates new policy attention in virtually all sectors. For instance, the EU has long been active in facilitating Trans-

European Transport Networks; more recently, focus in the Commission's DG Transport has included what happens when those networks break down owing to, say, a chemical spill, a recurring road accident, or a bomb in the port of Rotterdam. Regional policy and cohesion policy officials have questioned the sustainability of previous local development initiatives (especially in the light of earthquakes, forest fires and floods in Europe) and instead focus on projects that both help to develop a region and build resilience to disasters and emergencies. The same kind of dynamic operated in the 1990s regarding animal health: having allowed and regulated, through the internal market, the free movement of animal by-products, attention was given to what happens when the system breaks down: a major disease spread, for instance. Actual disease outbreaks then prompted a substantial 'crisis' response and subsequent preparations to manage them more effectively next time. Jumping to a very different example brings us to monetary union. Having built a single currency system to improve transaction costs within (most of) the internal market, some attention – but clearly not enough—was placed on the EU's role when (not if, as it turned out) that system broke down. We show below how new crisis-oriented policies are emerging from functional breakdowns in regulatory regimes and common policies.

One policy area in which the EU has taken a more deliberate role is civil protection. The EU's cooperation in civil protection cooperation dates back to 1985, when an environmental ministerial meeting in Rome agreed to investigate a Community role for improving member states' collective response to natural disasters. From that initiative, which mainly involved investigations, studies and research programs, a variety of legal bases and policy instruments have been put into place. In 2001, a Civil Protection Mechanism was created to fortify participation in civil protection cooperation, via four main instruments operated by the Commission: a monitoring and coordination center staffed 24/7 by Commission officials, renamed the European Response Coordination Centre (ERCC) in 2013; a Common Emergency Communication and Information System (CECIS) for reporting contributions and coordination measures; a variety of cross-border training initiatives; and sets of stand-by resources at national levels available for deployment when requested by the Commission and following an official request from a stricken country – stand-by resources that have been reorganized and strengthened since 2008 and that now take the form of multinational 'modules' (see Council, 2014). The Civil Protection Mechanism was recast in 2007 and a financial instrument was adopted by the Council that same year, representing a major boost to both the funding and operations of civil protection cooperation in the EU.

The Council, concerned as to how it might make effective decisions in a crisis, has created a set of protocols and procedures for decision-making in times of crisis. The Integrated Political Crisis Response (IPCR) arrangements (previously called the Crisis Coordination Arrangements, but renamed in 2013) directs the Council in how to put itself on a 'crisis footing', including allowing member state ambassadors at the highest level (COREPER II) to make decision on behalf of national governments and requiring them to assemble in Brussels within two hours when triggered the arrangements are tested roughly one a year in a scenario implicating most member states and all the EU institutions. The 2012 and 2013 scenarios were Hurricane Katrina-like events in the Mediterranean, killing thousands and knocking out power

supplies to much of Europe, and a hostage situation involving EU diplomats in the Baltic Sea, respectively.

Treaty and Strategic Drivers

In terms of treaty/strategic developments, the Lisbon Treaty contained several new legal provisions related to the EU's role in crises. Civil protection (Article 91, TFEU), health security (Article 220, TFEU), and humanitarian aid (Articles 208-214, TFEU) are just some examples. Moreover, the EU now has a treaty-enshrined 'Solidarity Clause' obligating EU member states to: jointly prepare for crises; to come to one another's aid when asked; and, to coordinate amongst themselves using EU institutions (Article 222, TFEU). The means to be used include both 'Union instruments' and national resources (including military means) while the threat envisioned is wide-ranging, including accidents, natural disasters, and terrorism. The Solidarity Clause places several obligations upon member states. First, the Clause establishes a duty of the Union and member states to 'act jointly' if an attack or disaster takes place. This obligation stands in contrast to previous references on solidarity within the treaties, and applies to joint action between member states and the EU institutions. Second, the Clause establishes a duty of the Union to 'mobilise all instruments at its disposal'. This obligation suggests the EU institutions must be capable of drawing upon instruments in a coherent, coordinated, and effective fashion. Third, the Clause establishes a duty of member states to 'assist' a stricken member state. It prescribes that member states make assistance available, in addition to acting jointly (Myrdal and Rhinard, 2010).

The EU's Internal Security Strategy from 2010 (Council of the European Union, 2010) bears relevance here, too. The ISS suggests mentions a set of 'common tools' and a commitment to a long list of normative 'principles' including solidarity, inclusion of relevant actors, a commitment to civil liberties, and prevention work in addition to addressing 'sources of insecurity'. The text begins with a list of threats and challenges, listed as terrorism, serious and organized crime, cyber-crime, cross-border crime, violent itself, natural and man-made disasters as well as phenomena such as road traffic accidents. It then shows the responses that are taking place – and which ostensibly should take place – such as prevention work, improving response capacities, coordinating EU agencies and roles (such as the Counter-Terrorism Coordinator, a position created in 2007; for more, see Mackenzie et al., 2013) more effectively, improved information sharing based on mutual recognition, and improved evaluation and follow-up activities (Horgby and Rhinard, 2014).

Institutional Tools

We might also look at the institutional aspects of these developments. There is a rising number of 'crisis units' and 'coordination centers' in the EU institutions. Most are housed in the Commission where, especially between 2005 and 2010, Directorates-General seemed to be competing to build the most lavish crisis operations room. The earliest and most well-known was the MIC (the Monitoring and Information Centre) in DG Environment, which from 2012 was merged with the crisis room in DG ECHO and is now known as the ERCC (the European Response and Coordination Centre). It contains round-the-clock staff, high-tech information and communication systems, and three operational centers to coordinate the EU's role in up to

three simultaneous events. THE ERCC normally focuses on coordinating the EU's role in disasters (floods, fires, earthquakes) but officially handles anything ('all-hazards') both inside and outside of Europe. Other operational centers include DG SANCO's HEOF (Health Emergencies Operations Facility), which is intended to monitor and respond to pandemic outbreaks, and DG Home's STAR (Strategic Analysis and Response Centre) for risk assessment and, during an internal security crisis, for situation assessment and response coordination. The European External Action Service has its Situation Room, formerly the Situation Centre in the Council's General Secretariat and the product of a merger with DG RELEX's crisis 'platform'. Other locations for crises rooms include EU agencies, such as Frontex and Europol. Also of note is a new Crisis Coordination unit in the Commission's Secretariat-General which, since 2005, has been tasked by the Commission President to bring actors across the Commission's DGs to identify overlaps and possible synergies in the emergence of these new Commission competences.

These strategies, policies and institutional tools have been called into action on a variety of bases, including, by way of example, the Mad Cow disease outbreak, Estonia cyber-attacks, forest fires in Southern Europe, the German E. Coli outbreak, a litany of pandemic influenzas, the Madrid train bombings, Ukraine-related energy supply shortages, Austrian electricity breakdowns, and of course the Eurozone financial crisis and migration crisis. There are very few disasters, crises or emergencies that the EU takes no role in (see Boin et al 2013).

The EU's growing role in managing crises, and the fact that managing crises is a 'high stakes game', demands an assessment of the legitimacy underpinning this role. We now turn to the that assessment.

Sources of Legitimacy

The concept of legitimacy encompasses normative, legal, sociological and cultural meanings. Reaching back to Max Weber, it has been seen as a core element in political and governance regimes, reflecting the societal acceptance of a regime and its institutions and shaping the regime's ability to exercise power (and ultimately to exist) (Weber, 1947). Organizational theorists have studied legitimacy longer, and in greater depths, than International Relations scholars (see, for instance, Selznick, 1957, Powell & DiMaggio, 1991). In this paper we use Suchman's classic definition of legitimacy, which capable of straddling both disciplines: 'legitimacy is a generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions' (1995: 574).

Students of the EU have traditionally applied normative approaches to studying legitimacy. In other words, they have identified a handful of different sources of legitimacy that—potentially—underpin collective EU action. The most popular way to categorize these sources is the approach used by both Fritz Scharpf and Michael Zürn, who distinguish between input-, throughput-, and output-based sources of legitimacy. *Input legitimacy* refers to the ways in which those being ruled have some say in the process of rule-making itself. It stems from notions of representative democracy, in which citizens must ensure congruence with rulers through mechanisms of representation (regular elections), contestation (based on opposing

party platforms), and accountability (rendering explanation and responsibility if congruence is not broadly achieved). *Throughput legitimacy* concerns the nature of the decision-making process. Put in layman's terms, it refers to what rulers are doing and how they are doing it. Scholars point to such normatively desirable traits such as transparency, rule-of-law based procedures, process mechanisms for inclusion of societal voices, and deliberative decision-making norms. *Output legitimacy* refers to the effectiveness and efficiency of the policy-making process. Do policy outcomes actually work, and make life better for the average citizen? On all three counts, the sources of legitimacy discussion is normative in orientation, in that scholars posit a set of criterion for 'what is important' when considering the legitimacy of a polity in the eyes of its people.

These three categories inform a considerable amount of analysis of EU activity, from treaty revisions (Risse & Kleine, 2007) to committee governance (Rhinard, 2002) to individual policy outcomes (Smith, 2008). But there are two problems with this general approach. The first, which we return in the next section, is that these 'legitimacy sources' are potential rather than real. Our definition of legitimacy reminds us that legitimacy is something that exists in the eyes of key societal actors and/or the general public. In other words, these sources must be mobilized, explained, justified by those seeking 'legitimation'. The second problem, to be addressed here, is that these sources apply generically, and may or may not be appropriate when considering legitimacy sources that underpin crisis management *per se*. A reassessment is required if we are to consider the sources of legitimacy available to the EU when it engages—as it increasingly does—in managing crises.

Input Legitimacy

Starting with *input legitimacy*, studies of EU legitimacy are riven by debate over whether the EU is a state-in-the-making or whether the EU is a glorified intergovernmental organization. If the former, the criteria for input legitimacy closely resembles that required for representative democracy. Rulers, generally speaking, should be chosen by citizens amongst those advocating different ideological priorities. This takes place through regular elections, party platform campaigning, and, if rulers do not abide (generally) by the voters' wishes, they are held accountable (censored or turfed from office). Analyses from this perspective place attention on the various input-related mechanisms available to European citizens. National governments (which in Europe are all democratically elected) are represented in the European Council (heads of state and government) and the Council of Ministers (ministers and their deputies). Another major mechanism is the European Parliament (EP), which, despite low turn-out in elections and academic debates over whether the European people represent a 'demos', is a conduit for the people to express their wishes through popular election. Equally important, since the Maastricht Treaty (1992) the EP has a decisive voice in shaping outcomes in EU decision-making processes.⁴⁸⁹

⁴⁸⁹ The importance of democratic *inputs* to a political system emphasizes the ability of citizens to choose, through regular elections, between rival elites and political agendas (Schumpeter 1943; Weber 1942[1918]). Scholars adhering to this approach believe that only this process can lead to a true "mobilization of bias," where every individual, regardless of economic and political resources, can participate equally in setting the boundaries of political action. Not surprisingly, this approach privileges familiar, parliamentary-style institutions as the only proper mechanism of democratic legitimacy. Reform proposals usually envision the creation of a dual-chamber

If the EU is seen mainly as a form of intergovernmental cooperation, thus deriving its legitimacy indirectly via national governments (Lord 2013), rulers must be held accountable in ways that do not simply replicate the mechanisms of representative democracy. In this way, as Risse and Klein 2007: 72) argue, input legitimacy and accountability are closely linked. The literature on accountability is voluminous, although from an International Relations perspective it ‘implies that some actors have the right to hold other actors to a set of standards, to judge whether they have fulfilled their responsibilities in light of these standards and to impose sanctions if they determine that these responsibilities have not been met’ (Grant and Keohane, 2005: 29). From a public administration perspective, the Utrecht School views accountability as a relationship between, on the one hand an entity that needs to render account on past actions, and, on the other hand, a forum that receives, reviews and accepts (or not) this account, which can lead to sanction or rewards (Bovens, Curtin, & 't Hart, 2010).

Taken together and applied to crisis management, these perspectives on input legitimacy shed light on *pre hoc* (e.g. elections) and *post hoc* (e.g. accountability) forms of democratic control. When the EU engages in crisis management, very little attention is placed on *pre hoc* forms of input-based legitimacy, since by definition crises are not expected to happen. Response repertoires are marked by a preoccupation with the ‘here and now’ of the situation: the acute threat must be dealt with. The consequences of initial decisions fade into the background. A crisis, however, is a long-term process rather than an event that is clearly demarcated in time. Long after the onset of a crisis, policy-makers are confronted with problems that may take on the form of the ‘crisis after the crisis.’ For instance, in the wake of what may seem a relatively minor disaster – such as an oil spill or a leaking gas station – the long-term effects on a community may prove to be much harder to manage (Erikson, 1994; from Boin, Ekengren and Rhinard, 2006: 27-28).

To examine the legitimacy of the EU as a crisis management requires, we should assess the capability of the system (again, potentially), to undertake two basic tasks. The first is to restore trust in the governing capacity of the institutional structure under threat. Legitimacy can be regained by an active demonstration of a willingness to learn from the events, to reform the system where necessary. This demands a visible effort of key decision-makers to engage with these issues. However, these same decision-makers experience pressure of all those tasks and responsibilities demanding attention now the crisis is over. This creates a tension. Many pressures work toward terminating of the crisis management operation (citizens and policy-makers want to move on), but decision-makers always run the risk of being perceived as insensitive and non-caring when they formally bring the operation to an end. Policymakers may then enter a political crisis mode, even if operational activities have ceased. The second task is

European Parliament representing both nations and peoples (Hermann 1994), the strengthening of European political parties to reflect explicit cleavages (Mancini 1998), the parliamentary selection of the Commission to replicate a “formation of government” (King 1981), or the need to convene a constitutional convention tantamount to that held in the United States of America in 1787 (Siedentop 2000). Not only do proponents of majoritarian democracy overestimate the ability of parliaments to secure legitimacy and assure accountability; they also offer solutions with very little utility in the short-to-medium term.

to learn right lessons. The capacity to learn involves the development of insights on the causes and handling of the crisis. What happened? How did we do? The insights should, where necessary, give rise to the restructuring of rules and procedures or the establishment of new structures and arrangements. The learning capacity of governments tends to be limited, however. They can learn, but, for several reasons, they do not always do so. And even if they do, it is not obvious that they learn the right lessons, i.e. to effectively respond to the immediate and more permanent problems that the crisis uncovered. This problem is exacerbated in the Brussels environment, since the EU can be used as an easy scapegoat by EU governments seeking to avoid blame.

Throughout Legitimacy

Throughout measures also are taken into account when assessing the various sources of EU legitimacy. Throughout measures concern the functioning of the system and whether it abides by basic standards of procedural governance. Several components stand out in this regard. The first is concerns the legality of undertaking certain *actions*. In a democratic polity, it is generally assumed that rulers only engage in activities that fall within constitutional boundaries. Another aspect concerns the legality of *processes*. Governors must act in accordance with the legal rules regarding how processes should be carried out. By way of example, this could include anything from rules of public procurement to public records laws and the publishing of committee votes. A third aspect of throughput legitimacy concerns *transparency*. According to typical normative arguments, it must be crystal clear who is responsible for taking what decisions at what level. The public should broadly understand what is happening, where.

A fourth, and for our purposes, final component of throughput democracy is the *nature* of the decision process. Here, scholars note that decision-making can follow different ‘logics’, with proponents of deliberative democracy arguing that logics that include careful argument, reason-giving, and mutual learning—rather than hard-nosed, typically diplomatic/intergovernmental bargaining—are more legitimate (Weale, 1996: 607; Joerges and Neyer, 1997). As Risse and Kleine (2007: 74) put it, the reason is that ‘arguing and reason-giving provide a mechanism to probe and challenge the normative validity actors’ interests as well as to check their empirical facts on which policy choices are based. This presupposes a system in which, firstly, differing conceptions of the public interest are allowed into the policy process, and, secondly, those conceptions are given a fair and thoughtful hearing (Rhinard, 2002). John Stuart Mill captures the importance of adequate deliberation when he states that government should form ‘an arena not only of opinions but of that of every section,’ in which points of view can ‘present themselves in full light and challenge discussion to be tested by adverse controversy...where those whose opinion is overruled feel satisfied that it is heard, and set aside not by a mere act of will, but for what are thought to be superior reasons’ (Mill, 1972: 239-40).

Throughout sources of legitimacy of the EU are generally viewed as problematic but not impossible. The legality of the EU actions and processes are policed rather closely by the Court of Justice of the European Union (CJEU) as well as the EP. Constant references to ‘subsidiarity’ in policy discussions point to the fact that considerations extend beyond institutional oversight, even if the Commission is fairly known for pushing legal boundaries in the pursuit of collective

solutions (Nugent and Rhinard, 2015). Where the EU suffers is largely in transparency and public understanding of processes. No matter how much the EU works to place its proceedings, working papers and legislation on-line, there is fairly little ‘sunlight’ on internal processes. Amongst national governments (mainly their representations in Brussels) there is much greater knowledge and the systems seems to ‘work’ (see Brandsma (2013) for a sanguine reading). ‘Deliberative democracy’ offers the greatest hope for the EU, in that, because the EU ostensibly has moved beyond an intergovernmental negotiation platform and instead involves thousands of national officials ‘puzzling’ over policy solutions, legitimacy sources are relatively high here—at least potentially.

In crisis management research, the deliberative nature of decision processes takes center stage—so there is much in common with the *throughput* legitimacy discussion in EU studies. Yet crisis researchers remind us of how very different ‘normal’ decision processes the crisis situation can be. In the words of Boin et al. (2005: 43):

- They are highly consequential: they affect core values and interests of communities and the price of both ‘right’ and ‘wrong’ choices is high – socially, politically, economically and in human terms;
- They are more likely than non-crisis situation to contain genuine dilemmas that can be resolved only through trade-off choices, or ‘tragic choices’, where all the options open to the decision maker entail net losses;
- They are baffling in that they present leaders with major uncertainties about the nature of the issues, the likelihood of future developments, and the possible impact of various policy options;
- Choices have to be made...quickly: there is time pressure—regardless of whether it is real, perceived, or self-imposed – which means that some of the tried-and-tested methods of preparing, delaying, and political anchoring difficult decisions cannot be applied.

The upshot here is that normal decision-making—whether deliberative or not—is transformed during crisis situations. In many cases, crises generate a centralization of authority, often in the form of small groups of officials and their trusted advisors (George, 1993; Verbeek, 2003) rather than the more expansive, plodding, and inclusive procedures that may be more conducive to throughput legitimacy (Joerges & Neyer, 1997). Those small groups, in turn, tend to obscure rather than clarify when, where and how decision are made. In this way, transparency suffers and—according to the EU literature—throughput legitimacy suffers as well. The legality of processes also can become problematic during crises, as traditional procedures and checks on decision-making are bypassed under the exigencies of crisis situations which require some degree of improvisation. As Boin et al. (2005: 55) put it:

Crises have the nasty habit of rendering plans and structures irrelevant. When uncertainty lead to bewilderment...the crisis response does not resemble a neatly delineated process of operational and strategic decision-making. Situational imperatives require intense cooperation and improvisation, especially in highly volatile conditions where there is non-negotiable time pressure.

Crises thus combine both small groups of decision-makers together with a tendency to bypass established procedures—a toxic combination for throughput legitimacy. Those small groups, as volumes of political psychology and crisis management research tells us, ‘have virtues in crisis decision-making, but they can just as easily become a liability. ...The potential advantages of [group decision-making] are easily offset by pathological group dynamics’ (Boin et al 2005: 45-6; see also, for instance, Janis, 1982).

Output legitimacy

Finally, output legitimacy concerns the effectiveness and efficiency of governance processes. Even the most ‘democratic’ of political systems, and even those that score high on input and throughput sources of legitimacy, will be seen as illegitimate if ‘nothing good comes from them’, to quote an old expression. Outputs of political systems—especially democratic ones—are intended to regulate thorny social issues and resolve, peacefully, political contention. Some authors believe, in fact, that producing effective policy outcomes is the main source of legitimacy for the EU (Scharpf 1999; Majone, 1996) and have gone so far as to argue that output legitimacy should be the sole criterion for evaluating EU legitimacy since the prerequisites for democracy (and thus *input* legitimacy) are lacking.⁴⁹⁰ That means that policymakers must strive mainly for positive-sum and pareto-optimal policy outputs in order to secure the public’s consent. While we might not go that far, it is true to say that a major source of the EU’s legitimacy is producing effective and efficient policy decisions—something the EU’s founders hoped would underpin the EU’s legitimacy in the absence of familiar democratic traits (Rhinard 2003).

The EU in general has long emphasized the legitimacy gained by its effective decision-making outputs – notably the adoption of integrative policies that contribute towards efficiency and prosperity. These outputs include the making of high-quality and/or highly technical decisions which the recipients of the decisions respect (or, perhaps in some cases, do not understand). Such decisions are often dependent on the decision-makers having, or having access to, relevant knowledge and technical expertise. The EU, through the Commission and its specialized agencies, has a considerable amount of specialized knowledge on policy matters.

Considering the EU’s role in crisis management, it is clear that the creation of efficient and effective outcomes is major source of potential legitimacy. If the EU can demonstrate effective crisis management, regardless of input and throughput elements, legitimacy is likely to be conferred. Yet effective crisis management is elusive – some researchers even call it, to illustrate the trade-offs and challenges, an ‘impossible job’ (Boin & ’t Hart, 2003). For instance, during crises there are occasions when leaders believe decisions must be made quickly. Yet, as reported in Boin et al. (2005: 45), most studies of crisis decision-making remind us that fast decisions are ‘not necessarily good decisions’. One comprehensive analysis of US presidential decision-making during international crises reported that the quality of crisis decision-making

⁴⁹⁰ Some authors argue that European governance can only be legitimate if it is ‘non-majoritarian,’ concentrating on output forms of democratic legitimacy (Dehousse 1995; Joerges and Neyer 1997). Corresponding to this approach is the belief that the EU should develop along the lines of a ‘regulatory state’ (Majone 1994, 1996).

low or average in a majority of the nineteen cases studied (Herek et al. 1987 in Boin et al. 2005: 45). Officials operating under stress, pressure, and limited and/or biased information (see the literature on ‘group think’, Janis 1982) tend to make erroneous decisions, thus, from an output legitimacy perspective, harming the effectiveness of decisions. The above example is only one of many difficulties afflicting crisis management generally (see Boin et al., 2005) and crisis management in a complex, multi-level system such as the EU (Boin et al 2013). Table 1 summarizes the main ingredients of the three different sources of legitimacy.

Table 1: *Ingredients of Different Sources of Legitimacy*

<u>Input</u>	<u>Throughput</u>	<u>Output</u>
Pre-hoc mechanisms for democratic control	Legality of initiative	Efficiency
Post-hoc mechanisms for accountability	Legality of processes	Effectiveness
	Transparency of processes	
	Nature of decision-making	

The Effectiveness/Legitimacy Trade-Off

The discussion above touches upon – but does not directly address – a classical question of political theory as it applies to our subject matter: is there a tension between the legitimacy and the effectiveness of the EU as a transboundary crisis manager? In elementary discussions of democratic theory (often taking place in university classrooms), the debate is set up as follows: the more ‘input’ forms of legitimacy featured in a governmental system, the less likely ‘output’ forms of legitimacy will be present. Put another way, the more ‘democratic’ and open a system to constant oversight by citizens, the less efficient the system is likely to be. The reverse is also posited: with fewer input forms of legitimacy, the easier it will be to achieve effective outputs. Hence stylized example of Mussolini’s public legitimacy that stemmed from his ability to ensure the trains ran on time: what little input legitimacy Mussolini enjoyed was compensated for in terms of output forms of legitimacy, such as trains running on time, butter on the table, etc. This purported tension creeps back into discussions of modern day democracies, and whether they are able to compete with autocracies legitimized by robust economies (read: China).

The dilemma between system effectiveness and democratic politics was a formative theme in early debates over European integration, too. While the proponents of a federal future for the EU emphasized repeatedly the importance of democratic institutions, it was the pragmatists, or as Wallace describes them, the ‘elite-led gradualists’ (1996), who recognized the pressing need for effective and efficient policy-making. Prioritizing the problem-solving capacity of European governance, the pragmatists believed, would allow the founders to avoid awkward constitutional issues and thus win the support of stubborn national governments. The bruising defeat of proposals for a federalist European Political Community (EPC) appeared to vindicate

the pragmatists' strategies; it was this approach, therefore, that strongly influenced the development of a mode of supranational governance unique to Europe (Cardozo 1987: 72).

The European mode of governance rested upon the Monnet method, or 'integration by stealth' (Hayward 1996). Substantial policy-making authority would be transferred to the European level but in strictly limited fields. There, policy would be developed and decided among national experts working intimately with European civil servants and other directly-affected interests. In his memoirs, Jean Monnet voiced the hope that a few hundred European civil servants would be enough to set thousands of national experts to work (Monnet 1978: 373). Governance was a process of consensus building amongst national administrators and concerned interests, coming to agreement on common policies through the processes of mutual learning and group socialization ('*engrenage*' to integration theorists). The intention was to downplay broader political issues by dividing decisions into functional administrative divisions, 'thus replacing a public clash among national interests, as far as possible, by a private reconciliation of limited differences' (Wallace 1996: 243). Clearly, the Monnet method was not the only element of European integration. Intergovernmental bargains set the broad parameters of integration, and individual actors like de Gaulle presented periodic obstacles. But the strategy of functional differentiation and technocratic administration, and the mode of governance that these entail, has been 'an essential element' of the process of integration, 'driving it relentlessly forward, so that in its absence, European integration would not have reached the point it has today' (Weale 2000: 161).

Yet increasing criticism of this type of governance begs the question: Has the prioritization of system effectiveness come at the expense of democratic mechanisms which secure legitimacy and sustain public consent? In this regard, it is useful to remember that

Jean Monnet and those who supported the technocratic strategy believed that the problem of popular consent could be postponed: that the creation of effective administrative government in discrete areas would provide the economic welfare which would in turn generate public support (Wallace and Smith 1995: 144).

Not only has explicit public support failed to materialize, but the implicit 'permissive consensus' once underpinning moves toward European integration is unraveling (cf. *The Economist*, June 16, 2001, p. 15; Marks & Hooghe 2009).

Legitimacy, Effectiveness, and Transboundary Crisis Management

Thus, a renewed focus on legitimacy is certainly in order. But what can we say about the important previous emphasis on output-forms of legitimacy, akin to 'system effectiveness'? This has been a core underpinning of EU legitimacy in the past. Shall we reprioritize input-based forms of legitimacy rather than output-based forms, in order to preserve (or stop the decline of) public support? Of course, this trade-off is, at one level, artificial: properly functioning and legitimate governance systems need to boost both sides of the legitimacy equation. But it would be naïve to ignore elements of a trade-off. Below we discuss what such trade-offs look like for transboundary crisis management in the EU.

There is some evidence that too much ‘input’ based sources of democratic legitimacy might harm effective crisis management. Some of this was touched on above. There are aspects of crisis decision-making that stand to benefit if public scrutiny is kept at distance, for example; leaders facing multiple decision options under conditions of uncertainty may suffer, cognitively speaking, if the additional variable of public scrutiny is added. Backroom deals, in which short-term costs can be hidden in favor of long-term benefits (e.g. prioritizing vaccinations for some over others), may allow for more ‘rational’ outcomes. Operating within ‘cozy’ and consensual networks, rather than legally-mandated ones, can reduce transaction costs and speed coordination. Improvisation, a key trait of successful crisis management (Boin et al. 2016), improves if formal, familiar routines can be bypassed in urgent situations. Especially in supranational crisis management situations, where bureau-politics and public scrutiny combines with reluctant, sovereignty-sensitive national governments, cooperation under too much ‘sunshine’, it stands to reason, may come at the expense of effective crisis management.

However, there is also – and arguably equal – evidence that democratic control, transparency, and rule-following (sources of ‘input-based’ legitimacy) can benefit crisis management outcomes. Insulated decision-making groups become prone to ‘group think’ and miss opportunities for new perspectives that might be so important for effective sense-making during crises (Janis 1982). Being ‘forced’ to include multiple actors carrying multiple opinions might serve the purpose of enhancing innovation in crisis management responses, thus increasing the likelihood of detecting Black Swans (Taleb 2010) and pinpointing unique solutions. Public scrutiny provides an external voice that may help to dampen some aspects of bureau-politics during crises. And, perhaps more important, post-crisis accountability will undoubtedly suffer in the absence of democratic mechanisms. Poor transparency in crisis operations, combined with an inability to answer tough questions about who was behind certain decisions, will decisively undermine leaders’ credibility – and legitimacy – after crises even if a crisis was handled fairly well.

Conclusion

This chapter aimed to assess the sources of the EU’s legitimacy as a transboundary crisis manager. It first identified the three main sources of legitimacy – inputs, throughputs, and outputs – both generally, to understand the legitimacy of supranational cooperation, and specifically, to examine the legitimacy of transboundary crisis management. It then problematized those sources of legitimacy regarding crises dynamics – discussing how supranational legitimacy becomes compromised in cases of actual crises. The chapter then turned to the classical legitimacy versus effectiveness trade-off, showing that while the distinction is rather artificial, it does resonate more starkly in the case of crisis management. Some tasks of crisis management benefit from open, publicly-controlled processes, while others suffer – with a concomitant undermining of effectiveness. In some respects this follows the same dynamic as European integration *writ large* – shading cooperation from too much public scrutiny has allowed it, in its first five decades of existence, to proceed quite far.

Thus the same question facing European integration today applies to transboundary crisis management: how to improve democratic legitimacy while not undermining effectiveness of

outcomes? As the Transcrisis project makes abundantly clear, transboundary crisis management suffers from effectiveness problems *and* democratic legitimacy problems. Close attention to both sides of the legitimacy equation is warranted – even essential – in the years ahead.

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Chapter 4

Inventory of Legitimation Strategies for EU Crisis Early Warning

4) Inventory of Legitimation Strategies for EU Crisis Early Warning

Introduction

The previous section inventoried the various sources of legitimacy for EU transboundary crisis management. It organized the discussion in terms of input-based forms of legitimacy, throughput-based forms of legitimacy, and output-based forms of legitimacy, finding that legitimacy is problematic in all categories, although least so in terms of output-based forms of legitimacy. The fact that EU cooperation produces outputs of any sort (think of the kinds of capacities outlined in our mapping inventory) defies expectations in an era of sovereignty-sensitive and jealous national governments. And, generally speaking, the EU is managing crises in a way that produces results, placing it on a foundation of output-based legitimacy that can be built upon.

This section explores the instrumental attempts by the EU to build on that foundation.⁴⁹¹ It studies how the European Commission, as the EU institution most involved in transboundary crisis management, attempts to legitimize its efforts to manage crises. In academic language this process is called ‘legitimation’, a process by which by which legitimacy beliefs are shaped in the eyes of a particular audience (Tallberg and Zürn, forthcoming). While ‘legitimacy’ is the general perception and beliefs or the assumption by the public that the actions an entity (for example the EU) are appropriate and desirable (Suchman, 1995: 534), legitimation concerns the interactive process by which legitimacy beliefs are formed. Legitimation efforts are in turn linked to legitimation strategies used by an organization to justify its authority and power in different ways.

Here we study the legitimation strategies used by the Commission to justify the creation of a major part of transboundary crisis management: early warning systems. The Commission sees its added-value much in terms of helping member states to detect and arrest potential crises (Boin et al. 2014), and even attempts to ‘sell’ its early warning efforts to the broader public through information technology and social media. As Suchman wrote, ‘legitimacy management rests heavily on communication – in this case, communication between the organization and its various audiences’ (1995: 586). For this study we have conducted a discourse analysis of the various ways the Commission described the reasons for establishing its early warning systems. We have coded eighty-five systems, producing a rich data set for analysis (see ‘methodology’ below). The coding framework is theoretically based in Suchman’s classic explanation of the three main strategies of legitimation: cognitive, moral, and pragmatic (1995). Each type of strategy is linked to a set of types of justification narratives, which we can detect via official narratives communicated from the Commission to the public regarding early warning systems. The results are presented both qualitatively and quantitatively, and help us to understand how the Commission perceives its role and the best way to legitimize that role in the eyes of member states and the wider public alike.

Theorizing Legitimation

⁴⁹¹ This section is based on a paper written by Sarah Backman on the legitimation strategies of early warning, and will continue to be developed into a publishable study.

Discussions of ‘the sources of legitimacy’, as done in the previous chapter to understand the legitimacy of transboundary crisis management, are useful to understand what underpins public beliefs in the appropriateness of government action. But there is a limitation: sources of legitimacy are subject to change and, in some cases, manipulation. Extant sources of legitimacy today may have little bearing on the legitimacy of a polity in eyes of a relevant audience tomorrow. This raises several new questions centered on the notion of “legitimation”. Legitimation, put in layman’s terms, is the translation of *sources* of legitimacy into *actual* perceptions of legitimacy by a conferring audience (Suchman, 1995). In scholarly terms, an assessment of sources of legitimacy is a normative approach, while assessing actual perceptions of “rightful rule” is an empirical approach. Connecting the two approaches involves considering how passive sources of legitimacy (normative sources) intersect with active efforts to shape the beliefs of an audience (empirical beliefs).

To categorize those efforts, we start with Suchman’s famous review of three broad types of organizational legitimacy, termed *pragmatic* legitimacy, *moral* legitimacy, and *cognitive* legitimacy. All three types ‘involve a generalizable perception or assumption that organizational activities are desirable, proper, or appropriate within some social constructed system of norms, values, beliefs and definitions. However, each type of legitimacy rests on a somewhat different behavioural dynamic’ (Suchman 1995: 577). We now briefly describe each type.

Pragmatic Legitimacy. Pragmatic legitimacy is shaped by ‘the self-interested calculations of an organization’s most immediate audience’ (Suchman 1995: 578). This kind of behavioural link between organization and audience is transactional, in that the latter is involved in direct exchanges with the former that affect the audience’s well-being. That well-being is easiest conceptualised as material, in that an organization’s actions protect and defend an audience’s material well-being. But it could also include other concerns like power or reputation. In any case, this kind of legitimacy can also be understood as ‘exchange legitimacy’, in that support for an organizational policy is based on that policy’s expected value to an audience. Does that action improve efficiency and effectiveness? Is there utility to the audience when an organization takes those steps? Does it make us ‘better off’? Will it improve the functioning and outputs of what already exists? If an organization can answer yes to these questions, its legitimacy is likely to grow (everything else being equal). Organizations attempting to strategically legitimize their efforts, according to this version of legitimacy, would point to utility and efficiency benefits, arguing that new policies will improve the effectiveness of previous outcomes, using technical language and cost/benefit analysis.

Moral Legitimacy. Another kind of legitimacy involves a positive normative evaluation of an organization and its activities. Rather an audience’s calculation of ‘what’s in it for me?’, this kind of legitimacy is more about ‘is this the right thing to do?’. Judgements of an organization along these lines usually reflect an evaluation (or perhaps more accurately, a belief) of whether an activity effectively promotes a larger normative goal, such as ‘societal welfare’ or ‘the greater good’ as defined by an audience’s socially constructed value system. As Suchman puts it ‘at its core, moral legitimacy reflects a pro-social logic that differs fundamentally from narrow self-interest’ (1995: 579). Questions posed by an audience (subconsciously, of course) might include: ‘is this something that should be done for the good of the good of the community?’ ‘is this the most appropriate action considering the larger goals of society?’. For an organization intentionally seeking to tap into these dynamics, appeals to ‘rightness’ and broader social values would be in order. A description of past commitments to certain moral principles, and

arguments regarding the need to be consistent, might be enlisted to help legitimize a particular endeavour. Emotive pleas and references to alternative, disheartening futures would feature in public narratives.

Cognitive Legitimacy. Another kind of legitimacy rests on cognition rather than interest or evaluation. Sometimes, an audience makes no evaluative assessment of an organization’s legitimacy, but rather accepts it as ‘necessary or inevitable based on some taken-for-granted cultural account’ (Suchman 1995: 582). An organization and its actions may appear the right model within a chaotic cognitive environment. In such cases, an audience is looking for what appears to be a plausible response to that environment, and the way an organization’s actions are framed should blend with larger belief systems and the experienced reality of the audience’s daily life (Powell & DiMaggio 1991). An organization and its behaviour is seen to be legitimate so far as it does not seem to break with – or challenge – established belief systems and ‘the way things are done’. Narratives associated with legitimizing activity in this way would emphasize the normalcy of the action. It would emphasise legal consistency, political mandates, and routine implementation, rather than moral values or cost-benefit calculations.

The three kinds of legitimacy dynamics, along with key arguments likely to be made during legitimization attempts, are summarized in Table 1.

Table 1. *Legitimacy Types and Legitimation Strategies.*

	Moral	Cognitive	Pragmatic
Key features of validation efforts:	Point to : Values, ethics	Taken-for-granted	Point to utility/efficiency
Key arguments to the creation of system:	"Past crisis demands measures" "Protecting EU values/we must do something" "Protecting EU citizens lives or societal critical functions"	"Legal right" "Part of measure regulated by legal document" "Part of implementation goals of strategy or program"	"Ensure efficiency" "Answering to efficiency/improvement demand" "Enable increased communication/coordination"
Key types of arguments:	Moral	Legal	Technical Entrepreneurial

With this framework, we can code the different ways the Commission attempts to legitimize its transboundary crisis management activities, thus revealing some essential features. First, it will reveal which kinds of narratives the Commission sees as most convincing to the audience in mind. As mentioned in the introduction, scholarly analysis of ‘sources of legitimacy’ only take us so far; we need empirical data on what the Commission itself (and the EU more broadly) sees as the most important legitimizing features of its activities. Second, it will reveal the kinds of narratives that are actually possible to use. In other words, what about detection and early warning systems, as organisational activities, can be used to legitimize them? What are the intrinsic properties of these systems that allow officials to generate certain narratives? Third, it allows us to draw more general patterns, to see if legitimization efforts differ between sectors.

Are some areas of transboundary crisis management (e.g. public health) subject to different legitimation strategies than others? The answers substantiate our understanding of legitimacy of transboundary crisis management in important ways.

But before we reveal those answers, a few words of caution are in order. There are conflicting views on whether active efforts to shape audience beliefs, regarding a polity or organization's legitimacy, is possible and even desirable (see Suchman 1995 for an authoritative overview of the debate. One school of thought, stemming mainly from within business and management studies (cf. Ashforth and Gibbs, 1990) but increasingly found in international relations literature (e.g. Tallberg and Zürn, 2015), explores the ways in which organizations can instrumentally manipulate and deploy evocative symbols in order to gain social support. The central notion of these "strategic" approaches (see Suchman, 1995: 572) is that organizations can draw from existing social resources (what might be called "legitimacy repertoires" – akin to what was discussed above) to portray their actions in ways that enhance perceptions of their legitimacy. A different school of thought, found mainly in the study of organizations as sociological institutions, have very different ideas of regarding the role of agency in the accumulation of legitimacy (e.g. Dimaggio and Powell, 1991). These scholars link legitimacy to broad, cultural forces that evade efforts by individuals or even organizations to shift them in preferred ways. Legitimacy, viewed as an audience's general perception of an organization as the "right" and "appropriate" organization to carry out a task, is gained or lost over long periods of time and by deep-seated social changes. These "institutionalist" approaches (Suchman, *ibid.*)—along with the mixed results of studies examining strategic attempts to enhance legitimacy—suggest one should be modest when considering whether normative sources of legitimacy can be mobilized in instrumental ways.

Another issue that should give legitimation scholars pause for thought is what Zaum (2013) calls the Janus-faced nature of IOs. Echoing, but not explicitly mentioning, the debate in EU studies over the EU as both an actor in its own right as well as a platform for member state cooperation, Zaum argues that legitimation is "not only pursued collectively by an international organization as a whole, but also by different members individually..." (2013: 15). Zaum makes a useful distinction between collective legitimation and pluralist legitimation practices. The former describes the efforts of international organizations and their member states, as coherent actors, to improve the normative properties of an IO to defend or sustain authority claims. The latter are conducted by individual states to protect or promote their particular vision of international or regional order (*ibid.*). Zaum's arguments are mainly oriented towards an IO such as the UN, however, and needs to be narrowed to help explain legitimation practices in the EU. For the EU, the same kind of cooperative activity (say, crisis management) can be legitimated either by the EU institutions, purportedly including member states in the Council, or by individual member states seeking to legitimate EU activity—albeit in different, and possible conflicting ways, when compared to the efforts of EU institutions. These variations on "collective" vs. "pluralistic" legitimation can clearly work to cross-purposes and impose tensions and constraints on legitimation efforts.

Lastly, a central question concerns the audience – who do we assume is conferring legitimacy upon the EU as a crisis manager? There is much discussion in the literature on the question of the "conferring public" (e.g. O'Donovan 2002), with democratic theorists generally assuming a wider, public body (e.g. Held) in contrast to management theorists who argue that narrower groups of "constituents" (Bansal, 1995) or "stakeholders" (Mitchell et al, 1997) are more important and influential in determining legitimacy. To an extent, this difference corresponds

to the entity in question: business firms might be more concerned about having a narrower version of the conferring public, while political systems may need to consider the general public as its conferring audience.

While these caveats are useful to keep in mind, they should not prevent an analysis that allows us to understand how the Commission – and the EU more broadly – perceives the forms of legitimacy most useful for rationalizing its actions transboundary crisis management. We now proceed to that analysis.

Methods

Data collection for this study began in June 2017 and finished in August 2017. The collection of cases was drawn from the mapping inventory of crisis management capacity, part of which was focused on detection and early warning (see Chapter 1). Early warning systems in this inventory are defined as crisis capacities for “*the timely recognition of an emerging threat - including monitoring, horizon scanning, early warning, collecting info and distributing info, and/or the collection, analysis and sharing of critical info that helps to generate a shared picture*” (from the Transcrisis Proposal). Our analysis revealed 75 systems for detecting emerging crises and for alerting members of the system, ranging from radiological leak surveillance to infectious disease outbreak warning.

With those 75 systems in focus, we conducted a type of discourse analysis using public documents and website texts associated with each system. The method of data collection was based on open source scanning, which means that the mapping exercise was limited to official narratives visualised at the official EU websites of the early warning systems were included in the mapping exercise. The narratives in focus was the expressed reason for the creation/establishment and/or existence of the system in question. We coded for the kinds of phrases and wordings set out in Table 1, although coding was not particularly difficult since there is a limited amount of discourse surrounding each system. For most systems, the Commission makes a fairly clear statement of why such a system is necessary and what kinds of benefits it brings. This offers an accessible corpus of data with which to see which kinds of legitimization strategies were most prevalent. We assigned a single legitimization strategy per system, based on which words, imagery, arguments and metaphors featured most prominently. In future analysis, we may code based on gradations of legitimization strategy (for instance, “pragmatic arguments are primary, moral arguments are secondary”, etc).

The information presented here is also available on-line, in a practitioner-friendly format (www.societalsecurity.eu). The “early warning database” has all early warning systems and the legitimization data analysed below. That database is attached here in printed format.

The coding scheme, as mentioned, derives from Suchman's (1995) description of legitimization strategy types, including moral, cognitive and pragmatic. Here we discuss a more detailed operationalization of those types. The *moral* type is recognized by a narrative focused on pointing to values and ethics as a justification/validation for the creation of the system. For example, “this system was created since the EU must protect its citizens” or, in the wake of a crisis, “we must make sure this never happen again”. The *cognitive* type, in contrast, does not need to point to utility or to moral obligation, since the justification/validation in this case lies in a legal right to establish the system. For example, “this system is a part of the implementation of an EU action plan or programme or legal document”. The narratives of this legitimization

strategy type is therefore recognized by "taken for granted-ness". Lastly, the pragmatic type is recognized by a narrative of utility and an effort to emphasize the value added by the system. For example, "in order to make this unit more efficient and make the outcomes better, we need to establish this system". It could also be narratives which points to demands, for example "this system exists due to the demand or wish of Member States to have such a function". These "ideal type statements" conditioned the coding process, while the likely arguments presented in Table 1 were searched for in the texts.

Results and Analysis

The results of our coding process reveal three fascinating patterns, each accompanied by graphical representations below.

The Sharp Rise of Early Warning in the EU. First, we can look at the phenomenon of early warning generally. We see continuous upward growth in the number of detection and early warning systems in the EU between 2000 and 2016, from less than 10 to more than 70 in total (see Figure 1). The swiftest growth occurred around the year 2010. This result, while not about legitimacy per se, is important confirmation of two earlier findings. The explosion of early warning systems took place approximately 2010, which is similar to the steep accumulation pattern of other transboundary crisis management capacities (e.g. decision-making coordination, etc) found in our broader mapping inventory presented in Chapter 1. Moreover, this confirms a claim also made in Chapters 1 and 4: that early warning has been steadily increasing since 2000.

Why might this be so? In Chapter 1 we speculated that the rise of early warning can be explained because of low 'barriers to entry'. Early warning can be seen as a highly technical – and administrative exercise – that requires no formal political approval by member states. The Commission can start up a new system without lengthy negotiations or bargaining. The analysis here (particularly, further below) offers another explanation: that they are relatively easy to justify in terms of efficiencies and effectiveness. Member states (apparently) are not bothered by the Commission's drive to set up ever-more early warning systems. We return to this point below.

But why the explosion of early warning systems around 2010? We have no answers for this, and further research is necessary. One hypothesis, however, can be drawn from 'new institutionalist' analysis, mainly the historical variant: as mimetic processes (copying) begin taking place, they may accelerate owing to 'learning' and exposure to more administrative units. We note that of the Commission's thirty-three Directorates-General (DGs), almost all have an early warning system. The phenomenon started in just a few DGs before becoming a 'craze' by which other DGs felt the need to have one, too. The Joint Research Centre (JRC), which provides the technological platform for most systems, was no doubt happy to sell technology to as many DGs as were interested. Such hypotheses need further testing.

Pragmatic Legitimation Strategies Dominate. Regarding legitimation strategies, we found that most systems were discursively justified in some way or form. Of those strategies, we found that in the early years of development, the kinds of legitimation strategy were fairly equally distributed amongst pragmatic, moral and cognitive. More recently, however, *pragmatic* legitimation strategies of new early warning systems dominated. Between 2006 and 2016, as Figure 1 makes clear, pragmatism became the dominant strategy, one might say. By 2016, almost 60% of early warning systems were framed in terms of pragmatic arguments and concerns regarding efficiency, effectiveness, and saving money (see Figure 3). Those argument

tended to be technical in nature, setting out the advantages and efficiencies of modern technology (for instance). They were likely to highlight increased functionality, to point out positive effects and gains linked to the adoption of the system, or to suggest that the system is an answer to new demands from member states.

Why have narratives using the arguments associated with *pragmatic* legitimacy dominated of late? One ‘easy’ answer (perhaps too easy) is that *moral* arguments, such as appeals to the common good and the broader European community, are no longer in fashion following a wave of Euroscepticism. Arguments related to what is the “right thing to do” are not as persuasive either amongst member state governments or the general public. Curiously, arguments regarding the importance of detecting future crises owing to past failures (arguments we coded under the moral legitimization category) have not been used widely. We would expect – and public administration scholars often assume – that past crises are often used to justify new initiatives. In this case, we do not see that pattern.

Figure 1: Development of legitimization types in creation of early warning system.

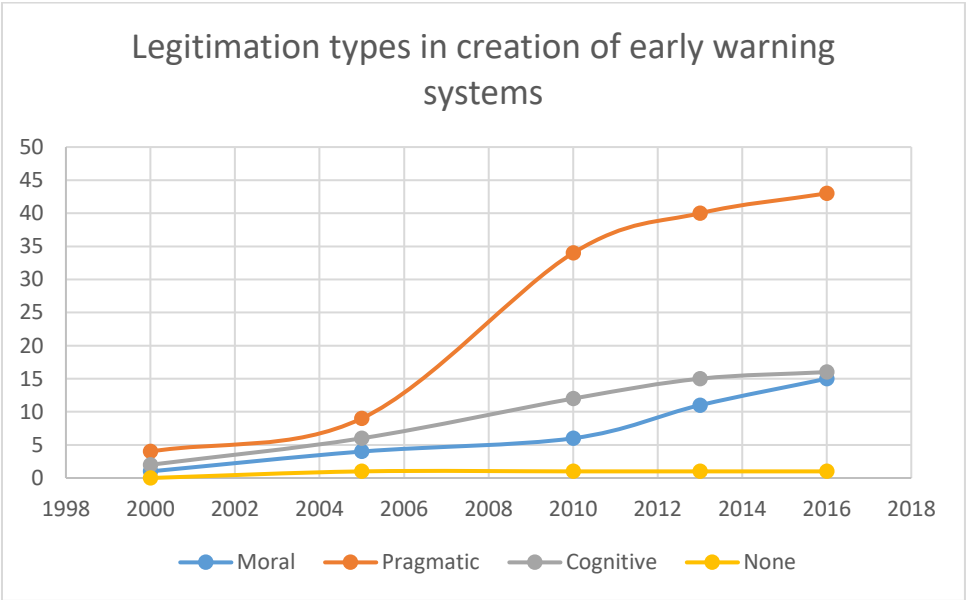
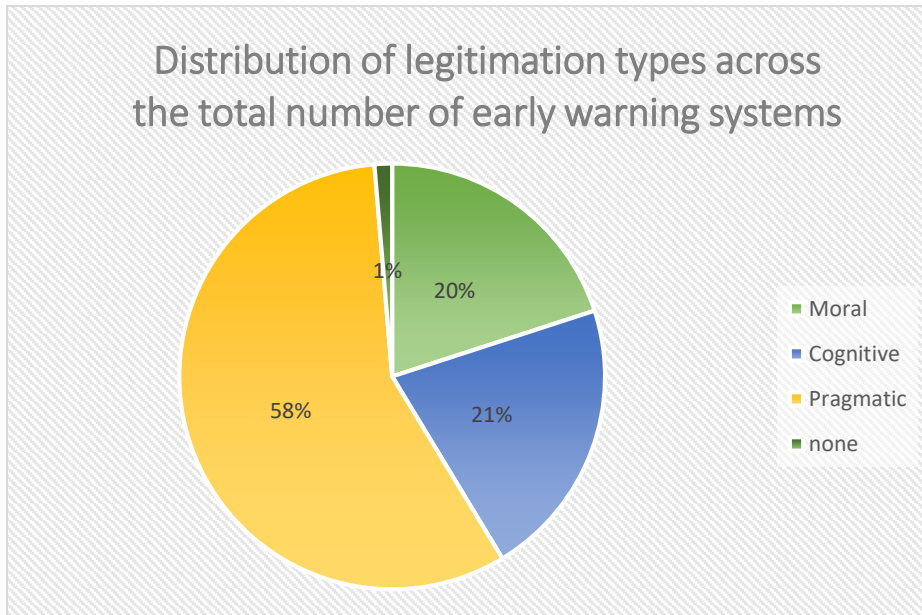


Figure 2: Distribution of legitimization strategy-types



Legitimation Strategies More Balanced Than at First Glance. A final point worth highlighting is that, if we examine legitimization efforts by year, a different trend emerges. Every year except 2010 shows relative balance in legitimization efforts. Moral, cognitive, and pragmatic narratives are used in close measure, although pragmatic-oriented arguments pip the others in most years. This is not true in 2016, the latest year on record, in which *moral* arguments seems to have been used more than any others. ‘Keeping people safe’ and engaging in early warning for the ‘sake of the European citizen’ are such arguments. Cognitive arguments are perhaps the least popular way the Commission seeks to engage in legitimization.

Are we thus seeing a new era of rationales rooted in moral legitimacy dynamics? (European integration has seen a brief and unexpected ‘wind in the sails’ following Brexit, a new surge of support being detected in many member states.) This fact was pointed out by President Juncker in his 2017 State of the Union address). Of course, it is too early to tell. One closing comment about the lack of legitimization efforts centered on cognitive narratives: perhaps the EU remains too new to the crisis management scene for arguments related to the “taken for granted” nature of the EU’s efforts. On the other hand, it is curious to see that references to legal authority and routine implementation (so prevalently used in other areas of EU cooperation, see Nugent & Rhinard 2015) are rarely found in this case.

Figure 3: Dominant legitimization types divided by year

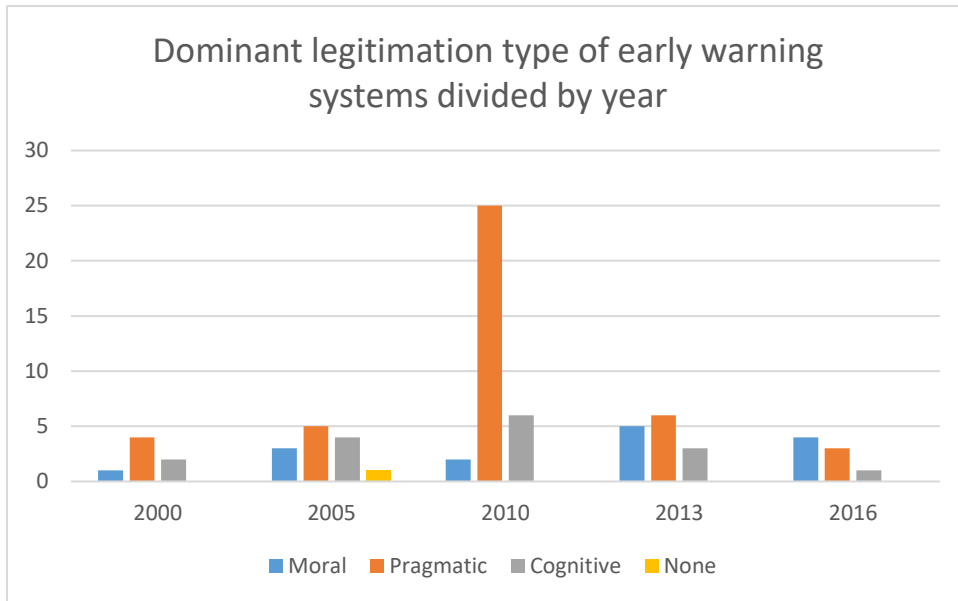
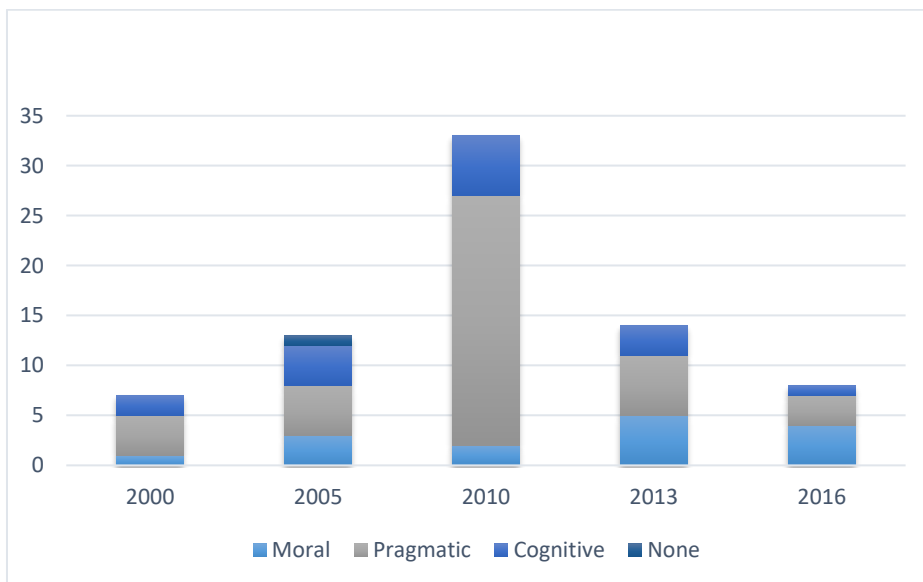


Figure 4: Dominant legitimation types divided by year



Conclusions

Legitimation is the interactive process by which legitimacy beliefs are formed. To an extent, legitimacy beliefs can be managed and manipulated by an organization in order to increase an audience’s belief in that organization’s legitimacy. Legitimacy takes different shapes and evolves in different ways. As such, Suchman argues, ‘there is considerable latitude for managers to maneuver strategically within their cultural environments’ (Suchman 1995: 585, quoting Ashforth and Gibbs 1990). This paper provides evidence that the Commission is, at least passively, attempting to do just that. Our analysis shows that a legitimizing narrative surrounds most of the early warning systems that we identified in our Transcrisis research.

Our coded data allowed for a number of new findings and confirmation of older claims. On the latter, we can confirm here that crisis management capacity-building is taking place (at least in detection and early warning) at an exponential pace. We coded the establishment of early warning systems by date, documenting a tremendous increase after 2006. On the former, we show that legitimation is taking place (again, at least passively) and when it happens it tends to emphasize *pragmatic* forms of legitimation. For instance, surrounding discourses mention efficiency, improved coordination, and material benefits to member states. Other possible discourses such as those emphasizing *moral* obligations or the “right thing to do”, along with more *cognitive* arguments linked to the “normal way of doing things” are present but less so than pragmatic forms of legitimation. There is one important caveat to this finding: there has been a slight rise of late in efforts to legitimate early warning systems on moral grounds.

As mention in section two, we should not overestimate the impact of legitimation efforts. Whether such efforts succeed in changing audiences’ belief systems is up for debate. But understanding how the EU attempts to legitimize its transboundary crisis management role is instructive, if only to reveal what arguments the Commission things are most useful and possibly effective. Coupled with the findings in the previous paper, this study takes us far towards understanding the sources and strategies of legitimacy in the EU transboundary crisis management.

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Annex 1: Complete Database

	Year of establishment	Produces what?	Why was it created?	Type of Legitimation strategy	Link
System/tool					
Animal Disease Notification System (ADNS) DG SANCO	Based on the directive 82/894/EEC but in its current form from ~ 2010	Alerts & Situational awareness	The operational objective of the system is to ensure rapid exchange of information between the competent authorities responsible for animal health in each Member States and the Commission on outbreaks of contagious animal diseases. The system allows the coordination and monitoring of outbreaks of contagious animal diseases and enables Member States and Commission services to take immediate measures to prevent the spread of the diseases in question.	Pragmatic	https://ec.europa.eu/food/animals/animal-diseases/not-system_en
Anti-piracy monitoring service (MARSURV-1) EMSA	~2011	Alerts	Piracy attacks have been increasing in recent years, and are a serious threat to the safety of seafarers, to global commerce, and to the environment. The increasing risk of attacks off the coast of Somalia led to the establishment of EUNAVFOR in 2008. Based on successful pilot projects, in 2011 EUNAVFOR requested EMSA's cooperation to develop a permanent integrated maritime monitoring service to track vessels in the high risk area off the coast of Somalia. The resulting service, MARSURV, integrates and fuses multiple sources of data in a real time environment.	Moral	http://www.emsa.europa.eu/emsa-homepage/86-operational-tasks/combined-maritime-data/1521-anti-piracy-monitoring-service-marsurv-1.html
CleanSeaNet European Maritime	Pre 2007	Situational awareness	In September 2005 the European Parliament and the Council adopted Directive 2005/35/EC (since amended by Directive 2009/123/EC) on ship-source	Cognitive	http://www.emsa.europa.eu/csn-menu/csn-background.html

Safety Agency EMSA			pollution and on the introduction of penalties, including criminal penalties, for pollution offences. The Directive tasks EMSA to "work with the member states in developing technical solutions and providing technical assistance in actions such as tracing discharges by satellite monitoring and surveillance." In early 2006, EMSA consulted industry and the national authorities in order to collect information on existing operational surveillance resources and further requirements for oil pollution monitoring. EMSA also obtained considerable feedback from other relevant organisations, such as the European Space Agency, all of which was used as input for the development of the CleanSeaNet service, which became operational in April 2007.		
Common Emergency Communication and Information System (CECIS) DG ECHO	~2001 (in connection to the CPM)	Alerts, exchange of information	Additionally, the Mechanism provides emergency communications and monitoring tools, overseen by the ERCC through the Common Emergency Communication and Information System (CECIS), a web-based alert and notification application enabling real time exchange of information between participating states and the ERCC.	Pragmatic	http://ec.europa.eu/echo/what/civil-protection/mechanism_en
Common Information Sharing Environment (CISE) DG MARE	~2016		Finally, the benefits of CISE will materialise directly in enhanced maritime awareness for Member States engaging in appropriate data analysis and, further downstream, in enhanced cross-sectorial cooperation triggering overall more effective and cost-efficient maritime surveillance.	Pragmatic	http://ec.europa.eu/dgs/maritimeaffairs_fisheries/consultations/cise/index_en.htm
Common Integrated Risk Analysis	2002	Risk analysis	The purpose of CIRAM is to establish a clear and transparent methodology for risk analysis which should serve as a	Pragmatic	https://europa.eu/capacity4dev/ibm-eap/document/71-common-integrated-risk-analysis-

Model (CIRAM) FRONTEX			benchmark for analytical activities, thus promoting harmonisation and the preconditions for efficient information exchange and cooperation in the field of border security.		model-ciram-comprehensive-update
Consular On-line Website (CoOL) EEAS CCM	Pre 2013	Data Management	The Consular Crisis Management Division has set up a web page - CoOL (Consular Online) where Member States and a few third States (e.g. Switzerland, Norway, the US, Canada, Australia) exchange information and cooperate during normal times and, above all, during major crises involving several countries.	Pragmatic	https://eeas.europa.eu/headquarters/headquarters-homepage/412/crisis-management-and-response_en
Critical Infrastructure Warning Information Network (CIWIN) DG HOME	2014	Situational awareness	The set-up of the Critical Infrastructure Warning Information Network (CIWIN) is one of the measures foreseen to facilitate the implementation of the European Programme for Critical Infrastructure Protection (EPCIP). In October 2008, the European Commission issued a Proposal for a Council decision on a Critical Infrastructure Warning Information Network (CIWIN). The proposal aimed at assisting Member States and the European Commission to exchange information on shared threats, vulnerabilities and appropriate measures and strategies to mitigate risk in support of Critical Infrastructure Protection (CIP).	Cognitive	https://ec.europa.eu/home-affairs/what-we-do/networks/critical-infrastructure-warning-information-network_en
Crop yield forecasting system (AGRI4CAST) (used by DG AGRI but managed by DG JRC).	~1992	Situational awareness	A good example of cooperation between decision makers and the Joint Research Centre's (JRC) scientists is the crop yield forecasting system that provides accurate and timely crop yield forecasts and crop production estimates for the EU territory and neighbouring areas. Such information provides decision makers with timely evidence for rapid decision-making on Common Agricultural Policy	Pragmatic	rc.it/ies/our-activities/support-for-eu-policies/monitoring-and-forecasting-crop-production.html

			(CAP) instruments during the growing season.		
Customs Information System (CIS I & III) OLAF	~1996	Exchange of information	Improve information exchange in order to be more efficient in crime prevention.	Pragmatic	http://www.datainspektionen.se/om-oss/internationellt-arbete/customs-information-systems/
Early Warning and Response System (EWS) ECDC	Pre 2007	Alerts, exchange of information	In order to ensure a rapid and effective response by the EU to a wide range of emergencies, the Commission has put in place a number of early warning and rapid alert systems. These systems are based on an information exchange network for receiving and triggering an alert as well as exchanging other relevant information. Each of these systems covers a specific health threat field	Pragmatic	https://ec.europa.eu/health/preparedness_response/generic_preparedness/planning/rapid_alert_en
Early Warning Mechanism DG ENER	~2010	Alerts	Following a gas dispute between Russia and Ukraine in 2009, the EU and Russia established an Early Warning Mechanism. This instrument aims to prevent further supply interruptions in gas, oil, or electricity, and to ensure rapid communication.	Moral	https://ec.europa.eu/energy/en/topics/international-cooperation/russia
Early Warning System (Join Report) DG Justice (EMDDA and EUROPOL)	~2005	Risk assessments	A response to designer drug explosion during the 90's.	Moral	http://www.emdda.europa.eu/system/files/publications/449/EWSguidelines2_98082.pdf
Early Warning System on Conflict Prevention EEAS Security Policy and Conflict Prevention Unit	~2013	Risk assessments	In order to prevent the emergence, re-emergence or escalation of violent conflict, early warning is indispensable. It is about systematically providing the right information to the right people at the right time - connecting the dots across relevant actors in the field and at headquarters.	Moral	https://eeas.europa.eu/sites/eeas/files/201409_factsheet_conflict_earth_warning_en.pdf

ECDC Epidemic Intelligence Unit ECDC	Probably when ECDC was established in 2005	Threat assessments	The ECDC founding regulations specify the mandate of ECDC regarding risk identification and risk assessment and states that the Centre shall identify, assess and communicate current and emerging threats to human health from communicable diseases. To fulfil this mandate, ECDC has established procedures and routines for threat detection carried out by a dedicated epidemic intelligence team.	Cognitive	http://ecdc.europa.eu/en/about/what-we-do/epidemic-intelligence/Pages/epidemic-intelligence.aspx
Emergency Response Coordination Centre (ERCC) DH ECHO	~2014	Risk and crisis assessments	When a disaster strikes, every minute counts for saving lives. Immediate, coordinated and pre-planned response is essential. The EU is committed to providing disaster response in a timely and efficient manner and to ensure European assistance meets the real needs in the population affected, whether in Europe or beyond.	Moral	http://ec.europa.eu/echo/what/civil-protection/emergency-response-coordination-centre-ercc_en
ENSEMBLE JRC	2000	Harmonized forecasts/threat assessments	In case of another Trans-boundary scale nuclear accidents affecting Europe, National Long-range dispersion forecasts will inevitably differ because of differences in national models, differences in weather prediction methods, and differences in national emergency management strategies. However, difference in national long-range dispersion forecasts may cause problems at the European level, as National emergency management strategies based solely on national forecasts may not cohere with those in neighbouring countries. ENSEMBLE addresses the issue of harmonisation and coherence of emergency management and decision-making in relation to long range atmospheric dispersion modeling.	Moral	https://rem.jrc.ec.europa.eu/RemWeb/activities/Ensemble.aspx

EU Long Range Identification and Tracking System Cooperative Data Centre (EU LRIT CDC) European Maritime Safety Agency EMSA	2009	Situational awareness	The system was initially set up for the purposes of maritime security, but was soon extended for use in areas such as Search and Rescue (SAR), maritime safety and protection of the marine environment. Ships send automatic position reports every 6 hours, which are received by satellite, and securely transferred to data centres which manage LRIT information on behalf of flag States	Pragmatic	http://www.emsa.europa.eu/lrit-main/lrit-home.html
European Border Surveillance System (EUROSUR) FRONTEX	~2013	Situational awareness	REGULATION (EU) No 1052/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 22 October 2013 establishing the European Border Surveillance System (Eurosur)	Cognitive	http://frontex.europa.eu/assets/Legal_basis/Eurosur_Regulation_2013.pdf
European Community Urgent Radiological Information Exchange (ECURIE) JRC	~1987	Situational awareness	The European Community Urgent Radiological Information Exchange (ECURIE) system is the technical implementation of the Council Decision 87/600/Euratom on Community arrangements for the early notification and exchange of information in the event of a radiological or nuclear emergency.	Cognitive	https://rem.jrc.ec.europa.eu/RemWeb/activities/Ecurie.aspx
European Coordination Center for Accident and Incident Reporting Systems (ECCAIRS) JRC (on request by DG MOVE)	~1998	Situational awareness	In 1989, a study in the field of incident reporting systems was started by the European Commission. The study recommended the setting up of a European Co-ordination Centre for Mandatory Incident Reporting Systems. In this context the JRC performed a feasibility study into the integration of safety data information from various existing, incompatible sources. A secondary objective was to offer a reporting solution to those member states that did not have an automated system. The project was called ECCAIRS and in 1995 the feasibility of the ECCAIRS approach was demonstrated and the Commission	Cognitive	http://eccairsportal.jrc.ec.europa.eu/index.php?id=164

			started the development of appropriate legislation as well as the necessary technical solutions.		
European Cybercrime Operational Centre Unit (E3C) Europol	2013	Situational awareness	Europol set up the European Cybercrime Centre (EC3) in 2013 to strengthen the law enforcement response to cybercrime in the EU and thus to help protect European citizens, businesses and governments from online crime. Cybercrime costs EU Member States EUR 265 billion a year. For the global economy, that figure is around EUR 900 billion. And that's just the financial side.	Moral	https://www.europol.europa.eu/about-europol/european-cybercrime-centre-ec3
European Drought Observatory JRC	~2007	Situational awareness	The available data and tools of the European Drought Observatory (EDO) website includes free data, analysis tools such as one for comparing indicators, and the opportunity to download data for offline analysis.	Pragmatic	https://ec.europa.eu/jrc/en/scientific-tool/data-and-tools-european-drought-observatory
European Flooding Awareness System (EFAS)	2011	Situational awareness	The European Flood Awareness System is a European Commission initiative to increase preparedness for riverine floods across Europe. The disastrous floods in Elbe and Danube rivers in 2002 confronted the European Commission with non-coherent flood warning information from different sources and of variable quality, complicating planning and organization of aid. In response to this event, the European Commission initiated the development of a European Flood Awareness System (EFAS) to increase the preparedness for floods in Europe. Following a Communication of the Commission in 2002 on the Elbe and Danube floods in 2002, the Joint Research Centre of the European Commission was assigned with the task to develop EFAS.	Moral	https://www.efas.eu/about-efas.html

European Forest Fire Information System (EFFIS)	2000	Situational awareness	The Joint Research Centre (JRC) of the European Commission (EC) set up in 1998 a research group to work specifically on the development and implementation of advanced methods for the evaluation of forest fire danger and mapping of burnt areas at the European scale. Also in 1998, a first meeting of the "Forest Fire Experts Group" of the Member States took place. This group was established by DG ENV and JRC to advise on the development of the foreseen methods for fire assessment. These activities led to the development of the European Forest Fire Information System (EFFIS) which became operational in 2000.	Pragmatic	http://effis.jrc.ec.europa.eu/about-effis/brief-history/
European Migration Network (EMN) DG HOME	2008	Situational awareness	The EMN plays a key role in providing up-to-date, objective, reliable and comparable information on migration and asylum topics to policy makers (at EU and Member State level) and the general public. Council Decision 2008/381/EC establishing a legal basis for the EMN was adopted on 14th May 2008.	Cognitive	https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network_en
European Patrol Network Frontex	2007	Exchange of information	The EPN is a permanent regional border security concept that enables the synchronization of national measures of the Member States and their integration to joint European activities. It is based on Member States' existing activities and on strengthening of cooperation and coordination at national and EU levels. This is the first attempt to apply a system solution for the surveillance of southern maritime borders of the EU.	Pragmatic	http://frontex.europa.eu/news/european-patrols-network--weca9H
European Radiological Data Exchange Platform (EURDEP) JRC	2002	Situational awareness	EURDEP (EUropean Radiological Data Exchange Platform) is a network for the exchange of radiological monitoring data between European countries. The participation of the EU member states is	Cognitive	https://remon.jrc.ec.europa.eu/About

			regulated by the Council Decision 87/600 and the Recommendation 2000/473/Euratom.		
European Union Notification System for Plant Health Interceptions (EUROPHYT) DG SANCO	Pre 2011	Risk assessments	EUROPHYT provides an essential support for the implementation of preventative measures by ensuring that the data on risks to plant health from trade in plants and plant products is up-to-date and accurate.	Cognitive	https://ec.europa.eu/food/plant/plant_health_biosecurity/europhyt_en
Europol 24/7 Operational Centre Europol	~2009	Exchange of data	The Operational Centre, which runs 24/7, is the hub for the exchange of data among Europol, EU Member States and third parties on criminal activity.	Pragmatic	https://www.europol.europa.eu/activities-services/services-support/operational-coordination/operational-centre
Europol Analysis System (EAS) Europol	~2009	Data management	The Europol Analysis System (EAS) is an operational information system that hosts data contributed by Europol's stakeholders. With it, information can be managed centrally, and the use of a wide range of analytical tools ensures that analytical capabilities are as effective as possible.	Pragmatic	https://www.europol.europa.eu/activities-services/services-support/intelligence-analysis
Europol Platform for Experts (EPE) Europol	~2009	Exchange of information	The combination of EPE's legal framework, its analytical capacity and its liaison network, representing all Member States and a wide range of cooperation partners, enables Europol to add unique value to international law enforcement cooperation.	Pragmatic	https://www.europol.europa.eu/activities-services/services-support/information-exchange/europol-platform-for-experts
Fingerprint database (EURODAC) DG HOME	2003	Data management	The EURODAC RegulationSearch for available translations of the preceding linkEN... establishes an EU asylum fingerprint database. When someone applies for asylum, no matter where they are in the EU, their fingerprints are transmitted to the EURODAC central system.	Cognitive	https://ec.europa.eu/home-affairs/what-we-do/policies/asylum/identification-of-applicants_en

Frontex One-Stop-Shop (FOSS) Frontex	2009	Situational awareness	FOSS facilitates the cooperation between Frontex and its partners by making information accessible 24/7, according to defined standards and amongst pre-defined users. It establishes a strong community and creates a secure platform to exchange interactively on the matters of cooperation	Pragmatic	https://foss.frontex.europa.eu/
Frontex Situation Centre (FSC) Frontex	~2004	Situational awareness	Effective border management requires an accurate and timely picture of the external borders and an analysis of possible threats and vulnerabilities. For the management of Europe's borders to be consistent, timely information flow is key. For this reason, much of Frontex's daily work is related to gathering, analysing and disseminating information about the situation at the external borders and identifying potential risks. While Frontex risk analysts concentrate on analysing the past and predicting future trends in migration, the Frontex Situation Centre's (FSC) job is to focus on the present. The FSC maintains the clearest possible picture of the most recent developments at EU borders. By constantly monitoring Frontex's own operations, media sources and information from Member States' border authorities, the FSC keeps the agency and its partners constantly up to date through daily reports, bulletins and alerts. This service is particularly important during joint operations and emergency situation	Pragmatic	https://www.youtube.com/watch?v=7PeJ8eNH4A8
Galileo Security Monitoring Centre (GSMC) GSA, European	~2010	Situational awareness	The Galileo Security Monitoring Centre (GSMC) is an integral part of the Galileo infrastructure.	Cognitive	https://www.gsa.europa.eu/security/gsmc

Global Satellite Navigation System Agency					
Global Disaster Alert and Coordination System (GDACS) DG ECHO & UN OCHA	pre 2008	Alerts, exchange of information	During the initial planning phase, there is usually little or no information exchange between international responders. Decisions are often based on patchy information, inaccurate sources or assumptions. The planned or mobilised assistance of other organisations is rarely drawn into consideration. This often results in duplication, gaps, overlap or even inappropriate response, occasionally associated with high costs. GDACS services aim at facilitating information exchange among all actors in support of decision-making and coordination. GDACS services build on the collective knowledge of disaster managers worldwide and the joint capacity of all relevant disaster information systems.	Pragmatic	http://portal.gdacs.org/about
Global Human Settlement Layer (GHSL) DG RADIO and JRC	~2012	Situational awareness	The GHSL is one of the core datasets used in the GEO Human Planet initiative, and is the main baseline used in the first release of the Atlas of the Human Planet 2016. The GHSL concept was initialized by the JRC in 2010-2011.	Cognitive	http://ghslsys.jrc.ec.europa.eu/how.php
Health Emergency & Disease Information System (HEDIS) DG SANCO	Pre 2007	Situational awareness, restricted access	Preparedness exercises run by the Commission Health Threats Unit in 2005 showed the need for a central point where all involved parties could get at any time an overview of the situation on an identified health threat. This is why the Health Emergency & Diseases Information System (HEDIS) has been developed by the European Commission Joint Research Centre (JRC) in collaboration with the Health and Consumer protection Directorate General	Pragmatic	https://ec.europa.eu/health/preparedness_response/generic_preparedness/planning/hedis_en

			(DG SANCO) in order to support DG SANCO and Member States during disease outbreaks and health emergencies.		
Health Emergency Operations Facility (HEOF) DG SANCO	~2002	Exchange of information	A priority of the Health Security Programme Search for available translations of the preceding link••• , adopted by Members States' Health Ministers in December 2001, was the setting up of a "mechanism for information exchange, consultation and coordination for the handling of health-related issues linked to attacks in which biological and chemical agents might be used or have been used.	Cognitive	https://ec.europa.eu/health/preparedness_response/generic_preparedness/planning/heof/en
Integrated Political Crisis Response (IPCR) Web Platform Council Civil Protection Unit/IT Department	~2015	Situational awareness	After the 9/11 terrorist attacks, the realisation grew within the EU that a framework was needed to coordinate responses at the highest political level to major crosssectorial crises. The Integrated Political Crisis Response (IPCR) arrangements were created to fill that gap. They provide a flexible crisis mechanism for supporting the presidency of the Council of the European Union in dealing with major natural or man-made cross-sectorial disasters, as well as acts of terrorism.	Moral	file:///C:/Users/80801/Downloads/web_IPCR.pdf
Intelligence Center (Intcen) EEAS	~2002	Situational awareness	The creation of the EU INTCEN - or the EU Situation Centre (EU SITCEN) as it was called until 2012 - is intimately linked to the establishment of the European Security and Defence Policy (ESDP) and the creation of the post of High Representative in 1999. The development of the ESDP crisis management capabilities, and deployment of both civilian and military missions, made it clear that a broader intelligence analysis structure was needed. The events of 11 September 2001 and the increasing threats of global	Moral	http://europa.eu/factsheet-on-eu-intelligence-analyses-center-intcen/

			terrorism also emphasised the need of timely and accurate intelligence analysis to support EU policy making.		
Joint Operations Reporting Application (JORA) Frontex	Pre 2011	Data management	The main goal in building the Jora system was to provide IT support for operational activities in scope of reporting and situational awareness at EU borders (Joint Operation reporting).	Pragmatic	https://pl.asseco.com/en/sectors/uniformed-services/security-sector/joint-operations-reporting-application-378/
Macroeconomic Imbalance Procedure (MIP) DG ECFIN	~2011	Risk assessments	The MIP was introduced in 2011, after the financial crisis showed that macroeconomic imbalances - such as a large current account deficit or a real estate bubble - in one country can affect others.	Moral	https://ec.europa.eu/info/business-economy-euro/economic-and-fiscal-policy-coordination/eu-economic-governance-monitoring-prevention-correction/macroeconomic-imbalance-procedure/dealing-macro-economic-imbances_en
Marsur European Defence Agency	2006	Common situational awareness	One of the longest-running projects undertaken by the European Defence Agency (EDA), the Maritime Surveillance (Marsur) project is a technical solution that allows dialog between European maritime information systems. Containing 17 Member States plus Norway, the project aims to improve the common "recognised maritime picture" by facilitating exchange of operational maritime information and services such as ship positions, tracks, identification data, chat or images.	Pragmatic	https://www.eda.europa.eu/what-we-do/activities/activities-search/maritime-surveillance-(marsur)
Medical Intelligence System (MedISys) JRC/DG SANCO	Pre 2007	Alerts	MEDISYS is a media monitoring system providing event-based surveillance to rapidly identify potential public health threats using information from media reports. The system displays only those articles with interest to public health (e. g. diseases, plant pests, psychoactive substances), analyses news reports and warns users with	Pragmatic	https://ec.europa.eu/jrc/en/scientific-tool/medical-information-system

			automatically generated alerts. The information processed by MEDISYS is derived from the Europe Media Monitor (EMM) developed by the JRC.		
Radicalisation Awareness Network (RAN) DG HOME	2015	Exchange of information	The Radicalisation Awareness Network is an umbrella network connecting people involved in preventing radicalisation and violent extremism throughout Europe. Within RAN, first-liners from different European countries can meet others in their area of expertise to exchange ideas, knowledge and experiences on countering radicalisation and violent extremism.	Pragmatic	https://ec.europa.eu/home-affairs/what-we-do/networks/radicalisation_awareness_network/about-ran_en
Rapid Alert System for Biological and Chemical Attacks and Threats (RAS-BICHAT) DG SANCO	Pre 2007	Alerts, exchange of information	In order to ensure a rapid and effective response by the EU to a wide range of emergencies, the Commission has put in place a number of early warning and rapid alert systems. These systems are based on an information exchange network for receiving and triggering an alert as well as exchanging other relevant information. Each of these systems covers a specific health threat field	Pragmatic	https://ec.europa.eu/health/preparedness_response/generic_preparedness/planning/rapid_alert_en
Rapid Alert System for Food and Feed (RASFF) DG SANCO	1979	Alerts, exchange of information	A key tool to ensure the cross-border follow of information to swiftly react when risks to public health are detected in the food chain is RASFF - the Rapid Alert System for Food and Feed.	Pragmatic	https://ec.europa.eu/food/safety/rasff_en
Rapid alert system for non-food dangerous products (RAPEX) DG SANCO	Pre 2004	Alerts, exchange of information	The Rapid Alert System enables quick exchange of information between 31 European countries and the European Commission about dangerous non-food products posing a risk to health and safety of consumers.	Pragmatic	http://ec.europa.eu/consumers/consumers_safety/safety_products/rapex/alerts/repository/content/pages/rapex/index_en.htm
Rapid Alerting System for Chemical	Pre 2007	Alerts, exchange of	In order to ensure a rapid and effective response by the EU to a wide range of emergencies, the Commission has put in place a number of early warning and rapid	Pragmatic	https://ec.europa.eu/health/preparedness_response/generic_preparedness/planning/rapid_alert_en

Health Threats (RAS CHEM) DG SANCO		information	alert systems. These systems are based on an information exchange network for receiving and triggering an alert as well as exchanging other relevant information. Each of these systems covers a specific health threat field		
SafeSeaNet European Maritime Safety Agency EMSA	2009	Situational awareness, exchange of information	It has been set up as a network for maritime data exchange, linking together maritime authorities from across Europe.	Pragmatic	http://www.emsa.europa.eu/ssn-main.html
Satellite Centre (Satcen)	2002	Situational awareness	The Centre supports the decision making of the European Union in the field of the Common Foreign and Security Policy (CFSP), in particular the Common Security and Defence Policy (CSDP), including European Union crisis management missions and operations, by providing products and services resulting from the exploitation of relevant space assets and collateral data, including satellite imagery and aerial imagery, and related services.	Pragmatic	https://www.satcen.europa.eu/about-the-eu-satcen/the-centre
Schengen Information System (SIS I & II) DG HOME	2013	Exchange of information	The main purpose of the SIS is to help preserving internal security in the Schengen States in the absence of internal border checks.	Pragmatic	http://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/schengen-information-system_en
Secure Information Exchange Network Application (SIENA) Europol	2009	Exchange of information	Europol's Strategy for 2016-2020 calls for the further development of SIENA as the system of choice for the secure exchange and communication of law-enforcement information	Cognitive	https://www.europol.europa.eu/activities-services/services-support/information-exchange/secure-information-exchange-network-application-siena
Shared Environmental Information	~2009	Data management /Common	The "Shared Environmental Information System (SEIS)" was established to improve the collection, exchange and use	Pragmatic	http://www.eea.europa.eu/about-us/what/shared-

System (SEIS) European Environment Agency, EEA		situational picture	of environmental data and information across Europe. SEIS aims to create an integrated, web-enabled, EU-wide environmental information system by simplifying and modernising existing information systems and processes.		environmental-information-system-1
The European Surveillance System (TESSy) ECDC	2008	Data management	The technical platform for EU/EEA communicable disease surveillance, i.e. web-based data submission, data storage and dissemination is The European Surveillance System (TESSy), a password-protected, fully anonymised database hosted by ECDC.	Pragmatic	http://ecdc.europa.eu/en/activities/surveillance/Pages/index.aspx
Threat Tracking Tool (TTT) ECDC	Pre 2009	Situational awareness	ECDC has developed a data base, the Threat Tracking Tool (TTT) that allows ECDC to keep track of verified events with a known or possible impact on public health. TTT is designed to support ECDC activities on epidemic intelligence registering, documenting and monitoring threats that ECDC has detected through sources of information.	Pragmatic	
Vessel Detection System (VDS) JRC (using Vessel monitoring System VMS)	2005	Situational awareness		None	
Visa Information System (VIS) DG HOME	~2008	Data management	Technology can play a key role in improving and reinforcing external borders. Over the past years, the EU has been developing large-scale IT systems for collecting, processing and sharing information relevant to external border management. The Visa Information System, which supports the implementation of the common EU visa policy, is one of these tools.	Cognitive	http://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/visa-information-system_en

The CSIRT Network ENISA	2016	Exchange of information	In its Article 12, the NIS directive establishes a CSIRTs network "in order to contribute to developing confidence and trust between the Member States and to promote swift and effective operational cooperation". It is "composed of representatives of the EU Member States' CSIRTs and a CSIRT for EU institutions CERT-EU".	Moral	https://www.enisa.europa.eu/topics/national-csirt-network/capacity-building
CERT-EU early warning	2012	Alerts, exchange of information	After a pilot phase of one year and a successful assessment by its constituency and its peers, the EU Institutions have decided to set up a permanent Computer Emergency Response Team (CERT-EU) for the EU institutions, agencies and bodies on September 11th 2012	Pragmatic	https://cert.europa.eu/cert/plainedition/en/cert_about.html
COPERNICUS Emergency Management Service: Rapid Mapping	2012	Situational awareness	Pre-disaster situation maps provide relevant and up-to-date thematic information that can help planning for contingencies on areas vulnerable to hazards, aiming to minimise loss of life and damage.	Pragmatic	http://emergency.copernicus.eu/mapping/ems/ems-risk-and-recovery-mapping-products
Copernicus Emergency Management Service: Risk and Recovery Mapping	2012	Situational awareness	Pre-disaster situation maps provide relevant and up-to-date thematic information that can help planning for contingencies on areas vulnerable to hazards, aiming to minimise loss of life and damage.	Pragmatic	http://emergency.copernicus.eu/mapping/ems/ems-risk-and-recovery-mapping-products
Eurocontrol Pilot-In-Flight Reports	~ 2011	Alerts	set up as a measure of the ash cloud crisis	Moral	http://www.eurocontrol.int/articles/what-has-changed-aviation-dealing-volcanic-ash-2010
Eurocontrol: Network Operations Portal (NOP)	~2011	Situational awareness	The nominated European flight control actor	Cognitive	http://www.eurocontrol.int/articles/tools-available-times-disruptions-and-crisis
EPIS FWD (Food- and Waterborne)	2010	Alerts and Exchange of information	The main mode for ECDC to interact with the Member States on scientific and technical work is within networks linked	Pragmatic	http://ecdc.europa.eu/en/about/networks/Pages/networks.aspx

Diseases and Zoonoses)		informatio n	to Competent Bodies in the countries. In each Member State there is a Coordinating Competent Body (CCB) with a National Coordinator (NC) responsible for institutional contacts with ECDC, as well as National Focal Points (NFPs) and Operational Contacts Points (OCP) responsible for strategic and operational collaboration on technical and scientific issues for specific diseases areas and public health functions. The various networks consist of NFPs and OCPs within the areas of ECDC work.		
EPIS STI (Sexually Transmitted Infections)	2010	Alerts and Exchange of informatio n	The main mode for ECDC to interact with the Member States on scientific and technical work is within networks linked to Competent Bodies in the countries. In each Member State there is a Coordinating Competent Body (CCB) with a National Coordinator (NC) responsible for institutional contacts with ECDC, as well as National Focal Points (NFPs) and Operational Contacts Points (OCP) responsible for strategic and operational collaboration on technical and scientific issues for specific diseases areas and public health functions. The various networks consist of NFPs and OCPs within the areas of ECDC work.	Pragmatic	http://ecdc.europa.eu/en/aboutus/networks/Pages/networks.aspx
EPIS ELDSNet (European Legionnaires' Disease Surveillance Network)	2010	Alerts and Exchange of informatio n	The main mode for ECDC to interact with the Member States on scientific and technical work is within networks linked to Competent Bodies in the countries. In each Member State there is a Coordinating Competent Body (CCB) with a National Coordinator (NC) responsible for institutional contacts with ECDC, as well as National Focal Points (NFPs) and Operational Contacts Points (OCP)	Pragmatic	http://ecdc.europa.eu/en/aboutus/networks/Pages/networks.aspx

			responsible for strategic and operational collaboration on technical and scientific issues for specific diseases areas and public health functions. The various networks consist of NFPs and OCPs within the areas of ECDC work.		
EPIS VPD (Vaccine Preventable Diseases)	Likely 2010	Alerts and Exchange of information	The main mode for ECDC to interact with the Member States on scientific and technical work is within networks linked to Competent Bodies in the countries. In each Member State there is a Coordinating Competent Body (CCB) with a National Coordinator (NC) responsible for institutional contacts with ECDC, as well as National Focal Points (NFPs) and Operational Contacts Points (OCP) responsible for strategic and operational collaboration on technical and scientific issues for specific diseases areas and public health functions. The various networks consist of NFPs and OCPs within the areas of ECDC work.	Pragmatic	http://ecdc.europa.eu/en/about/networks/Pages/networks.aspx
European Antimicrobial Resistance Surveillance Network (EARS-NET)	2010	Situational awareness	The European Antimicrobial Resistance Surveillance System (EARSS), established in 1998, is the predecessor of EARS-Net. EARSS was initially funded by the European Commission's Directorate General for Health and Consumer Affairs and the Dutch Ministry of Health, Welfare and Sports. The network steadily grew and involved an increasing number of European countries. On 1 January 2010, the administration and coordination of EARSS was transferred to the European Centre for Disease Prevention and Control (ECDC). The network was renamed to 'European Antimicrobial Resistance Surveillance Network (EARS-Net)'. - See more at:	Pragmatic	http://ecdc.europa.eu/en/healthtopics/antimicrobial-resistance-and-consumption/antimicrobial-resistance/EARS-Net/Pages/EARS-Net.aspx#C4

			http://ecdc.europa.eu/en/healthtopics/antimicrobial-resistance-and-consumption/antimicrobial-resistance/EARS-Net/Pages/EARS-Net.aspx#C4		
European Influenza Surveillance Network (EISN)	2008	Situational awareness	The European Influenza Surveillance Network (EISN) is coordinated by ECDC. The network combines epidemiological and virological surveillance of influenza to provide decision makers and public health experts in EU/EEA Member States with the information required to better assess influenza activity in Europe and take appropriate action. Ultimately, EISN aims to contribute to reducing the burden of disease associated with influenza in Europe. - See more at: http://ecdc.europa.eu/en/healthtopics/influenza/EISN/Pages/index.aspx#sthash.w8q7SH1C.dpuf	Pragmatic	http://ecdc.europa.eu/en/healthtopics/influenza/EISN/Pages/index.aspx
Health Security Committee (HSC)	2001	Risk assessments	This body is used by the Commission to coordinate health-security measures in the EU. It was set up in the aftermath of the 2001 terrorist attacks in the US.	Moral	https://ec.europa.eu/health/preparedness_response/risk_management_en
Vector Net ECDC	2015	Situational awareness	The project performs targeted entomological collections in specific vector habitats to fill knowledge gaps that have been identified through the previous project VBORNET, through analyses of the existing vector databases, and in EFSA scientific opinions. Through the EFSA/ECDC collaboration during the VectorNet project, communication and collaboration between experts and organisations from the medical and veterinary domains will be improved. The outcomes of the project will contribute to improving preparedness and response for vector-borne diseases in the European Union.	Pragmatic	http://ecdc.europa.eu/en/healthtopics/vectors/VectorNet/Pages/VectorNet.aspx

Internet Referral Unit to combat terrorist propaganda (EU IRU)	2015	Alerts & risk assessment	The primary objective is to be relevant during the 'viral' time of the propaganda. The secondary objective is to gather information to better understand the tactics and modi operandi of the main online propagandists in order to improve the disruption mechanism.	Moral	https://www.europol.europa.eu/newsroom/news/europol-internet-referral-unit-one-year
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Chapter 5

The Commission's Leadership Roles and Resources: can the Commission exercise 'political' leadership?

5) The Commission's leadership roles and resources

Our mapping exercise revealed that much of the capacity to manage crises is located in the European Commission. This is perhaps not surprising, considering that the Commission is the largest bureaucratic apparatus in Brussels. The logic of institutionalization, by which new capacities develop, become tested, are reformed, and grow is well documented within the Commission (Boin, Ekengren, & Rhinard, 2013; Stone-Sweet, Fligstein, & Sandholtz, 2001). The Council of the European Union (“Council”), comprised of ministerial councils and its General-Secretariat, holds few: the Integrated Political Crisis Response (IPCR) arrangements, which puts the overall EU apparatus on a crisis footing, is the notable exception (see mapping inventory, Chapter 1, for more information). For that reason, the Council is excluded from further analysis below. By contrast, the European Council takes an increasingly involved role in managing crises in Europe, a significant development considering its composition of heads of state and government. The European Council's role in managing crises is explored in Chapter 8.

Here we focus on the European Commission. Much crisis management capacity may reside in the Commission, *but to what extent does the Commission “lead” in building these capacities and exercising them?* Does the Commission exert an independent influence on crisis management, separate from member state governments and other institutions? As discussed below, the Juncker Commission has pledged to be a more “political” Commission, one focused not just on building European integration but also generating more “effective” outcomes.

We address those question in this section, examining the main resources and constraints of Commission leadership. In this chapter, we examine the thesis that the Commission's leadership roles are in a state of decline, a popular refrain amongst scholars and Brussels officials. This overarching analysis sets the background for the subsequent discussion. In Chapter 6, we look specifically at the Commission's leadership in crisis management. We look first at its available resources before turning to several cases of its role as “crisis leader” in specific incidents. Finally, in Chapter 7, we look at when and why the Commission exercises crisis leadership.

Can the Commission Exercise ‘Political’ Leadership?⁴⁹²

Few issues in EU research have been debated as much as the role of the European Commission in shaping policy outcomes (Becker et al., 2016; Nugent & Rhinard, 2015; Pollack, 2003) and the Commission's ability to act in a ‘political’ fashion (Coombes, 1970; Radaelli, 1999; Smith, 2004). The two debates are integrally linked, since the Commission's ability to engage effectively in the latter has the potential to influence its strength in the former.

Of late, however, debate has intensified over the specific question of the Commission's political role. Much has been made, for instance, of the Commission President's call for a more ‘political’ and less technocratic Commission, arguably in the drive to regain power in the steering process of European integration (Peterson, 2017). Other recent events raising the question of the Commission's political role have included: the use in 2014 of the highly-politicised *Spitzenkandidat* process for the appointment of the Commission President, which resulted in the candidate of the main centre-right group in the European Parliament (EP), Jean-Claude Juncker, becoming President after the 2014 EP elections (de Marcilly, 2014); the

⁴⁹² This section is adapted from an unpublished paper written by Mark Rhinard and Neill Nugent, titled ‘The Political Role(s) of the European Commission’, with permission.

subsequent reorganisation of the internal structuring of the College of Commissioners, which has given the College not only a more hierarchical structure but also a more ‘government-like’ appearance (Wille, 2013); the obvious ‘presidentialisation’ in the operation of the College under Juncker, with him clearly setting a political lead and providing overall political direction; and the constant emphasis by Juncker that his College has a political drive that rests on a political mandate.

Predictably, opinions remain polarized on the question. On the one hand, some argue that the Commission’s political role has been, in various ways, highly compromised of late (Bickerton, Hodson, & Puetter, 2014; Ponzano, Hermann, & Corona, 2012; Schön-Quinlivan, 2011). On the other hand, some observers, both in practitioner and academic circles, cite the politicisation of the College noted in the previous paragraph and argue the Commission has become more political than ever (de Marcilly, 2014; Wille, 2013).⁴⁹³

But the debate over the political role of the Commission is hamstrung by a lack of precision. Without a clear definition and operationalization, the notion of ‘political’ varies widely and evidence is gathered selectively. A specification of terms, to allow for engaged debate, is critical at a time when the Commission’s role in an increasingly questioned European project is under review and when transboundary crises afflict the continent – calling for effective and legitimate leadership. The effort to make the Commission more political, at least by the Juncker Commission, strives to connect more fundamentally to public sentiments and democratic values in a way not traditionally seen in the history of the EU. As such, questions of the ‘political’ role of the Commission link to questions of its perceived legitimacy in tackling of Europe’s most pressing challenges.

This section thus makes two novel contributions. First, we create a framework for interpreting what ‘political’ means in the context of studying the roles undertaken by the Commission, drawing on past literature on the Commission and reinvigorating a call for greater precision launched more than a decade ago (Radaelli, 1999; Smith, 2004). We identify four theoretical and practical usages of the term ‘political’, each of which has a significant and different, political dimension: *ideologically* political, *policy* political, *institutionally* political, and *administratively* political. Second, as a means to test the plausibility of the framework, we offer empirical evidence regarding how those different kinds of political behaviour manifest themselves in traditional Commission functions, namely: agenda-setting, initiation, process facilitation and implementation. Even when undertaking seemingly ‘non-political’ duties, such as implementation, opportunities still arise for the Commission to act in various highly political ways.

What Does ‘Political’ Mean?

In suggesting that the Commission exercises roles that are, at least partly, political, much naturally depends on how one defines ‘political’ in the context of Commission responsibilities, actions and behaviour. The debate extends as far back as Pisani, who in 1956 interpreted two central drivers of the Commission’s predecessor, the High Authority: a ‘mission oriented’ one, dedicated to and organised around the pursuit of a central ‘political’ goal (assumed to be European integration) and an administratively oriented one, dedicated to management functions (Pisani, 1956). Coombes picked up the discussion again in the 1970s, arguing that the Commission’s two driving roles may be at odds within one another (Coombes, 1970). For him,

⁴⁹³ An interesting, related debate concerns whether the political role of the Commission is injurious to a more technocratic role desired by many member states (Bickerton et al., 2014; Metz, 2015). Space limitations prevent us from taking up that discussion here.

'politics' was about a 'political leadership' role, in turn constituted by two central tasks: an *initiative* function, which involved 'inventing and "selling" means of extending the scope and level of integration' and a normative function, defined as '*legitimizing* measures by its uniquely European character and defining the common interest' (*ibid*: 297). For these authors, the increase in the Commission's management roles was overwhelming its capacity to provide political leadership (Schön-Quinlivan, 2011 for an excellent overview).

More recently, scholars have nuanced their conceptions of 'political' to include policy leadership, which includes the entrepreneurial qualities of the Commission that allow it to convey its preferences into policy outcomes. The Commission's right to initiate legislation is given pride of place in such studies, as are its rights to shepherd proposals through the policy process, to negotiate with multiple actors with diverging preferences, and to control the policy initiation process. These approaches emphasize the ability of an actor – in any polity – to act as a 'policy entrepreneur', to exploit 'political opportunity structures', to 'strategically frame' policy solutions, or to engage in 'venue-shifting' (Maltby, 2013; Schön-Quinlivan and Scipioni, 2016). The Commission's 'political' role is less related to EU-building and sovereignty-sharing and more related to policy entrepreneurship and goal achievement in policy outcomes. Empirical evidence gathered for these kinds of studies tend to focus on specific policy issues, critical decision-making moments, and implementation processes in which the Commission can play an active part in shaping policy outcomes.

Finally, the literature on the Commission offers interpretations of 'political' from a normative-democratic theory perspective, including the extent to which activities respond to the aggregate wishes of the public. Radaelli (1999), for instance, categorises three kinds of political activity conducted by the Commission. One is political competition, normally associated in Western democracies with elections and political parties but including rivalries between government institutions representing different forms of public interest (courts, legislatures, executives, etc). For the Commission this would include inter-institutional rivalry. Another is political 'publicness', interpreted by Radaelli (and later by Smith 2004) as engagement directly with the European public as a way to respond to societal sentiment and wishes. A third element of 'political' is the exercise of value judgements in the carrying out of specific policy goals or programme management. Earlier work emphasised that seemingly technocratic, management-type activities contained profoundly political choices, defined as the choice between different kinds of ideologies regarding the direction of society.

There is thus a wide range of understandings in research on the Commission, and in the wider literature, of what 'political' is meant to connote. Different studies apply different usages of political to varying empirical situations. Nevertheless, four main usages of what is 'political' can be discerned from this literature, allowing us to outline four different kinds of political behaviours.

- 1) Ideologically Political (usage 1). This kind of political role is akin to acting with a view towards a broad common purpose, of which advancing European integration is the most obvious instance in the case of the Commission. In traditional nation-states, ideological action is derived from competitive elections and the imposition of a party platform, a statement of common purpose corresponding to a particular vision of how society should develop. In the EU, this dimension historically played out indirectly, but more recently it has been recognized – and even publicized – that party-political ideologies play a strong role in shaping what the Commission does (consider the centre-right majorities of the College, or the *Spitzenkandidat* procedure). More broadly, the Commission is said to act increasingly with a view towards the European

public in the kinds of activities it undertakes, how it communicates, and what kinds of broader sentiments it responds to (Hartlapp, Metz, & Rauh, 2014).

- 2) Policy Political (usage 2). In this usage, ‘politics’ manifest itself in terms of the pursuit of specific policy outcomes in line with Commission’s own priorities. In focus here is the Commission’s advancement of certain policy values (e.g. its centre-right based market policies, or its belief in the importance of the Precautionary Principle) against those advancing other, often conflicting views. Related activities of the Commission in this category involve efforts to build coalitions, to marshal selective evidence, and to preserve positions within policy negotiations. Of course, policy goals are often steeped in ideological positions and the two kinds of politics overlap. However, ‘policy politics’ is narrower in that it speaks less to broad societal interests and integrationist outcomes and more to particular policy questions.
- 3) Institutionally Political (usage 3). This kind of political role corresponds to ‘fighting one’s corner’ within institutional and bureaucratic systems. It concerns one’s position within the institutional landscape in any political system. In debates over the Commission’s role in the EU system, this version of ‘political’ is the one most often used since it relates to the Commission’s position vis-à-vis other EU institutions (with much of the literature suggesting the Commission has been ‘losing out’). Activities within this category reflect the kinds of ‘bureaucratic politics’ so familiar to EU studies scholars, such as: manipulating legal procedures to one’s advantage, preserving jurisdictional control, expanding budgets, and advancing institutional capacities (Peters, 2001).
- 4) Administratively Political (usage 4). Much of ‘politics’ takes place below the surface of high level – and relatively public – policy and legislative decision-making processes. It involves the application of existing law through administrative edicts, the management of ongoing policy programs, and activities related to similar kinds of executive tasks (Nugent & Rhinard, 2015, chapter 11). Here, political behaviour manifests itself in clawing back lost policy ground, advancing organizational self-interest, and make new sets of decisions under changing circumstances (as in foreign aid or agriculture subsidies, for example).

Making a clear distinction between these different kinds of political behaviours is difficult in practice, and perhaps only possible analytically. Our goal is to clarify the terms used in broader discussions and encourage scholars to debate ‘apples with apples’.

To illustrate the various ways in which the Commission is ‘political’, and to answer the question of whether the Commission is becoming less so of late, we now turn to an empirical discussion. To avoid falling into the trap of selection bias, or what Galtung once famously described as ‘the traditional quotation/illustration methodology’ (in Lijphart, 1975), we do not present empirics in the same categories as listed above. Instead, we discuss the way ‘politics’ becomes manifest in four traditional activities carried out by the Commission: setting the broad agenda, initiating policies, facilitating processes, and implementation.

Setting the Broad Agenda

The agenda-setting activity performed by the Commission involves identifying broad EU system objectives and persuading people to support them. It necessitates defining the common interest, crafting long-term goals of integration and cooperation, and mobilizing arguments and actors in support of a political vision of the future (see Lindberg and Scheingold, 1970). It is based largely on the Commission’s treaty-based competences to ‘promote the general interest of the Union and take appropriate initiatives to that end’ (Article 17(1) TEU). This role of the Commission role is typically portrayed as being in decline, with other actors – notably the

European Council – seen as having eclipsed the Commission’s steering role. However, it is worth examining the extent to which this is accurate, and to assess the Commission’s capacity to act ‘politically’ in this kind of activity.

From the start of the Juncker Commission, it was clear that broad-level agenda-setting would be reemphasized. As said by Martin Selmayr, Juncker’s highly influential *chef de cabinet*, being ‘political’ for the Juncker Commission means ‘being up to the political challenge of this time ... focusing on those issues that matter ... that overcome crisis ... this Commission will be remembered for whether it ... returns Europe back to growth ... from chaos to order ... we have to focus our energy on the existential matters being up to the political challenges of this time.....and to focussing on the issues that matter’ (Selmayr, 2016). Selmayr thus made explicit a view that the Commission had the right (the need, even) to appeal outside of Brussels to the larger population and public sentiment. In a similar vein, supporters of the *Spitzenkandidat* procedure for selecting the Commission President have hoped that the process will, as indeed it seems to be doing, re-energize this leadership role of the Commission, not least since it ostensibly channels societal and ideological preferences and legitimises more traditional kinds of political leadership by the Commission.

Beyond these major shifts in emphasis and procedure, several other aspects of broad agenda-setting in recent years deserve mention. First, the Commission’s treaty powers in respect of shaping the ongoing debate on the future of European integration remain strong. Most notably, Article 17(1) TEU states: ‘the Commission shall promote the general interest of the Union and take appropriate initiatives to that end’. This treaty article, which is deliberately phrased in a very vague manner, permits the Commission to move on a broad front if it so wishes – by, for example, issuing position or discussion papers which are designed to set or shape the agenda. If the ideas expressed in such papers are then endorsed by other institutions, especially by the European Council and/or the Council, or if they lead to requests for the Commission to develop its thinking further, perhaps in the form of a Green or White Paper, they can then become a source of legitimacy and a framework in which more specific proposals are advanced. Such, for example, is the case with the *White Paper on the Future of Europe* that was issued in March 2017 (Commission, 2017a) and the subsequent reflection papers on policy areas that were issued within its framework (Commission, 2017 b-f).

Second, in so far as the EU currently has an overall set of priorities, they are those set out by Jean-Claude Juncker at the time he assumed the Commission Presidency in 2014. Included in the ten identified priorities were: boosting jobs, growth and investment; creating a connected digital single market; making EMU deeper and fairer; developing a new policy on migration; and making the EU a stronger global actor (Commission, 2014). Significantly in terms of the ‘politicisation’ of the Commission:

- Initially, there were only five priorities, but they were gradually expanded to ten after Juncker, conscious that to be confirmed in office he and his incoming College needed as broad support as possible in the EP (especially given the increased strength of ‘anti-system parties’) participated in extensive exchanges and discussions with ‘the mainstream’ EP groups on what they were looking for.
- The priorities were thus fixed very much in a political context and in a predominantly top-down manner (by Juncker as part of his selection campaign).

- The priorities and actions on them are kept under constant political review, both in the Commission itself and in other EU institutional forums (see, for example, European Parliament, 2017).
- The priorities reflect the broadly ‘centrist’/centre-right majority in the main EU institutions and, as such, are both ideologically based and based also on what commands support amongst decision-makers.

Third, the unmistakable process of the presidentialisation of the Commission is leading to a stronger political base from which to exercise broad directional leadership. While a few early Presidents were able to stamp their personal mark on the office through strong personalities and/or favourable circumstances, only in the past twenty years or so has the President gained – through sequential treaty revisions – formal and institutional power to become more than simply *primus inter pares*. There are multiple reasons for this formalisation and institutionalisation of the President’s position, most of which stem from a perceived need to enable the President to exercise greater discipline over a College that has grown substantially in size owing to EU enlargements. The President’s increased powers include a greater ability to influence the nomination of Commissioners, to exercise political direction over the College, to determine Commissioners’ portfolios, and to dismiss Commissioners if necessary. And none of these formal power resources take away from the President’s additional ability to leverage his informal resources. Barroso did this by using the Secretariat-General to boost his position vis-à-vis other Commissioners and to provide stronger administrative discipline under his direction. Juncker has gone further, notably by using his claimed ‘political mandate’ to justify his restructuring of the relationships between Commissioners.

An example of Juncker using the Presidency to provide strongly politically-based and policy-driven leadership is the way in which he was, and made sure he and the Commission were seen to be, a driving force in crafting adequate responses to the financial crisis. He took a lead role in drafting the 2015 *Five Presidents’ Report* on the future of EMU, which set out plans for the building of a fiscal union in the eurozone (Juncker, 2015). (The preceding Four Presidents’ Report of 2012 had been headed by the European Council President, Herman van Rompuy; see our report on ‘The European Council and Transboundary Crises’ below). Juncker also creatively expanded the Commission’s capacity for financial investment, during the crises, when he persuaded EU decision-makers that there was an urgent need to generate a momentum behind increased investment. To this end, he proposed, even before assuming office, the creation of a new investment fund capable of generating some €300 billion of ‘new money’. Soon after the new College assumed office in November 2014, a Commission Communication was issued detailing the nature and purpose of the fund (Commission, 2014), which was now called the European Fund for Strategic Investments (EFSI). The target figure was set at €315 billion and the fund was designed primarily for investing in infrastructure projects related to transport, energy, information technology, and trading. The investment plan was approved in principle by the European Council at its December 2014 meeting.

Fourth, despite claims of a changed culture in the Commission, ostensibly accounted for largely by enlargements, Ellinas and Suleiman (2012: 165) report that senior Commission staff still believe, albeit with varying degrees of intensity, that the Commission has a duty to provide leadership for the EU. Most also believe that the leadership so provided should foster the process of European integration. They find that the great majority of their (almost 200) respondents ‘share a common culture of supranationalism’ and that this common Commission

culture is grouped broadly around a widely-shared mission to ‘build Europe’, ‘advance the European project’ and ‘construct a new Europe’.

Related to this common culture, in a major study of the Commission’s internal policy-making routines, Hartlapp *et al* (2014: 299) found a greater appreciation amongst Commission officials of the importance of public opinion and the need to justify proposals not only using a technocratic rationality (a long-standing practice of the Commission) but also ‘political rationality’. The effort to rationalise new proposals in line with wider societal needs and narratives was reflected in the Political Guidelines President-elect Juncker presented to the EP in July 2014 (Juncker, 2014a) and even more so in the Mission Letters he sent in the following November to all incoming Commissioners (Juncker, 2014b), in which he stressed that the incoming College would concentrate its efforts only on areas in which joint action could indisputably produce better results.

In sum, the Commission’s broad-scale agenda-setting practices reveal several opportunities to exercise a ‘political’ role: pursuing a pro-integration agenda, increasingly by appealing directly to the European public and linking leadership selection to party-political platforms (usage 1); exercising an influence over specific policy outcomes (usage 2); preserving the Commission’s role in inter-institutional leadership processes, including the emphasis on the Political Guidelines as a driving agenda (usage 3); and the creation of initiatives within the Commission’s own executive remit to advance its overall priorities a la the EFSI, mentioned above, and its implementation (usage 4).

Policy Initiation

The Commission’s policy initiation activities involve the strategic formulation of, and the mobilisation of support behind, specific new policy initiatives, especially legislative initiatives. The role is underpinned by various treaty provisions. The most important of these provisions is Article 17: 2 (TEU) – which states that ‘Union legislative acts may only be adopted on the basis of a Commission proposal, except where the Treaties provide otherwise’. Since the treaties do provide otherwise only in a very few AFSJ areas, the Commission enjoys an almost exclusive right to propose and draft legislation. Furthermore, after it has issued legislative proposals the Commission is given by the TFEU a considerable control over them as they make their way through legislative processes – notably by making proposals difficult to amend without the Commission’s agreement. The lack of precision of the TFEU in many respects has provided further opportunities for the Commission to take policy action and to advance proposals where it has felt it to be necessary and appropriate to do so. For example, it has taken advantage of Article 352 – the so-called ‘flexibility’ clause, whose remit was expanded by the Lisbon Treaty to include any of the objectives set out in the treaties and not simply, as formerly, single market objectives – to make in-roads into the sensitive area of tax harmonisation amongst member states (Commission, 2015a; but cf. Wasserfallen, 2014).

The Commission uses its policy- and legislative-initiating powers to launch a wide range of, variously focused and aimed, policies and policy programmes. For example: the 2015 Communication *A Digital Single Market Strategy for Europe*, set out a sixteen point strategy for opening-up digital opportunities for people and businesses by removing regulatory barriers and creating a fully functional digital single market; the 2015 *Green Paper: Building a Capital Markets Union* and the 2015 follow-up *Action Plan on Building a Capital Markets Union*, were focused on generating a more integrated approach to a policy area that the economic and financial crisis had shown to be too dispersed in its operation and direction; and three communications issued between 2010-2014 set out ideas for tightening and further integrating

the many dimensions of industrial policy by attempting to strengthen existing policy frameworks.

As for legislative proposals, the number of these has been in steady decline over the years as EU decision-makers have sought to lighten the EU's legal load, have increasingly used non-legally binding policy instruments, and have become more cautious about adopting Commission legislative proposals in topic areas that are strongly contested. (Hence, the adoption of a number of the Commission's incrementalist policy proposals to deal with the migration crisis, but the rejection by several member states of its arguably most important initiative: the obligatory distribution of migrants between Schengen states.) However, notwithstanding the decline, which has been particularly considerable under the Juncker College, Commission proposals for legislation remain key to the further development of the integration process. This is no more clearly seen than in the Commission's Work Programme for 2017, with projected new legislation including proposals designed to advance such key medium- and long-term programmes and objectives as the youth initiative, fairer taxation of companies, the pillar of social rights, data protection, and the European Banking Union (Commission, 2016b).

Beyond legislative initiatives, the Commission has long sought to take advantage of the EU's growing interest in promoting inter-state cooperation (as opposed to integration) by seeking to bring particularly sensitive subject topics onto the policy agenda. Recently, this has even extended to defence, with it presenting in November 2016 a European Defence Action Plan that, amongst other things, includes plans for a defence research programme and for the funding of collaborative defence research projects (Commission, 2016a).

In short, the Commission's policy initiation activities involve at least three of the usages of 'political' that were noted above, with many of its policy and legislative proposals: likely to focus on major and pressing policy issues, and to prioritize issues where the Commission can attempt to funnel societal preferences – as with the heavy marketing surrounding recent initiatives to cut mobile phone charges (usage 1); being of a character that advances the Commission's specific policy goals (usage 2); strengthening the Commission's institutional position at least as a side-effect (as with the, now being partly established, banking union and capital markets union (usage 3).

Process Facilitation

The Commission provides an important function in facilitating EU policy- and decision-making processes (Nugent & Rhinard, 2015, chapter 10), and in so doing, can exercise several different kinds of political roles. Some observers claim that the rise of new institutional actors over the years has undermined the Commission's procedural facilitation powers but, in fact, by contributing to further fragmentation of the EU's institutional landscape, the rise of new institutional actors has not been to the complete detriment of the Commission. One reason for this relates to the long-standing dispersal of leadership in the EU. As Ellinas and Suleiman (2012: 9) have noted about the operating independence of appointed officials in all types of democratic systems, 'the more fragmented a political system is, the larger the scope for bureaucratic autonomy'.

In that respect, political aspects of the Commission's role can be seen as follows. Focusing here just on legislative processes, the Council and the EP share the formal power to adopt most legislation and have the greatest claims to democratic legitimacy. However, they are both constrained in what they can do, which provides considerable opportunities for the Commission

to advance legislative proceedings in its preferred directions. The Council is constrained by, amongst other factors, its internal divisions, its very nature as rolling series of negotiations between national governments, and, for all formations of the Council other than the Foreign Ministers, its rotating presidency. When considering Commission legislative proposals, Council meetings (at all levels) tend to be more reactive than proactive. They are not usually self-starting forums in which national representatives identify and agree on principles designed to provide a reference framework for immediate or future legislative action. Similarly, the EP too is constrained, in its case by the size and heterogeneity of its membership and also by the restricted nature of its powers which, as with legislatures everywhere, favour it too being a reactive rather than a proactive body. The Parliament is certainly improving its capacities for leadership (as the growing use of ‘own initiatives’ suggests) but it still lags behind the Commission in respect of its institutional powers of agenda-setting.

The Commission thus occupies an important procedural position in respect of the making of legislation. It does so by virtue of its initiating, amending, and withdrawing powers, its detailed understanding of the nature and policy implications of legislative proposals, and its advance understanding – which comes from extensive formal and informal deliberations – of what measures are likely to be acceptable to the Council and the EP. However, it cannot drive proposals through against the wishes of the Council or the EP: as was clearly shown in the mid-2000s when the contents of its much-vaunted Services Directive and REACH Regulation were emasculated. Similarly, it cannot, or at least does not usually, attempt to stop proposals whose contents have been agreed by the Council and EP – at any point from first reading to conciliation stage. But, when it is firmly resolved that a legislative measure is necessary but is being unwisely held up by the Council and/or the EP, the Commission can display considerable institutional adaptation and tenacity – as, for example, was the case with the so-called ‘Blue Card Directive’ (covering the conditions and residence of third country nationals entering the EU for economic reasons), which was initially proposed in 2001 but not finally adopted (admittedly after being considerably watered down by the Council) until 2009 (Paris, 2017).

In short, the Commission’s process facilitation tasks remain important in today’s EU, and allow it exercise a strong ‘policy political’ role as legislation makes its way through the legislative pipeline (usage 2) and to preserve, for the most part, its position in the inter-institutional arenas (usage 3).

Implementation

The Commission’s policy implementation responsibilities might appear to be a ‘hard case’ (methodologically speaking) in the search for ‘political’ components of Commission activities. Moreover, these responsibilities are sometimes ignored in scholarly research on the Commission’s influence in the EU system. But, in a number of respects, it is in the implementation activities associated with the Commission’s executive tasks where political behaviours become the most evident and are often the most forceful.

One respect concerns the Commission’s strong position, both legally and as a result of its subject expertise, in the process of secondary rule-making in the EU. Most EU law consists of secondary rule-making and is issued in the name of the Commission. Of the approximately 2,000-2,500 legal instruments issued by the EU each year, over 70 per cent take the form of Commission rules or, in legal terminology, ‘non-legislative legal acts’, which consist of regulations and decisions plus a handful of directives.

The Commission’s legal acts mainly involve implementing measures or administrative rules, akin to what executives and agencies produce at national levels. Such acts tend to be highly specific and technical in character. For instance, in the course of managing the EU’s CAP, the

Commission adjusts market support measures because of changes in the global market. However, although Commission acts are usually highly technical and/or ‘non-political’ in nature, there is a grey area in which supposedly technical and subordinate legal acts can raise questions of political judgement. So, for example, the Commission adopts implementation rules on such sensitive issues as contaminants in food (requiring member states to embargo products), toxic chemicals in children’s toys (banning companies from using certain chemicals), and carbon emission allowances (benefitting some industrial interests over others). The Commission is also allowed to make legally binding rules in the highly politically-sensitive area of the CCP, where it can, amongst other things, impose anti-dumping duties on foreign countries.

Another respect in which a political component is present in Commission policy implementation responsibilities relates to the powerful decision-making responsibilities of the Commission as a direct implementer of laws. Most of these responsibilities are not much politically loaded but in two very important policy areas – macroeconomic and competition – they decidedly are so.

In the macroeconomic policy area the Commission’s responsibilities and powers to oversee and attempt to guide the fiscal performances of eurozone member states grew during the financial and economic crisis. Whilst some commentators have noted the intergovernmental nature of many of the arrangements put in place to help stabilise the eurozone (see, for instance, Puetter, 2012), most have indicated that far from this being to the detriment of the Commission its institutional position has actually been strengthened in a policy area – economic governance – where it previously had a only limited role (see, for example: Bauer and Becker, 2014; Savage and Verdun, 2016). Of the four aspects of the eurozone crisis response examined by Bauer and Becker – financial stability support, economic policy surveillance, coordination of national policies and supervision of the financial sector – all have seen the Commission wielding significantly increased influence. Bauer and Becker go so far as to note that as the EU and international responses to debt-ridden eurozone members took shape, they were based on a decision-making model prominently featuring the Commission which was given powers to: assess the systemic risk posed to and by a country; conduct needs assessments; check for compliance with other internal market rules; and make proposals to the Council (which, in practice, are normally accepted – as in July 2016 when the Commission recommended to the Council not to apply financial penalties to Spain and Portugal for being in breach of Stability and Growth Pact rules). It is true that the EU’s main funding scheme to help save indebted countries – the European Stability Mechanism (ESM) since 2012 – has been moved outside of the EU’s decision-making and legal frameworks, with the ESM being governed by a new legal organisation registered in Luxemburg. But, as Bauer and Becker point out, the Commission-centred model of decision-making still features in that it continues to make assessments, to issue recommendations to decision-takers, to negotiate with stricken states, and to monitor compliance, even though some of these activities are now undertaken in conjunction with the ECB and the IMF.

In the competition policy area Council authorisation of proposed Commission actions is not normally legally required, though it may be sought to give ‘political cover’. Making use of treaty and legislative provisions, favourable Court judgements, and the increasingly liberal economic climate, the Commission, and especially the Juncker Commission, has increasingly acted as something of an institutional entrepreneur to exercise its powers in five main subfields of competition policy: prohibiting agreements between firms that limit competition; prohibiting abuse of a dominant position by one or more large firms; prohibiting industrial mergers that

may give one firm a dominant position; requiring the liberalization of public utilities and infrastructure industries ; and prohibiting most forms of state aid from a member state to a firm or category of firms . The first three of these subfields target private companies while the latter two focus on the actions of member state governments. In all cases, the accumulation of principles and powers related to these subfields places the Commission in a powerful position – arguably the most powerful of any EU policy field (Cini and McGowan, 2009: 1). They allow it to intervene and discipline governments and companies, and to do so in high-profile ways – as with, regarding interventionist actions against companies, the imposition of a record fine of €3 billion on truck makers in July 2016 following a five-year investigation by the Commission that revealed a 14 year old cartel to fix prices and pass on the cost of compliance with stricter EU emissions controls.

When the Commission initiates actions that touch on the policy preferences and interests of member state governments – such as disallowing state aid or withholding regional funding because of breaches of competition rules – its actions are, almost by definition, intensely political. Indeed, state aid is in some respects the most politically sensitive subfield of competition policy. One reason for this is that the Commission must target – and often prohibit the actions of – member state governments directly, including, for instance, efforts to assist firms or industries that provide much-needed jobs. Such a case was launched in June 2014, when the Commission initiated actions against the Irish, Dutch and Luxembourg governments for offering market-distorting tax breaks for three major firms: Apple, Starbucks and Fiat, respectively. As part of this, in October 2015 Fiat and Starbucks were each required to pay back between €20 million and €30 million to the Luxembourg and Netherlands tax authorities for receiving tax breaks that amounted to state aid.

The political sensitivity of state aid became particularly acute during the banking crisis when governments offered state guarantees and preferential loans to banks in order to keep them solvent. Clearly, the Commission would have found itself in a very politically challenging situation if it had chosen to reject all such efforts. In response, politically-sensitive guidelines on what was permissible as ‘emergency state aids’ were issued (Commission, 2008) with a more ‘constructive approach’ including: a focus on only the largest cases which had major impacts on the internal market; a relaxation of some prohibitions if they could be demonstrated as temporary measures; and a 24-hour decision response if state aids met the terms set out in the guidelines. Those guidelines were replaced in 2013 with a new ‘Banking Communication’ that preserved many of the previous exemptions but emphasised bank restructuring requirements as a condition for state aid (Commission, 2013).

Thus, we see a considerable amount of ‘political’ activity as the Commission undertakes its implementation tasks, including the introduction of sometimes important new rules in secondary rule-making procedures (usage 2), the preservation of its powers over such acts in revisions that have been over the years to ‘comitology’ procedures (usage 3), the actual shaping of outcomes related to the making of non-legislative acts (usage 4), and the taking of highly charged ‘political’ decisions in areas where it has been given direct implementation responsibilities (usage 4).

Conclusions

Although there is much discussion of the Commission’s ability to exercise political leadership, little focus has been given to the precise nature of what ‘political’ means. Imprecision hampers our ability to understand whether and how the Commission has become more or less political of late, and how that might affect the ‘decline of the Commission’ debate that has become much

heard in EU studies. Our study applied four analytically separate definitions of the term political to four important traditional tasks carried out by the European Commission, to investigate where and how the Commission continues to act politically. Initial findings are presented in Table 1.

Table 1. *The Commission's Political Activities in the Exercise of Its Legal Tasks*

	Agenda Setting	Policy Initiation	Process Facilitation	Implementation
Ideologically Political	√	√		
Policy Political	√	√	√	√
Institutionally Political	√	√	√	√
Administratively Political	√			√

Drawing on four ways in which the word ‘political’ can be used in normative democratic theory – and how it has been used when applied to the Commission – we have sought to provide a more systematic analysis of how the Commission acts and behaves in a political manner, particularly during times of crisis. We have taken as a ‘given’ that the composition and structure of the Commission has become, especially since Juncker became President in 2014, more politicised and have focused instead on the nature of four of the Commission’s most important roles and how it undertakes them. We showed that in each of the four roles the Commission is charged to act, and does so act, in a highly political way.

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Chapter 6

The Commission as a Leader in Transboundary Crisis Management

6) The Commission as a Leader in Transboundary Crisis Management

Turning now to the specific question of the role of the Commission in crisis management, several questions beckon. First, what are the general sources of leadership capacity for the Commission? We turn to the literature on EU institutions to answer this question, focusing on four classical factors upon which Commission leadership depends: the fragmentation of authority, its own legal resources, its political resources, and its technical expertise. Analyzing these factors in respect to managing crises, we find that they help to explain how the Commission takes a leading role in many areas of crisis management.

Second, we examine the specific – and most leadership relevant – categories of sense-making, decision-making and coordination, and meaning-making/communication. We outline those resources before illustrating cases of the Commission’s use of leadership in actual crisis situations. The conclusion to this section extracts key findings for policymakers and academics.

General Sources of Leadership Capacity for the European Commission

The Commission’s capacity to exercise leadership depends on four main factors: the fragmentation of EU’s institutional landscape, its legal resources, its political resources, and its technical expertise. Here we examine those factors with reference to managing transboundary crises.

The fragmentation of authority in the EU system

The EU’s institutional construction provides an operating context that results in the Commission frequently enjoying considerable room for maneuver in respect of deciding what it is to do and how and when it is to do it. There is no single political authority ‘above’ it issuing clear and consistent instructions across the policy portfolio. The European Council, the Council, and the EP all periodically urge the Commission to develop particular policy proposals but not in a consistent manner. The fragmentation is no more clearly seen than in the EU’s formal arrangements for locating political executive and legislative powers. Regarding the former, the EU does not have a clear and single political executive, but rather shares this power in a rather complex manner between the Council and the Commission. Regarding the latter, the EU does not have a clear and single legislature, but shares this power between the Council and the EP – though with the Commission also being assigned important legislative functions. The fragmentation is thus of a kind that when executive and legislative powers are being exercised, the Commission is normally very much involved.

Another aspect of the fragmentation that works to the Commission’s advantage is that it prevents strong oversight and control of the Commission by a single political authority. As Ellinas and Suleiman (2012: 9) have noted about the operating independence of appointed officials in all types of democratic systems: ‘The more fragmented a political system is, the larger the scope for bureaucratic autonomy.’ A key reason for this in the EU context is that the Commission does not have a clear and undisputed master, but rather at least three different types of master: the European Council, the Council, and the EP. The first and last of these are involved in nominating and approving the members of the College, whilst the EP also has the

power to dismiss the College – although, this power has been used (or, strictly speaking, successfully threatened to be used) only once: in the extreme circumstances that resulted in the resignation of the Santer College. Such powers fall a long way short of consistent oversight and control of the Commission, though a sort of oversight and control can be said to be exercised by the abilities of the three institutions to prevent unwanted Commission proposals being activated.

In reviewing the build-up of crisis management capacities, we note how the Commission has leveraged its position in the EU institutional system to drive policies in preferred directions. One such example is the use of its own powers in the institutional system to implement legislation. It can use delegated and implementing acts to make certain decisions on its own (previously known as ‘comitology’), as it did when responding to the financial crisis in 2008 and the migration crisis starting in 2012. Several initiatives were made which allowed the Commission to redirect resources towards crisis response (see, for example C(2017) 2572 final) and to force the relocation of certain migrants and to add/remove some countries from the list of safe third countries for relocation purposes (under Article 78(3) TFEU).

Legal resources

The Commission’s treaty powers in respect of it possibly providing leadership are considerable. There are some treaty provisions that give the Commission a general responsibility to seek to shape the terms of the ongoing debate about EU policies and to launch broad policy initiatives. For example, Article 17(1) TEU includes the following: ‘The Commission shall promote the general interest of the Union and take appropriate initiatives to that end.’ This article, which is deliberately phrased in a very vague manner, permits the Commission to move on a broad front if it so wishes – by, for example, issuing position or discussion papers which are designed to set or shape the agenda. If the ideas expressed in such papers are then endorsed by other institutions, especially by the European Council and/or the Council, or if they lead to requests for the Commission to develop its thinking further, perhaps in the form of a White Paper, they can then become a source of legitimacy and a framework in which more specific proposals are advanced. Such has been the case, for example, with a variety of crisis related initiatives like the Commission’s *Digital Single Market Strategy* which was endorsed by the European Council in June 2016 and included steps to improve cyber-security across Europe (European Council Conclusions 20/15).

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At more modest levels, that is to say at those levels where leadership is concerned with the advancement of specific proposals rather than with the broad sweep of institutional and policy development, the Commission is also strongly positioned by the treaties. It is so in two particular ways.

First, it enjoys considerable legislative powers. Article 17(2) TEU states: ‘Union legislative acts may only be adopted on the basis of a Commission proposal, except where the Treaties provide otherwise.’ The treaties do provide otherwise only in a very few AFSJ areas, so the Commission enjoys an almost exclusive right to propose and draft legislation. It can be formally requested by the Council, the EP, and Citizens’ Initiatives to submit appropriate proposals and it functions in a context wherein it is subject to a constant barrage of representations from all sorts of outside

interests on the need for EU legislation. As shown in Transcrisis project research on the EP, a number of ‘own initiatives’ on crisis-related issues have been suggested (mainly inquiries on the handling of the financial and migration crises, and suggestions for new approaches). But there have been no Citizen Initiatives, to date, related to new ideas on the EU’s role in managing crises. But such outside potential pressures notwithstanding, the Commission alone decides whether, when, and on the basis of what formulation to proceed with legislative proposals, and no other institution or outside interest is in a position to issue instructions to the Commission concerning the substantive content or timetable of its proposals. Furthermore, after it has issued legislative proposals the Commission is given by the TFEU a considerable control over them as they make their way through legislative processes – notably by making proposals difficult to amend without the Commission’s agreement.

Second, the lack of precision of the TFEU in many respects has provided opportunities for the Commission to take action and to advance proposals where it has felt it to be necessary and appropriate to do so. For example, it has taken advantage of Articles 101-109 TFEU (ex 81–89 TEC), which deal with competition policy, to be highly pro-active in seeking to ensure that restrictive and protectionist practices in the internal market are minimized. Article 352 TFEU (ex-308 TEC), the so-called ‘flexibility’ clause, is also useful for the Commission because it states – in a formulation that in the Lisbon Treaty even expanded the range of the clause to include any of the objectives set out in the treaties and not simply, as formerly, single market objectives:

If action by the Union should prove necessary, within the framework of the policies defined in the Treaties, to attain one of the objectives set out in the Treaties, and the Treaties have not provided the necessary powers, the Council, acting unanimously on a proposal from the Commission and after obtaining the consent of the European Parliament, shall adopt the appropriate measures.

The article does come with some limitations: it does not apply to CFSP/CSDP, it does not apply to objectives in which the EU’s role is explicitly limited by the treaties, and new proposals under the article must be agreed by unanimity in the Council. Nonetheless, historical experience and supportive decisions by the CJEU suggest that the Commission can continue to use the article in a creative fashion to expand the EU’s agenda, as in its various past formulations the article has been invoked to enable the Commission to develop initiatives in areas as diverse as environmental policy, development policy and research support. The flexibility clause was used to support, for instance, a broad number of crisis responses to the 2008 banking crises, not least parts of the European Semester oversight program and new funding mechanisms to help stricken governments (Boccuzzi, 2016). Once established, such initiatives can become established as legitimate EU goals and be accorded their own legal bases when the treaties are revised. Incorporation of a policy area into the treaties has the effect of further increasing the Commission’s powers because the appropriateness of the EU being involved in the area cannot then be questioned.

Political resources

Political resources of different kinds are utilized and mobilized by the Commission in crisis management leadership.

The background of Commissioners is one such resource, with the College being composed of former national politicians, most of whom have held senior office in their countries. Commissioners, in other words, are people who are used to exercising power and influence, and they usually come to Brussels with the idea of wishing to continue to exercise such powers and influence both in respect of the portfolio they are assigned and the College as a whole. The extent to which, in practice, they succeed in their aims naturally varies, but virtually all Commissioners, and especially those who take up major portfolios, have a political standing and experience that is extremely useful in assisting them to make a mark – by launching new initiatives, dealing with intractable issues, and generally moving the agenda forward.

The increasing visibility and status of the position of President of the Commission is another political resource that has helped to raise the Commission's profile and influence. Several factors account for this enhanced position of the President, including the growing significance of the EU itself, the increased powers given to the President by treaty reforms, the need of the media to focus on an individual, and the presence of the President at important and media-swamped gatherings of national leaders. If he so chooses and if he has the ability, a forceful President can do much to enhance the Commission's position and standing and to make the Commission a highly pro-active institutional actor. Jean-Claude Juncker, the current incumbent, has made it a priority to become more 'political' in his leadership style, which has been difficult to define (see above). In practice, he has taken – or tried to take – a high profile role in three major crises facing the continent, including the migration crisis, the financial crises and terror attacks (Kassim, 2017). His leadership consists mainly of motivation leadership, directed at national capitals and encouraging greater common action (but see Olsson & Hamnergård, 2016 for a more nuanced explanation of Commission leadership during recent crises, including during the Barroso Commission).

At all policy-making levels the Commission has acquired a wide range of political skills and these have served as another valuable political resource that it has been able to use to its advantage. One such skill has been an ability to play a part in focusing political discourse on the merits of policy actions at the EU level rather than at national levels. In policy areas such as the internal market, EMU and the environment, the Commission has virtually run public relations campaigns and Commission representatives – especially Commissioners – have actively engaged in public debate. A related discourse has seen the Commission citing successes in existing policy areas to justify the development of other policy areas – what Matlary (1997) has called 'agenda building through linkages'. The Commission's role in the face of crises serves as a key example here, since the Commission regularly argues for stronger competences to manage crises as a way to manage 'unintended effects' or 'negative externalities' of the internal market (Boin, Ekengren, & Rhinard, 2013; Bossong & Rhinard, 2012).

Another political skill has been an ability to take advantage of windows of opportunity and of seemingly innocuous policy instruments to promote significant expansions of the EU's policy agenda. As Cram observed over twenty years ago, the Commission has been a 'purposeful opportunist' – that is, 'an organisation which has a notion of its overall objectives and aims but is quite flexible as to the means of achieving them' (1994: 214). In acting as a purposeful opportunist to expand the scope of Union competence (and, in so doing, also its own scope for action) the Commission has employed a variety of techniques that are designed to make proposed policies and laws acceptable.

One of these techniques is the use of ‘soft law’, which consists of non-binding policy instruments such as declarations, recommendations and communications. Soft law instruments do not need to be approved by the Council or the EP, so they give the Commission more maneuverability than it normally has when it is proposing and devising hard law. They can be used to help bring issues onto the agenda or to suggest new policy approaches in existing issue areas. Once soft law is in place it is sometimes transformed into hard law, usually via legislation (but occasionally via CJEU rulings). Much of the EU’s crisis management capacities, outlined above, came about because of this ‘soft law’ dynamic. The Commission regularly gathers member state officials to consider establishing standards, best practice, and other kinds of guidelines with no legal effect. Capacity building in the areas of critical infrastructure protection and explosives guidelines (Pursiainen, 2009; Rhinard, Ekengren, & Boin, 2006).

Another technique used by the Commission to make proposed policies and laws acceptable has been, as Majone has shown in many of his studies (see, for example, Majone, 1996, 2005), to prioritise the promotion of regulatory policies. Such policies tend to be less problematical than distributional policies for the Commission. They are so for two main reasons: they do not make heavy demands on tight EU budgetary resources since the costs of implementation fall on public authorities or private firms in the member states rather than directly on the EU; and the effects of regulatory policies are not usually so clear as are the effects of distributional policies, so they are less likely to be contested by national governments. Many of the crisis management capacities initiated by the Commission have a regulatory nature – they include common operating protocols, guidelines on resource sharing, and minimum standards. Distributional policies are more rare, since the EU has fewer of its ‘own resources’ built up. One exception might be the EU’s ‘civil protection modules’, which can be shared by member states in times of crisis. However, these modules are largely states’ own resources, and do not represent major re-distributions of resources.

Technical knowledge

Officials in the Commission’s services develop an understanding and knowledge of their respective policy spheres. When the necessary expertise is not to be found amongst the Commission’s permanent staff, outside help is frequently called in – usually by contracting consultants or by making use of the Commission’s extensive advisory committee system. But whether the knowledge is directly or indirectly acquired, the Commission has an extensive technical expertise and a fund of information about the content and impact of EU policies. Such expertise and information are key power resources: little that is sensible or workable can be done in any policy area without an understanding of highly complex issues and without access to a mass of what are often almost impenetrable facts and figures. All EU actors develop some such understanding and access, but not usually to the same extent as the Commission, which results in the Commission being advantageously placed to make itself indispensable to most initiatives and developments. An example in this regard concerns cyber-sabotage response, a highly technical exercise in which the Commission – working with its cyber security agency, ENISA – has developed a considerable amount of expertise. The technical parameters and capacities required as part of CSIRT legislation (cyber security incident response team) is held largely by the Commission and shared out to member state governments without that capacity.

Permissiveness of the Operational Context

The extent to which the Commission is able to use its resources in such a way as to provide the EU with effective leadership depends in large part on the contexts in which it is operating. Two aspects of that context are especially important: perceptions by the member states of the need for, and desirability of, activity at the EU level; and, perceptions by the member states of the role of the Commission.

Clearly, the Commission's prospects of advancing the policy agenda and bringing forward policy proposals that will be received favorably are considerably enhanced when those who make the final decisions – which means particularly the representatives of the member states in the European Council, Council, and EP – are convinced of the need for, and the desirability of, policy activity at EU level.

This was no more clearly seen to be so than in the background to the launching of the Single European Market (SEM) programme in 1985. The many studies that have been undertaken on the reasons for the launching of the programme have focused on several supposedly causal factors – ranging from pressure by European business groupings to political entrepreneurship by the Commission – but virtually all have agreed that little progress could have been made had not a consensus emerged between the member states in the early-to-mid 1980s on the need to integrate the still fractured internal market (see, for example, Sandholtz and Zysman, 1989; Moravcsik, 1991; Cameron, 1992). A consensus similarly emerged in the 1980s, promoted to some extent by the Commission itself (see below), that the EU should be active in the closely related policy areas of information technology, telecommunications, and research development (Sandholtz, 1992; Schneider et al., 1994; Peterson and Sharp, 1998). Similarly in the early-2000s member states broadly agreed that the EU should improve cooperation on internal security issues such as counter-terrorism. The SEM, information technology, and internal security were thus all issues that gave the Commission some latitude to bring forward new proposals (Kaunert and Della Giovanna, 2010; Brattberg and Rhinard, 2012). In all these examples the Commission both stoked and leveraged changing national attitudes to establish itself as an important agenda-setter.

Just as the existence of a favorable consensus amongst member states helps explain Commission policy success, so does its absence help explain Commission difficulties with policy areas where it would have liked to provide a bolder lead. Such, for example, has been the case with the opening-up of infrastructure and network-based industries such as gas, electricity and telecommunications. Many member states just have not been convinced that the wholesale liberalization of these industries has been in their interests and so have been resistant to being led too far by the Commission in this direction. Consequently, since it began in the early 1990s to attempt to liberalize such industries the Commission has had to take an essentially incrementalist, rather than a 'big bang', approach. A similar explanation holds for the Commission's efforts to build-up some crisis management capacities. The effort to build shared, European civil protection resources initially failed because of member state sensitivities over who would control such resources. A more modest approach by which national 'modules' would be used satisfied member states' concerns (see inventory, above).

Another potential constraint on Commission leadership is perceptions by the member states of the role of the Commission, generally. Whilst increased perceptions by the member states that there should be policy activity at EU level normally enhances the Commission's leadership

capacities, this is not always so. There are circumstances in which member states may have doubts about, and may even be opposed to, allowing further EU activity to automatically result in a greater leadership role for the Commission. Usually such doubts and opposition are part of a broader concern about the increasingly supranational tilt of the EU, as an observation of Majone (2006: 616) makes clear: ‘...there is clear evidence that the Commission, and arguably also the Court of Justice, on many occasions have used the Community method well beyond the limits envisaged by the drafters of the Treaty of Rome, and that member states have reacted to this lack of self-restraint by limiting the scope of delegation to the supranational powers.’ This was, for example, the case in the 1991 IGC negotiations on the institutional implications of expanding the EU’s policy remit, when the decision to establish the CFSP and JHA pillars outside the EC Treaty was motivated by a concern in some member states not just to keep the Commission’s powers at bay but also by a more general concern to retain the pre-eminence of national governmental power in these spheres. Apart from in the UK, these concerns have largely withered in respect of JHA, with the consequence that most of JHA has now been brought into the decision-making mainstream, albeit on a differentiated basis. However, the concerns still exist on a wide enough basis in respect of the CFSP to result in it, and the related CSDP, remaining primarily intergovernmental.

It is, however, not only general perceptions and political orientations that influence the attitudes of member states regarding their expectations of the Commission and the sort of leadership it ought to be offering. Other factors play a role, too, of which perhaps the most important is whether or not the Commission is seen to be ‘doing a good job’. At the individual member state level, what is deemed to constitute doing a good job varies considerably according to national interests and priorities. So, for example, Italy and Spain, which are generally supportive of Commission leadership, have sometimes resisted such leadership when Commission proposals have risked nationally-owned companies being taken over by companies based in other EU member states (Howarth and Sadeh, 2010).

At the overall EU level, it is more difficult to say what is effective – or deemed to constitute ‘doing a good job’ – because it involves general notions of efficiency, competence, fairness, etc. Certainly, however, there can be little doubt that one of the reasons the Commission’s leadership lost some of its effectiveness in the closing period of Delors’ presidency was that the Commission as a whole was just not seen as being as clear-headed as it had been previously. The open conflicts between some Commissioners were seen as being damaging to the College’s coherence, while the Commission was blamed for having contributed to the climate of opinion that brought about the June 1992 Danish referendum result (in which the Danes voted against ratifying the Maastricht Treaty) by having been too integrationist in its rhetoric in the weeks preceding the vote.

Commission Crisis Capacities as a Leadership Resource

Exercising leadership during crises is a famously difficult challenge (Boin, ’t Hart, Stern, & Sundelius, 2016). In the case of the Commission, the difficulties are compounded in three ways. First, unlike national governments, the Commission is operating at a level of governance at which authority is inherently contested. The dividing line between national level legal competences and supranational competences is intentionally left unclear (clarity invites

Eurosceptic objections) and competences may shift during crises. Second, there is no center of ultimate authority in the EU as would be the case in the form of a prime minister or president at national level. At best, the Commission shares authority to take action, always risking criticism if other actors object (e.g. member states). Third, the Commission's ability to 'take charge' varies per sector, so that its leadership opportunities differ depending on the kind of crisis emerging. An animal health crisis allows the Commission to take action immediately. A human health crisis requires the Commission to consult and coordinate leadership.

Yet not all leadership resources are formal or institutional in nature. When it comes to crisis management, careful attention should be paid to how the accumulation of some crisis management capacities may empower leadership. Which capacities might that be? A brief review of the TRANSCRISIS "crisis management tasks" is in order:

- ⊙ Detection: the timely recognition of an emerging threat.
- ⊙ Sense-making: the collecting, analyzing and sharing of critical information that helps to generate a shared picture of the situation.
- ⊙ Decision-making: the selection of strategic decisions, joint decision-making, and formulating an effective strategy to implement the key decisions.
- ⊙ Coordination: identifying key partners in the response and facilitating collaboration between these partners.
- ⊙ Meaning-making: formulating a key message that offers an explanation of the threat, actionable advice, and a sense that leaders are in control of the situation.
- ⊙ Communication: effective delivery of the core message to selected audiences.
- ⊙ Accountability: rendering an explanation in a public forum of relevant decisions and strategies that were initiated before, during and after the crisis (from Transcrisis 'Starting Memo', April 2015).

Although *detection* may appear to be a fairly technical, even banal, exercise, the potential for detection capacities to underpin leadership capacity is worth exploring. Detection involves having the systems in place to horizon scan and identify potential problems at an early stage. As we have noted elsewhere, the Commission has a significant amount of detection capacity in almost every sector in which it governs. We surmised that creating detection and early warning capacities requires very little political authorization from member states. Building such capacities is something the Commission can do largely as an administrative act. Moreover, political legitimation is easy: it seems like a 'good idea' to everyone. It may also be seen as the exercise of power: to identify and label an issue as a 'problem' is to take control over how it is dealt with and managed -- which theorists as diverse as Lukes (cite) and Gramsci (cite) have noted. The Commission describes it in different terms, with several interviewees arguing that detection and early warning should be a clear-cut case of 'EU added-value', e.g. to be the 'first on the scene' when a potential problem becomes clear. This holds the potential to put the Commission in the driver's seat of subsequent action. That seat may soon be occupied by others, but at least the Commission put itself in a power to exercise some sort of leadership by identifying early a problem requiring a response.

When it comes to *sense-making*, the ability to effectively collect, analyze, and distribute

critical information can also empower the Commission's leadership. Having the capacity to determine 'what is at stake', to paraphrase E.E. Schattschneider, is the supreme instrument of political power (1960). We noted a sharp rise in the amount of sense-making capacities in the EU since previous mapping exercises. The rise of sense-making capacities, when compared to previous research in 2013 and 2015, is worth noting. Many of the tools and systems previously focused only on detection and early warning now contain an 'information enrichment' and analysis component. Systems that started as detection, threat mapping, and early warning – and then grew into sense-making systems – include the 'Network Manager' function in the Network Operations Portal for Eurocontrol, COPERNICAS for environmental threats, and ENSEMBLE, which monitors atmospheric problems. Why have such evolutions taken place? Our hypotheses in Chapter 1 of this report offered up either cognitive or functional-bureaucratic explanations, but a drive for leadership may also explain it. How? Even more so than early detection, sense-making allows the Commission to frame a problem and suggest particular solutions (Rhinar, 2010), forcing member states to react. This certainly promotes the possibility for greater leadership and can explain why the Commission is keen to enrich purely detection tools with a sense-making function. A recent EU exercise simulating a major earthquake and several cascading crises serves to confirm the point: the Commission's analysis of the situation won praise from member states and helped to put everyone 'on the same page' (EDREX REPORT 2017).

Decision-making is the crisis management task most associated with leadership, but for the Commission, its decision-making abilities come with a set of caveats. First, as detailed in the mapping inventory above, the Commission has very few direct decision-making capacities in times of crisis. Such capacities exist in only a few sectors, in which the EU has a clear competence. As we wrote above (see Chapter 1) "thus, during an animal health outbreak, key decisions must be made at the European institutions related to quarantine, for instance. Some aspects of air transport security involve Eurocontrol (not formally an EU body but closely related) issuing guidelines when a crisis hits, via its EACCC and Network Manager. In a major financial crisis, the European Council will mobilize to coordinate a common response amongst member states and institutions like the European Central Bank (explained in Chapter 8 below). But in most areas the EU's decision-making role is, at best, arms-length from the actual crisis. The EU's competences rarely allow it to intervene directly in a crisis. Thus, the Commission's ERCC has a variety of rapid decision-making protocols and an impressive information support system to match. Its three crisis rooms operate on a 24 hour/7 days a week basis. Decisions made here, however, relate mainly to the mobilisation of the EU's own assets—which are proportionally a small contribution to crisis response. The same applies to DG Santé's Health Emergency Operations Facility (HEOF). The Facility operates mainly to gain a situation awareness of a pandemic outbreak and to understand what EU member states are doing individually or bilaterally to manage a crisis. One respondent described HEOF's attempts as 'managing chaos' since DG Santé's role is not always self-evident. In the area of cyber crises, the 'EU Standard Operating Procedures for Cyber Events' involve a degree of decision-making but largely in terms of what EU capacities should be mobilized – whether demanded by outside crisis managers or not."

Another finding of the mapping inventory is worth discussing in regards to the Commission's possibilities for decision-making capacity. We found that when it comes to detection and sense-making, systems are narrowly focused, allowing the Commission more influence over processes and shaping outcomes. However, when it comes to decision-making, platforms for making critical decisions in times of crises are shared amongst multiple actors, since the crisis

focus tends to be generic. As we wrote above, “decision-making and coordination, systems tend to be more generic. Thus, the ERCC claims a role as an ‘all hazards decision/coordination centre, and the IPCR has no specific threat orientation and is instead a decision platform for any contingency (although, as a side note, it is rarely used). Some of this can be explained by institutional affiliation and bureaucratic politics: the ERCC has maneuvered to become the main crisis hub for the Commission, while the IPCR’s Council location explains its broad approach” (see Chapter 1 above). The point here is that when it comes to decision-making during crises, the EU’s role is highly circumscribed -- while the Commission’s is even more so.

Compared to decision-making capacities, *coordination* capacities hold a greater potential to empower the Commission in crisis leadership. Coordination is in many respects the essence of what happens in the EU. The EU is heavily concerned with coordinating itself (services, institutions) and attempts to coordinate national actors. We find that many of the capacities found in our mapping inventory are, in fact, coordinating in nature. The inventory’s findings reveal that coordination capacities fall into two categories, each with different implications for Commission leadership potential.

Coordination capacities used *before* a crisis are aimed at trying to assemble key actors, to educate on available resources, and to practice using relevant tools in advance of a crisis. Not all sectors engage in exercises, but they seem to be growing. The Commission’s pandemic response plans are exercised on a fairly regular basis. And Cyber Europe is a bi-annual Pan-European cyber exercise that aims, amongst other goals, to practice crisis response collaboration with various actors – both vertically and horizontal. In such cases, the Commission is assembling networks of key actors in preparation for when a crisis hits, putting itself – in many but not all cases – in the center of such networks. This ‘governing through networks’ model is one used in other EU areas (Schout & Jordan, 2005) and allows for a certain degree of leadership by the Commission.

Capacities for use *during* a crisis blend somewhat with the ‘partial’ decision-making capacities described above. As mentioned, most of what the EU considers decision-making capacities are actually coordination capacities according to the Transcrisis framework. Thus, the European Response Coordination Centre (ERCC), the IPCR, the Health Emergency Operations Facility (HEOF, in Luxembourg) and the European Aviation Crisis Coordination Cell (EACCC) are all sometimes considered ‘decision platforms’, but are more accurately described as coordination centers. During a crisis, the Commission’s coordinating capacities are less likely to empower a leadership role, since other actors (namely, national governments) crowd the scene, public salience grows, and the Commission’s ‘space for coordination’ narrows. As noted in our mapping inventory, “coordination efforts have grown in Brussels [because of] the increasing number of actors involved in various crisis issue areas. The rise of new agencies, new member state officials, increased public-private relations, and new staff focused on crisis issues makes coordination more complicated than in previous years.”

Capacities related to *meaning-making* and *communication*, two additional crisis management tasks, are in rather short supply, according to our inventory. The two tasks are vitally linked, in that meaning-making internally must be communicated externally in order to control the narrative of what a crisis is “about”. As our research on the migration crisis shows, the Commission concentrated leadership at the top: Juncker and Timmermans took control over the Commission’s public messages. Yet that message was drowned in other meaning-making

efforts from both (a) other institutions and (b) national governments.⁴⁹⁴ A recent EU exercise (simulating a major earthquake and several cascading crises) revealed that the Commission needs to put a specific set of protocols in place for “strategic crisis communication” since it is lacking (EDREX Report 2017). We conclude, then, that the capacity to frame a crisis publicly is not likely to be the most empowering capacity underpinning Commission leadership.

Capacities for rendering an explanation in a public forum of relevant decisions and strategies that were initiated before, during and after the crisis – related to the task of **accountability** – is also less likely to empower the Commission. While our inventory noted that the EU has a number of capacities for rendering an explanation of crisis management performance – namely, the role of the European Parliament and the Brussels press corps – the Commission’s leadership is not accounted for by a strong sense of democratic legitimacy (see Chapter 3 above).

Conclusions

To sum up, the Commission’s leadership in managing crises is empowered mostly by its detection, sense-making and pre-crisis coordination capacities. Detection and sense-making allows the Commission to take the lead in early response and crisis understanding. This helps to explain, perhaps, the explosion in capacities in these areas over the past years. The Commission sees these kinds of capacities as important for its own inter-institutional positioning: to be “first on the scene” of an emerging crisis affords an opportunity for leadership, even if in practice that is not always the case.

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⁴⁹⁴ Our research on the migration crisis is currently in progress, as part of a doctoral dissertation. The interview data has not yet been approved by respondents, so we have not made formally part of this deliverable. It will, however, be delivered as part of the Transcrisis overall outputs at the earliest available opportunity. Moreover, generic findings from that research has been used to substantiate discussions in this deliverable, D4.2.

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Chapter 7

When and How Does the Commission Lead During Crises?

7) When and How Does the Commission Lead During Crises?⁴⁹⁵

Introduction

Crises challenge societal core values and require public administrations and political leaders to take action. If not handled successfully, legitimacy may quickly diminish (Boin et al. 2005). The last decade has witnessed an increase in transnational crises, such as pandemics, terrorist attacks, and financial turmoil, which has spurred the question of international organisations' abilities to act as crisis managers (Verbeek and author 2016; Boin et al 2013). In Europe, the recent financial and immigration crises have resulted in calls from politicians, media and citizens alike for the European Union (EU) to step up and show leadership. In the public debate, politicians and debaters have stressed that if the EU fails to assume this role, it will not only suffer the direct consequences of the crisis but there will also be a serious blow to further integration and the ability to keep the Union together.

The recent trail of crises is interesting from a number of perspectives. Crises are fascinating since they tend to create space and momentum for policy changes - at least if exploited by skilful policy entrepreneurs (Kingdon 1984; Boin et al. 2009). Moreover, crises are intriguing from an institutional perspective because of their ability to generate bureau-political struggles resulting in the altering of power relations between various institutional actors (Rosenthal and Kouzmin 1991). One of the most widely recognized dynamics caused by crisis is the centralization of decision-making power to the highest levels of political decision makers, as a result of decision makers trying to re-establish control over the impending situation (t'Hart et al. 1993). From an EU perspective, centralization in times of crisis poses intriguing questions related to the Commission's autonomy in relation to the EU member states (MS)— that is, the ability to make use of its institutional powers in connection to crisis events and the extent to which it depends on MS to do so.

Looking at recent financial turmoil, scholars differ in how they describe the relation between the Commission and the MS. Fabbrini (2013) describes the EU's response to the financial crisis as foremost intergovernmental, acknowledging that the Commission's role varied depending on policy areas and crisis phases. According to Schwarzer (2012) the financial crisis resulted in the Council gaining importance at the expense of the Commission, in particular regarding long-term strategic policy making. Hodson (2013) also argues that the Commission failed in exploiting the financial crisis as a strategic resource for further integration. In contrast, Bauer and Becker (2014) stress that the Commission's influence, as a result of the financial crisis, changed rather than decreased, that is, the Commission's agenda setting power diminished, whereas its implementation role was strengthened. Other scholars stress that intergovernmentalism does not exclude the fact that the Commission took a strong operational role behind the scene, foremost in the initial phase of the financial crisis (Puetter 2012; Menz and Smith 2013; Camis o 2015). Taking all these interesting findings into account there is a lack of research which systematically explains the pattern of various strategies and positions adopted by the Commission in response to crisis events. In this article we aim to do so by presenting a simple but potent model for describing and explaining the various strategies

⁴⁹⁵ This section draws from an unpublished paper authored by Kajsa Hammarg ard and Eva-Karin Olsson titled 'Explaining the European Commission's Strategies in Times of Crisis', written within the context of the Transcrisis project and presented at the European Consortium of Political Research (ECPR) Annual Conference, Oslo, 6-9 September 2017.

adopted by the Commission in times of crisis. We develop our model through examining two international crisis events: the beginning of the financial crisis (2008) and the migration following the Arab Spring (2011), thus allowing for both empirical and theoretical contributions. The study identifies four strategies applied by the Commission: the competent doer, the follower, the cooperator and the re-cycler.

The Commission

The European Commission differs from other IOs in being ‘a politicized bureaucracy’ with the mandate of proposing legislation, implementing policy and supervising programmes (Christensen, 1997). In line with this, the Commission is often understood as a competence-seeking bureaucracy — that is, an agency which struggles to increase its influence through extending its mandates and resources (Niskanen 1974; Pollack 1997). The Commission acts as a ‘policy leader and initiator’ driving the EU project further by launching and deriving support for various policy initiatives, often in the name of the common good. The Commission also performs a legislative function with its exclusive right to draft legislative proposals and to act as the legal guardian. In addition, the Commission has executive functions related to monitoring, coordinating, negotiating, and implementing. Yet another important aspect is the Commission’s political skill and ability to act as a “purposeful opportunist” in seizing windows of opportunities by proposing new policies aimed at further integration (Cram 1994).

It can also be noted that the Commission’s influence has changed over time. The latter part of the 1980s and the 1990s is most often depicted as a time characterized by a strong Commission that successfully used its position to ensure the establishment of the Internal Market. During this period, the Commission was also successful in initiating legislation in other policy areas including areas where it formally lacked a mandate, so-called ‘creative legislation’ (Leibfried and Pierson 1995). As a reaction to the Commission’s heydays, MS sought to prevent the Commission from expanding its mandate further and in recent years there has been a widespread notion amongst EU scholars that the Commission’s status is in decline (Peterson 2012; Kassim et al 2013). It could be noted that not all scholars share this argument, however. According to Peterson (2008) the Commission has become less autonomous but at the same time more integrated into the EU system. Nugent and Rhinard (2016) argue that the alleged decline is exaggerated and can only, marginally, be observed in regard to agenda setting issues. Its executive functions have not weakened and the Commission still has extensive resources and impact in key policy areas.

Scholars in the field have argued that the Commission is best understood as a multi-organisation and as such it should not be treated as a “monolithic unit” (Cram 1994). In focusing on social and IT policies, Cram illustrates how various parts of the Commission’s administrative sub-units employ different strategies to influence the EU policy process. Examples of such strategies are the ability to engage in ‘co-operative bandwagoning’ with other actors as well as acting as an agent promoting its agenda (ibid. 213). Following from this, scholars have studied the Commission as a complex organization performing a key strategic role in the EU policy process, in which it acts as a purposeful opportunist (see for example; Cram 1994; Mörth 2002; Rhinard 2010). The Commission’s ability to influence decision-making at the European level can be summarized in three contrasting ways: as a passive structure for MS to act upon (Mitrany 1971), as a mediator serving MS interests (Moravcsik 1993), or as a purposeful actor who actively sets the agenda and shapes expectations (Pollack 1997). Within the liberal intergovernmental perspective, the EU policy process is understood as driven by national interests and relative power dynamics (Moravcsik 1993). In acting as a mediator, the Commission plays a crucial role in keeping the EU together as a broker and consensus builder.

Legitimacy is derived from successfully reducing bargaining transaction costs for MS. In other words, in situations when the Commission influences the policy process it is only because the MS want it to. Viewed from a multi-level, or a neo-functional perspective, more weight is placed on supranational institutions as actors and their abilities to impact EU negotiations and decision-making (Sandholtz 1993). Within this perspective, the Commission becomes an important player in the EU's multilayered and fragmented policy system. In this study we will explore how these roles play out in times of crisis.

Analytical Framework

In this section we outline a model comprised of two main elements: MS engagement and the Commission's formal mandate. This model is then used for explaining the strategies adopted by the Commission in times of crisis. Crisis is understood as events involving high levels of uncertainty, threat, and stakes at play (Hermann, 1963). Based upon the two elements mentioned above, we map the strategies applied by the Commission in order to maintain or increase its autonomy in relation to MS in times of crisis. Autonomy here refers to the Commission's ability to exert their own preferences and to act independently irrespective of MS interests (c.f. Barnett and Finnemore, 2004). In the study a distinction is made between *weak* versus *strong mandate*. It should be noted that the strength of the EU's legal mandate has also been proven crucial in understanding the Commission's influence in EU policy making by other scholars in the field (Nugent and Rhinard, 2016). A weak mandate is characterized by the Commission lacking legislatively authorized means to act in regard to the issue at hand; that is, there is a lack of supranational authority. A strong mandate refers to situations in which treaty provisions are in place – or in which there is supranational legislation – giving the Commission legislative powers to evoke sanctions and/or act independently from MS. How the Commission's mandate plays out in the categories identified will be further explained in the empirical analysis. Our next variable is MS engagement which also has been proven important for understanding the Commission's power and influence in previous research (Pollack 1997; Versluys 2007; Moravcsik 1999; Kassim and Menon 2003). A distinction is made between *high* versus *low* MS engagement. In our model, high MS engagement refers to a situation in which the majority of MS are engaged in the issue at hand, which usually means that the issue is high on the common European agenda. In contrast, issues which only receive limited attention from the MS and do not end up on the common European agenda are characterized as categorized as low MS engagement. The reasons for this could be that an issue is only considered a crisis situation in certain MS or that the seriousness of the situation as not yet been fully understood by the MS. In this article, by combining the two variables (mandate and MS engagement) to understand the Commission's relative levels of autonomy, we arrived at four ideal types that can explain the Commission's strategies in handling crisis events.

Methodology

The study uses an inductive process tracing approach to analyze two crisis events: the first phase of the financial crisis and the migration crisis triggered by the Arabic Spring. From these two cases, seven decision-making occasions were identified. The process tracing approach follows a method for crisis studies developed by Stern (1999), inspired by George and Bennett (1997/2005). The first step is descriptive, by which the object is to outline the course of the event. The next step is more analytical and consists of singling out the "decision-making occasions" from an established time frame. Decision-making occasions are occasions with prominence in the crisis decision-making process; that is, problems that most troubled decision makers and were the most time consuming. Analyzing decision occasions allow scholars to

trace decision-making processes in relatively close approximation to decision maker's own experiences (Stern, 1999). In analyzing decision-making occasions, the strategies adopted by the Commission can be identified. After identifying the strategies, variables which could explain the strategies were inductively analyzed. Analyzing the decision-making occasions in the early stages of these crisis we found mandate and MS engagement to be crucial explain the differing strategies. The empirical material consisted of official EU documentation, media reports, and previous research. In addition, eleven civil servants who worked with the Commission's actions, strategies, and relations with MS during the financial crisis and the Arab Spring crisis were interviewed.

Overview of cases

Financial crisis

The financial crisis hit the global economy in August 2007 as a result of the bursting US property bubble in 2006. At this time, the impending effects on the real European economy were downplayed across Europe, which considered the crisis to be an American problem. This all changed when Lehman Brothers collapsed on 15 September 2008, which revealed a worldwide contagion within the global financial system. In only a few weeks, it became obvious that even financial institutions in Europe were heavily exposed (Dabrowski 2010, 42–3). When the crisis threatened to bankrupt financial institutions across the EU, governments launched various national rescue programs. The Commission acted in a number of state aid cases producing new sets of guidelines for managing and implementing European competition law (DG Competition 2009, 3). The situation worsened when MS (such as Latvia, Hungary and Romania) encountered financial difficulties. To avoid bankruptcy, these countries applied to the EU and the International Monetary Fund (IMF) for medium-term financial assistance. From the Commission's perspective, this became the starting point for both the acute crisis management as well as the long-term policy response (Puetter 2012, 172).

Within the framework of the early financial crisis, four critical decision-making occasions can be identified, presented in chronological order: first, adoption of the Commission's initial communication after the Lehman collapse in 2008, the establishment of the de Larosière group and proposals for strengthening EU financial governance; second, the Commission's development of new state aid guidelines; third, the rescue of Latvia and the discussion of a devaluation of the Latvian currency; finally, the Hungarian application for EU financial support.

Arab Spring

The starting point for the Arab Spring is generally seen as when Mohamed Bouazizis died from injuries caused by self-immolation in Tunisia on 4 January 2011. Demonstrations and social turmoil spread rapidly across North Africa and the Arabic world. As an effect, migration flows over the Southern Mediterranean increased and soon it became obvious that the EU was directly affected by the crisis. The Arab Spring case reveals the problems associated with the fact that Schengen cooperation lacked truly common EU legislation and policies in regards to asylum seekers and burden sharing. Due to the lack of common EU policies, and feeling overburdened, Italy, which had received the majority of migrants, decided to introduce temporary residence permits on a group basis. As a result, many of the migrants continued on to France, which in response closed its border. The Commission had a minor role in the actual handling of the crisis,

at least when it came to finding solutions and resources outside of the already established ones. The Commission managed to push through the issue of visa facilitations in their negotiations with their southern neighbors, which laid the foundation for the EU’s global strategy for migration.

Within the framework of the early months of the Arab Spring, three decision-making occasions were identified, here presented chronologically. The first one was the Commission response to the migration flows from Tunisia, the establishment of a FRONTEX operation and access to emergency funds. The second occasion was initiated by the early debate on the **European Neighborhood Policy** (ENP) and resulted in a Commission drive for visa facilitation and renewal of the Global Approach to Migration and Mobility (GAMM). The third and final decision-making occasion occurred during the Franco-Italian conflict 2011, when Schengen cooperation came under pressure due to the Italian government’s choice to issue temporary residence permits and the subsequent French decision to enhance border checks at the Italian border.

Analysis

Drawing on alternative combinations of the two variables discussed above – Member State engagement and strength of mandate -- the following four strategies can be identified (see Figure 1 below).

Figure 1: Alternative strategies of the Commission’s actions in crises.

	Strong Commission Mandate	Weak Commission Mandate
High Member State Engagement	”The follower”	”The recycler”
Low Member State Engagement	”The competent doer”	”The cooperator”

The Competent Doer

In the first category the Commission’s mandate is strong and MS engagement is low, which provides the Commission with the freedom to act with speed and flexibility, and as such puts it in a position to be an effective crisis manager. Two decision-making occasions when the Commission acted as a “competent doer” were

identified. One is the migration flow in the wake of the Arab spring and the first response by the Commission. On the 13 February 2011 approximately 3000 migrants had reached the Italian shores of the island of Lampedusa. The Italian Interior Minister Maroni described the number of migrants to be of ‘biblical’ proportions (Pop, 2 February 2011). The issue was high on the Italian agenda, in that the government wanted an EU-solution and blamed Brussels for the situation, but other MS were not engaged (Donadio, 13 February 2011; Pop, 14 February 2011; Malmström 2 February 2011). On 14 February Italy officially made a request to the Commission and DG HOME for a FRONTEX operation at its southern border. Within this policy area, the Commission’s mandate is strong and it functions as a link between the MS and FRONTEX. In the subsequent situation, the Commission managed, within a short time span, to

get the FRONTEX operation “Hermes” in place⁴⁹⁶. In addition to kickstarting a FRONTEX operation, the Commission reprioritized various recovery funds. Commissioner Malmström announced that the Commission would increase its financial support to Italy and Malta, beyond the current budget, using multiple funds and reallocating assets. The resources were made available by the “European Refugee Fund” under a specific instrument for emergency situations. Additional funding was made possible through reallocation of resources.⁴⁹⁷

The second decision-making occasion during which the Commission can be identified as a “competent doer” was the its handling of the Hungarian rescue package during the financial crisis in the Fall of 2008.⁴⁹⁸ None of the MS (except Hungary itself) took a deep interest in saving the Hungarian economy from bankruptcy, despite the fact that the Hungarian rescue package would require over half of EU rescue package funding via the balance of payment mechanism. The issue of the Hungarian rescue package came to be handled as a technical expert issue, with experts from the Commission and the IMF working together. Scholars in the field have stressed that the Commission increases its opportunities to have proposals accepted when they are cast in technical discourse – since that works as a way of depoliticize, in essence, political issues and solutions (Christiansen, 2001). According to one of the respondents, the technical framing of the issue was an important contributing factor to why the Commission was granted the freedom to design the rescue package (Respondent 3). Collaboration with the IMF also strengthened the Commission’s ability to finance the rescue operation, since the Commission had not been a major borrower on the global financial markets for a long time. By cooperating with the IMF, the Commission was able to speed up the operation, and for the first time ever, DG ECFIN played a dominant role in formulating a rescue package for a MS. The package was designed within 4 weeks (Respondent 3; Thissen et al. 2013, 8-9, 86). A civil servant describes it as “...for us [the Commission] it was truly pioneering work and a lot of efforts were made to be quick enough, but at the same time to make informed decisions.” (Respondent 3). The decision to provide Hungary the loan was taken in consultation with Economic Financial Committee (EFC) and thereafter the Council made the formal decision. The process was swift, with no major political conflict. In communicating the decision to the MS, the Commission motivated the rescue package both as a way of preventing the crisis from spreading within the EU and as a matter of solidarity (Respondent 3). The two decision-making occasions show that when the Commission faces a situation which affects and engages only a few MS and its mandate is strong, the Commission acts with speed and bureaucratic innovation in managing the situation. In the cases described above, the strategy includes innovative use and fast handling and activation of common mechanisms.

The Follower

This strategy relates to occasion when the Commission’s mandate is strong and MS engagement is high. Examples of such situations were found in both cases: the Schengen issue during the Arab spring following the Franco-Italian conflict, and the development of new, temporary state aid-guidelines in the wake of the financial crisis.

⁴⁹⁶ Austria, Belgium, Denmark, France, Germany, Hungary, Netherlands, Portugal, Romania, Sweden, Switzerland and Spain.

⁴⁹⁷ European Parliament, ‘Answer given by Ms Malmström on behalf of the Commission’, *Parliamentary questions*, 11 of April 2011 “<http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2011-001919&language=EN>”

⁴⁹⁸ European Commission (2008) *COM(2008) 716 final*, 30 October 2008.

When it comes to the issue of state aid, the Commission has a strong mandate since it is obliged, according to several articles in the treaties, to oversee that MS act in accordance to the common market regulations.⁴⁹⁹ As banks collapsed around Europe the issue of state aid to financial institutions rose on the European agenda. Already during the first days after the fall of *Lehman Brothers* the Commission and several MS initiated a dialogue on how to cope with European banks experiencing financial difficulties. Even though state aid rules are clearly stated in the treaties, MS were initially reluctant to follow these and high profile MS (such as France and Germany) claimed that existing rules did not to apply in this situation. The Commission feared that MS, due to economic pressure, would decide to deviate from the common framework (Respondent 4). In order to avoid such a response, the Commission initially decided to take a benign and flexible attitude illustrated by their early positive decisions in favor of several ad-hoc rescue packages. In order to enable this, DG COMP, DG MARKT and DG ECFIN Commissioners were empowered with mandates to make positive decisions in favor of MS requests (Kroes 2008). The idea was to shorten and speed up decision-making processes which during normal circumstances requires the engagement of the entire Commission. The legal support necessary for these decisions, even though it was questioned after the crisis, was found in state aid guidelines stating that state aid can, exceptionally, be provided to single companies based on social or regional reasons (Werner and Maier, 2009). The exceptions could thus only be applied to isolated cases and as such were not suitable as a long-term strategy.

On 30 September 2008, the Irish Minister of Finance announced that the Irish Government had decided on the immediate establishment of a bank guarantee package. The Commission was not formally notified until a few days after the public announcement.⁵⁰⁰ Ireland's hasty decision and the extent of the bank guarantee created political unrest within the Union. For example, Britain and France reacted strongly to the fact that Ireland had not informed other MS, arguing that the Irish bailout plan could have far-reaching consequences on the Internal Market (Respondent 5). Britain was the MS most immediately affected by the Irish announcement, and already on the night of the announcement, there was a massive cash outflow from British financial institutions (Respondent 5; Eksedler 2008). As a result of Ireland's actions, and the potential danger it posed, MS started to appreciate and understand the value of maintaining and supporting a coordinated EU framework (ECOFIN 2008). As a result, the Commission now received support to push forward the implementation of existing common legislation. This is illustrated in Commissioner Kroes' speech on October 6, 2008: *'You see from recent events that governments may be tempted to respond unilaterally to what other MS are doing. This is not the way forward. We have to be united in our efforts to reassure depositors and taxpayers.'*

In particular, Britain's support was vital for eliminating the threat associated with MS collectively abandoning state aid rules (Respondent 5). On 13 October 2008, the Commission published the first sets of new guidelines for a temporary change in the application of state aid law. This decision-making occasion highlights how the Commission was able to deal with the initial pressure from MS threatening to apply national measures, and how the Commission waited with proposing

⁴⁹⁹ See Article 107, 108 and 109 of TFEU which regulates state aid on an EU level. Article 107.2 and 107.3 of TFEU regulates exemptions from prohibition against state aid measures that threatens the free market. These articles also regulate under which circumstances MS are allowed to offer financial support to firms in difficulties in order not to disturb competition within the internal market.

⁵⁰⁰ European Commission, State aid NN 48/2008, 'Ireland, Guarantee scheme for banks in Ireland', 13 October 2008.

common legislation until the governments themselves asked the Commission to intervene to guard against the deleterious behavior of other MS (c.f. Doleys, 2012).

Another example of the ‘follower’ strategy occurred in the Arab Spring case in 2011, after the Italian decision to grant temporary resident permits to migrants. In the foregoing weeks the Italian authorities requested the activation of “the temporary protection directive” which originated from the Kosovo crisis in 1999 and allows for MS to grant temporary protection when experiencing an extreme inflow of refugees (Kerber 2002, 193). Neither the Commission nor the MS (with the exception from Malta) acknowledged Italy’s request. Yet, the Italian authorities implemented the measure without informing the Commission or neighboring European countries (Respondent 1). The Italian decision to grant migrants temporary protection caused a major debate within the Schengen area and exacerbated the already infected debate on migration within the Union (Pop, 11 April 2011). The French were especially troubled by the decision, since most of the Tunisians arriving had cultural and social ties to France and the Italian decision enabled them to travel to France. In reaction to Italy’s move, France instructed its police and border personal to enhance border checks near the northern Italian-Franco border (Respondent 1). The move was a violation of free movement in the Schengen area (Carrera et al. 2011; McClure 2012, 346). In the wake of this political turmoil, the Commission took a passive stance in the official debate and let the bilateral conflict between France and Italy unfold without using its mandate to intervene or condemn their behavior.

At the same time, the Commission was, in parallel with the Franco-Italian conflict, internally working on a proposal aimed at strengthening the Schengen system (which eventually became the ‘Schengen package’)⁵⁰¹ (Respondent 1). The proposal had a two-fold aim: to make changes in existing regulations in order to allow for visa restrictions during crisis situations; and secondly, to change the process of evaluating MS compliance regarding the Schengen agreement. The Franco-Italian conflict dampened during the month of April and the restored relationship between the two countries was demonstrated by a meeting between the French president, Nicholas Sarkozy, and the prime minister of Italy, Silvio Berlusconi (Monar 2012, 123). In connection with this meeting, Sarkozy and Berlusconi turned to the Commission to request a crisis mechanism for extreme migrations inflows. On 11 May 2011, just hours before the council meeting on internal affairs, Danish authorities announced that they were planning to reinforce border controls (‘Denmark announces decision...’, 11 May 2011). The Danish move triggered intense political reactions from other MS (Respondent 1). This time around, the Commission reacted instantly and condemned the Danish initiative (Monar 2012, 122). The Commission managed to gain support for its position from the Council and on 16 September 2011, it tabled the ‘the Schengen package’ which was even more ambitious than the original version.⁵⁰² A civil servant at DG HOME described the Danish initiative as a contributing factor to the ambitious design of the “Schengen package”, which pushed it beyond the boundaries of the Franco-Italian request (Respondent 1).⁵⁰³

These two examples illustrate that the Commission, when faced with a high degree of MS engagement, even when it has a strong mandate to make MS comply with common laws and

⁵⁰¹ A proposal published by the Commission on September 16, 2011, and was formally introduced in the communication *‘Schengen governance - strengthening the area without internal border control’*, (com(2011)561). c.

⁵⁰² European Commission, COM(2011) 561 final, ‘Communication’, 16 September 2011.

⁵⁰³ During the autumn, the package caused political unrest and resulted in the Commission being accused of trying to increase its mandate and benefit from the crisis.

regulations, avoids using its mandate out of fear of jeopardizing its overarching objectives. Both in the case of the state aid issue and the Franco-Italian affair, the Commission waited until MS themselves recognized the utility of common principals, and the Commission could count on political support before it took forceful action.

The Cooperator

The ‘cooperator’ refers to instances when MS engagement is low and the Commission’s mandate is weak. Below, one such example will be discussed: the issue of a Latvian rescue package and discussion on a possible devaluation of the Latvian currency during the financial crisis. In connection to both these strategies, the Commission refrained from taking a clear stance and independently pursued a clear line -- but in cooperation with MS.

At the outbreak of the financial crisis, Latvia was part of the European exchange rate mechanism (ERM II) and its currency was pegged against the Euro. In most cases that meant that the MS participating in ERM II committed to not letting its currency fluctuate more than 15% in relationship to the Euro; however, Latvia had committed to a smaller span of fluctuation (only 1%).⁵⁰⁴ When the financial crisis started the Commission faced the threat of a Latvian devaluation, which not surprisingly, it opposed. In this decision-making occasion, some of the larger MS (such as the UK) argued that Latvia should devalue its currency whereas the Nordic countries, with strong economic interests in the country, argued against devaluation (Lütz and Kranke, 2010, pp. 8-10). Yet, the issue did not engage the Union at large and it was not widely debated around Europe. Beyond the Nordic countries, the MS opposing devaluation were not directly affected by the Latvian economy and did not actively push for the Commission to change its attitude on the issue. The Nordic countries and the Commission mutually agreed that Latvia should not devalue its currency and teamed up throughout the negotiations with the IMF, who opposed the devaluation. Also, Latvian politicians seemed moderately attracted to the idea of leaving the peg-system. In this case, we see how the Commission acted in coalition with MS with similar and strong interests (i.e., the Nordic countries) to achieve their objectives.

In the “follower” situation outlined above, the strategy of the Commission was to try to smooth the processes by aligning with the majority of the MS involved in the issue at hand. Here, the “cooperator” involves the Commission showing its mediating skills when actively teaming up with the Nordic countries against the IMF.

The Recycler

This section deals with decision-making occasions where the Commission has a weak mandate and when MS engagement is high. In two decision-making occasions, we found that the Commission tried to make use of the situation by pushing its pre-existing policy proposals.

First, when protests started in North Africa in February 2011, the application of the European Neighborhood Policy (ENP) and the Southern Mediterranean rapidly became part of the political agenda in the MS and the Commission (see for example, *The Economist*, February 2, 2011; *The Economist*, 25 February, 2011). The ENP is regulated by the decision rules outlined in Article 216-219 of the Treaty on the Functioning of the European Union (TFEU), where the Commission relies upon approval from MS in order to develop policy and build agreements with the southern neighborhood countries. At the time, the EU’s relationship to governmental regimes in the Southern Mediterranean was scrutinized by both media and political leaders, and

⁵⁰⁴ European Central Bank, *Latvian lats included in the Exchange Rate Mechanism*. Press release. 29 April 2005

the EU was criticized for being too focused on issues of stability to the detriment of human rights. The debate put the ENP in a bad light (Respondent 2). When the protest started, the ENP was already under review – a process which had started months before the Arab Spring. In the early stage of the crisis, the Commission and the European External Action Service (EEAS) published the communication “A partnership for democracy and shared prosperity with the Southern Mediterranean”, which dealt with the EU’s future engagement with the region.⁵⁰⁵ The communication was signed by both the EEAS and the Commission, but predominately formulated by the Commission where the EEAS had little influence over the content (Respondent 2). According to a civil servant, the communication was based on the conclusions of the ongoing review of the ENP. Moreover, the communication came to lay the foundation for the “more-for-more” approach (aimed at linking financial support to democratic reforms and assure commitment to common European Values) which characterized the Commission’s stance during the spring of 2011 (Respondent 2).

The communication also introduced the so-called “mobility partnerships”, including visa facilitations for third country citizens, which were to be made available to countries in the southern neighbourhood. The Commission considered the ability to offer partnership countries visa facilitation as a useful tool for future negotiations with the new political leaders in North Africa, and thought that it would strengthen the Commission’s position in bilateral negotiations with third countries (Respondent 2). Before the Arab Spring, visa facilitation had only been offered to the eastern partnership countries. The Commission and the EEAS had been trying to convince the MS that that EU should be able to offer visa facilitation to partnership countries in the Southern Mediterranean as well, but MS had been reluctant due to fear of losing influence in the negotiations of agreements with third countries. Their argument was that if negotiations were centralized at the EU level, MS would lose the opportunity to pursue their own national interests in bilateral agreements on migration. By utilizing the situation at hand, the Commission managed to repackage and reframe the need for visa facilitation (Respondent 2). On June 23-24, the Council adopted⁵⁰⁶ the communications⁵⁰⁷ published by the Commission in May, which was an important step in the Commission’s working process of gaining MS support for visa facilitation as a diplomatic tool.⁵⁰⁸

Yet another example of the ‘recycler’ strategy took place in the wake of the financial crisis and concerns the early initiatives to strengthen financial governance within the EU and the establishment of the **de Larosière** group. During September and October, the issue was high on the agendas of many European political leaders, which, for instance, was manifested in the emergency summit held on 12 October. At this summit heads of governments in the Euro-area gave their explicit guarantee for coordinated action to meet the challenges and to ensure their commitment to work in favor of restoring the functioning of, and confidence in, the financial system (Camisão, 2015, p. 273). Around the time of the Lehman collapse in 2008, financial supervision at the EU level was based on information gathering on the national level. The

⁵⁰⁵ European Commission & European External Action Services, COM (2011)200, ‘A partnership for democracy and shared prosperity with the Southern Mediterranean’. 3 March 2011.

⁵⁰⁶ European Council, EUCO 23/1/11, ‘Conclusions’, 23-24 June 2011.

⁵⁰⁷European Commission, com (2011) 248, ‘Communication on migration’, 4 May 2011; com(2011)303, ‘A new response to a changing Neighbourhood’, com(2011) 292, ‘A dialogue for migration, mobility and security with the Southern Mediterranean countries.’, 24 May 2011.

⁵⁰⁸ Even though the Commission had a strong influence in drafting the communication, in order to make any large scale changes in connection to the mobility partnerships the Commission is dependent upon the MS. In the coming fall, the DG HOME and the EEAS managed to successfully convince the MS to include visa facilitations into the renewed Global approach on Migration and Mobility (GAMM) that was released in the fall of 2011. European Commission, com(2011)743, ‘The Global Approach to Migration and Mobility’, 18 November 2011.

Commission had little possibility to interfere in this process (except for state aid issues). The Commission had no legal ground to act independently when facing collapsing banks in Europe. It also had insufficient information in order to fully grasp the situation as it unfolded within the MS. The crisis management tools that the Commission had access to were based on non-binding international agreements, such as the Basel II agreement and Memoranda of Understandings (MoUs) signed by the Council (Quaglia et al., 2008, pp. 70-71).

It should also be noted that the issue had been debated on a small scale already back in 2007. For example, a roadmap was adopted by the Council on 9 October 2007, which included: a process for strategically strengthening supervision, a drive to increase transparency, increasing the valuation of financial products, strengthening prudential requirements, promoting improved functioning of the market, and strengthening the credit requirements for financial. That is, the lack of sufficient supervision was widely recognized within the Commission long before the financial crisis hit in 2008 (Respondent 6). Despite this articulated need for improvements, the Commission's implementation of the roadmap was slow due to a lack of MS support and it took until January of 2008 for Commission President Barroso to even begin the process (Hodson, 2013). Consequently, at the time of the Lehman collapse, none of these policies had reached regulatory status (Ibid.).

It is against this backdrop of slow implementation and a lack of support for significant changes among MS that Barroso released the first communication addressing the financial crisis on 1 October 2008, two weeks after the Lehman Brother collapse. During this press conference he took the opportunity to launch a proposal on supranational legislation in order to reform capital requirements for financial companies. Moreover, in the same communication he also suggests strengthening supervision structures, reforming the rules regulating credit rating agencies and stricter evaluation of complex assets (Barroso, 2008). However, instead of putting together a more comprehensive policy proposal on its own, the Commission used an alternative strategy to reach its objective. On 8 October, the President of the Commission announced the establishment of a high-level group of experts headed by the former Director of the IMF, Jacques de Larosière.⁵⁰⁹ The initiation of the de Larosière group and the initiative in favor of increased financial supervision at the EU- level has been viewed as one of the few occasions during the financial crisis where the Commission showed ideational leadership (Hodson 2013, p.304). According to one of the respondents interviewed for this study, the establishment of the group was a way of framing the issue in a technical manner and, in doing so, facilitate the strengthening of the Commission's supervision of financial institutions (Respondent 6).

As illustrated above, the Commission's strategy, in both these decision-making occasions, was characterized by purposeful use of increased member state attention to the issue at hand. In both examples the Commission used the opportunity to gain support for and recycle old proposals already in the pipeline. Hence, the Commission manage to use the crisis to convince the MS to act in accordance with the Commission's pre-established agenda in policy areas where the Commission traditionally had a difficult time securing EU legislation. In particular, the establishment of the de Larosiere group illustrates how the Commission strategically utilized expertise in order to legitimize policy changes aimed at increased supranational legislation in line with the its preferences (c.f. Skjærseth and Wettestad, 2010).

Conclusions

In this concluding section we discuss the Commission's various strategies and their implications in light of previous research on the Commission. From the empirics, it is evident that the

⁵⁰⁹ European Commission, SPEECH/08/509, Press release, 8 October 2008.

Commission has the most room for maneuver when MS engagement is low and when its mandate is strong. In such circumstances, the Commission responds quickly to the situation at hand and leverages its skills when it comes to bureaucratic innovation. This was, for example, visible in connection to the state-aid issue. Hence, when the Commission is not bogged down by slow decision-making procedures and inter-institutional politics, it effectively applies traditional crisis management skills such as the capacity for improvisation and flexibility (c.f. Boin and Rhinard 2008). Even though the Commission did not break any rules, the early state aid cases illustrate that the Commission, despite its ostensibly bureaucratic nature, acts flexibly in order to achieve its overall objectives. When acting as the ‘competent doer’ the Commission can greatly benefit from its technical and juridical expertise (c.f. Pollack 1997; Versluys 2007; Moravcsik 1999). However, when MS engagement increases, the Commission refrains from taking the lead, even in cases where its mandate is strong. Here we can see how the Commission chooses to act as a follower. Despite its strong mandate, the Commission does not pick a fight with MS but keeps a low profile. This finding is in-line with previous research stating that the Commission strives for support among the MS before taking action (Sandholtz 1993). The Commission’s low profile, despite the fact that it has a strong mandate, can be understood as an attempt to minimize the risk of losing influence if being perceived as hindering national crisis management efforts; for example, by forcing MS to implement supranational legislation at the expense of measures taken at the national level.

In contrast to the above described circumstances, the Commission takes a more strategic role at times when it has a weak mandate and when MS engagement is high. Here we see how the Commission uses the opportunity to recycle old policy proposals as a way of extending its mandate. In such circumstances, the Commission acts as a policy entrepreneur using the crisis as a ‘window of opportunity’ for advancing its proposals (Kingdon 1984). Moreover, this is also in line with the findings of Cram (1994), who in her study of EU argues that the Commission is an opportunist which rapidly and skillfully acts on opportunities to push its agenda. In contrast to when MS engagement is high and the Commission’s mandate is strong, the Commission has nothing to lose in situations where it lacks a mandate. In using crisis situations to launch pet policy proposals, the Commission comes off as a constructive institutional player working for the European good by finding common solutions to shared problems. Previous research on the role of international organizations in times of crisis suggest that organizations which manage to frame their actions and proposals in line with neutrality and impartiality, emphasizing the benefit for all MS, are more likely to increase their autonomy (Verbeek and Olsson, 2016). According to Rhinard (2010) the Commission’s framing power is an important component in understanding its agenda setting power. One such specific strategy is to frame issues in a technical and apolitical manner as a way of masking political issues and making proposals more acceptable (Vahl, 1997; Christiansen, 2001). Somewhat counter-intuitive then, the Commission takes on the strategic policy entrepreneur role at times when its mandate is weak. In these situations, when the issue is already politicized, the Commission uses the attention of the MS to re-launch pet policies and to frame itself as a force for the common good.

Finally, when MS engagement is low and when the Commission has a weak mandate, the Commission refrains from taking action by pursuing a clear strategy of its own; rather, it acts as a cooperator. In the case of the Latvian rescue operation, the Commission was flexible in a way that followed the preferences of the MS. The Commission aligns with the Nordic states against the IMF and others in favor of devaluation in order to achieve its interests together – with a few MS with a strong interest in the issue at hand.

In sum, the analysis confirms that the Commission is in essence a strategic actor adjusting its behavior depending on the issue at hand and the political context that it is facing. The findings suggest that there is not one given strategy applied by the Commission in times of transnational crisis but rather that the Commission acts depending on the engagement of MS and its own mandate in the policy area affected. Interestingly, this also means that the Commission does not, in every possible situation, try to expand its mandate. Rather, the Commission is equally skillful in keeping a low profile in order to preserve its mandate and not jeopardize its position. From a crisis management perspective, the analysis shows that the Commission has the ability to act with flexibility and to improvise when it has a strong mandate, as long as the MS allow the Commission to do its job freely. This is in line with Nugent and Rhinard (2016), who argue that the Commission's alleged decline is exaggerated; on contrary, its executive functions have not weakened and the Commission still has extensive resources and impact in key policy areas. On the other hand, when MS are already engaged in managing a crisis, the Commission instead plays a more passive role not pushing MS into joint solutions, but rather waiting until the MS see the benefit of such an approach themselves. This is an interesting finding at a time when the EU is facing a serious legitimacy crisis, triggered by the debt and migration challenges, which would require joint EU solutions in order to increase support amongst EU citizens.

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Chapter 8

The Role of the European Council in Transboundary Crisis Management: a new center of leadership?

8) The Role of the European Council in Transboundary Crisis Management: a new center of leadership?⁵¹⁰

Introduction

Recently it is said that the European Council, the EU institution composed of heads of state and government, is the new center of gravity of European crisis management. From an informal forum in the 1970s to a fully institutionalized body led, since the Lisbon Treaty, by a semi-permanent President, the European Council's stature in EU policymaking has certainly grown, contending for leadership alongside other EU institutions (Nugent & Rhinard 2015). Traditionally, the European Council met twice a year to discuss the broad outlines of European integration and general challenges facing member states. More recently, the Brussels descriptor for the European Council's meeting schedule has been "constant summitry": meeting as often as every three weeks during the heights of recent crises, and becoming involved in the micro-management of EU responses (Peterson 2017). To be sure, the European Council's role in managing crises on the continent has certainly grown.

But to what extent has the European Council "taken over" the management of crises in the European Union? Does its role differ from that of other EU institutions, like the Commission and Council of Ministers? If so, what does that role look like, and how it is exercised?

These questions can be more easily answered by a focus on actual crisis cases and by turning to the Transcrisis project's analytical framework. The following paper examines the European Council's role in two major recent crises, the Eurozone crisis (2008) and the migration crisis (2010). By applying the relevant parts of the Transcrisis analytical framework, we examine the kinds of crisis management tasks carried out by the European Council while at the same time delving deeper into the details of how the European Council functioned during crises. The results suggest that the European Council exercises a key – and pronounced – role in crisis leadership decision-making, but that its role in managing the full spectrum of crisis tasks should not be exaggerated. As demonstrated by the rest of this report (see Chapters 1, 2 and 5) and confirmed by the case studies below, the European Council is at best a "partial crisis manager".

The European Council as an EU Institution

The European Council was established as an informal forum in 1974, but became an official EU institution only in 2009 with the adoption of the Lisbon Treaty. It was created to draw heads of state or government (hereafter, 'heads of state') into European integration decisions more closely; the original institutional landscape of the EU not having an obvious institution in which these leaders were represented. Before the Lisbon Treaty, the European Council was chaired by the same member state holding the rotating presidency of the Council of Ministers of the European Union (hereafter, 'Council of Ministers'), thus giving each government a turn at the EU's top-table. To improve coherence and enhance the potential for leadership, a semi-permanent 'President' position (elected every 2.5 years rather than 5 years) was written into the Lisbon Treaty, and subsequently adopted in 2009. The first holder of the position was Herman Van Rompuy, a former Belgian Prime Ministers, who was a compromise candidate after more illustrious (and controversial) candidates like Tony Blair failed to gather enough support. At

⁵¹⁰ This study was conducted by Klara Andrée and Mark Rhinard, to be published as an Analytical Brief by the Swedish Institute of International Affairs.

the time of writing, the President of the European Council was Donald Tusk, former Polish Prime Minister and the second occupant of the post. Both Van Rompuy and Tusk served two terms. The President's role is to 'drive forward the work of the European Council' (Council website, accessed 29 September 2017), which includes setting the agenda (when politically possible), hammering out compromises and representing the EU abroad, often together with the President of the European Commission. The European Council President also has a role in orienting the EU's Common Foreign and Defence Policy, alongside the High Representative of the Union for Foreign Affairs and Security Policy.

Inside the Council, only heads of state can cast votes. The President of the European Commission attend all meetings as an observer, but in practice is integrated into most discussion (Nugent & Rhinard 2015). The Council handles issues of varying content, but is generally focused on four broad categories with additional issues within: new areas of EU activity, such as economic governance, foreign, security and defence policy, employment and social policy coordination, justice and home affairs policy, as well as deciding EU positions in global decision-making forums; major institutional decisions, including constitutional decision-making and agreements or treaties concluded outside the EU treaties; formal EU decision-making handling issues such as EU budget and personnel decisions; as well as other activities – broadly encompassing environmental and energy policies. Out of all areas of activity, economic governance and foreign affairs are by far the most predominant (Puetter, 2014).

A New Center of Leadership?

A number of observers of EU politics opine on whether, and how, the European Council has attained a prominent leadership role in policymaking generally and crisis management specifically. Discussion clusters into three broad themes.

The first is the leadership opportunities afforded by the body's formal charge. The role of the Council is to define general political directions and priorities, which makes it (a) a key body for agenda formulation and (b) offers flexibility in the issues it chooses to address. Puetter argues that the Council's focus on EU activity areas that lie outside the core 'Community Method' such as economic governance and the coordination of employment policies has helped it to naturally develop a leading role when dealing with issues about which the Commission cannot claim legal ownership. (2013: 1). It also means that when crises of high salience and multiple sectors hit the EU, the European Council is well-positioned to respond. As we show below, the onset of the Eurozone crisis demanded a forum in place which gathered heads of state who could take swift and decisive action in the face of crisis. As many actions instigated to stop the crisis from spiralling out of control targeted domestic institutions – a consensus among national leaders was required and the European Council provided the apparently best forum. Puetter argues that the European Council has evolved from being an institution focusing on long-term planning, to a more dynamic agenda in response to external events and crises that allow it to take a leadership role (Puetter, 2013: 9).

The second is the 'advantageous' effect of real-life events. Just when the European Council was formally inaugurated, and just when Van Rompuy assumed the inaugural post of President, the financial crisis struck. This was a 'window of opportunity' to for Van Rompuy to establish his credentials and rally the member states into action. A low-key personality, Van Rompuy preferred backroom discussions to high-profile salesmanship. He had plenty of opportunities for deal-making, considering that member states (for the most part: cf. Hammargård and Olsson 2017, Chapter 7 above) had the crisis high on the agenda and desired to be in the driver's seat (Dinan 2013: 1256, 1270). The European Council quickly went from an occasional meeting

place (with meetings averaging 2-4 per year in the early 2000s, to much more regularly due to the prevalence of crises within the European Union. In 2008 there were no fewer than seven, with nine in 2010 and eleven in 2011 (Puetter, 2014). Hence the reference to “constant summitry”.

Third, scholarly discussions reflect on the comparative leadership of the European Council and Commission. Some argued in the early days of the Lisbon Treaty’s implementation that the Commission might become a kind of secretariat for the European Council, with no formal right of initiative in what the European Council takes up (Peterson 2008). Indeed, the Council’s own President has replaced the President of the Commission for many key activities during Council sessions, such as generating politically sensitive reports and managing important operations during pressing situations like crises (see below). Whereas the Commission once even prepared much of the European Council’s agenda and helped to draft (informally) its conclusions, that role has been taken over by the European Council President’s staff. The Commission still engages in summit preparations and the drafting of policy suggestions and reports of a more technical nature. The preparations commonly include the Commission compiling and submitting reports to summits, which can include ready-made initiatives/draft decisions on pressing issues. Some of these reports are presented at the request of earlier summits, some are regular reports (such as those on economic matters that are regularly submitted to the spring summit), and some are on the Commission’s own informal initiative.

In short, the European Council has grown in stature and importance, driven forward by the arrival of a number of high-profile crises: particularly the Eurozone crisis in 2008 just as the body was being reformed. The original intent of those reforms, enacted in the Lisbon Treaty, was to improve coherence in the European Council agenda and to enhance the role of heads of state in EU affairs. In many respects, that reforms served their purpose (Dinan, 2013: 1256). For instance, electing a permanent President has ensured a greater degree of stable leadership and consistency in the Council’s presence and performance. Having a strong leadership in place, who is supposedly less vulnerable to domestic political pressure in that they represent the Council at all times – is particularly important during times of crisis. And indeed, since the Presidency became permanent, the EU has known little respite from crisis.

But although the European Council has clearly changed the leadership landscape in Brussels, it is perhaps an exaggeration to argue that it has become the most important crisis leader. As Dinan points out, though the European Council convenes with increasing frequency, the forum still suffers from internal divisions -- of both a national and an ideological kind. He argues that certain political leaders were reluctant to empower Van Rompuy in the role of President, thus restricting his opportunities to act (2013: 1271). Moreover, when member state government disagree on a plan of action, no amount of leadership or stature can overcome those divisions. Puetter argues that not all member states approve of the European Council’s role, since intergovernmental bodies tend to benefit larger member states. He also suggests that pressure on the body to produce solutions has forced an active consensus seeking in negotiation rounds, to the detriment of formal voting and a voice for all governments (Puetter, 2012).

Other institutions have not ceded complete authority to the European Council, either. The Parliament is displeased with many aspects of the European Council’s functioning. As Acosta points out, the rise of the latter’s agenda-setting power has weakened the Parliament’s ability to push its own policy proposals to fruition (Acosta, 2009: 39). This, along with the lack of transparency in Council dealings has raised criticism from both the Commission and the Parliament (Anghel et al, 2016).

One last reason for not exaggerating the European Council's power as a leader stems from the findings of this Transcrisis project. In mapping the seven kinds of capacities required for effective crisis management (see Table 1), we found that much still resides in other institutions lie the Commission and Council of Ministers.

Table 1. *Key Tasks for Transboundary Crisis Management (adapted from the Transcrisis proposal, 2015).*

- ⦿ Detection: the timely recognition of an emerging threat.
- ⦿ Sense-making: the collecting, analyzing and sharing of critical information that helps to generate a shared picture of the situation.
- ⦿ Decision-making: the selection of strategic decisions, joint decision-making, and formulating an effective strategy to implement the key decisions.
- ⦿ Coordination: identifying key partners in the response and facilitating collaboration between these partners.
- ⦿ Meaning-making: formulating a key message that offers an explanation of the threat, actionable advice, and a sense that leaders are in control of the situation.
- ⦿ Communication: effective delivery of the core message to selected audiences.
- ⦿ Accountability: rendering an explanation in a public forum of relevant decisions and strategies that were initiated before, during and after the crisis.

The inventory presented in Chapter 1 shows that the vast majority of detection, sense-making, and coordination capacities are developed within, and managed by, the Commission. Chapter 5 also outlined the various leadership resources for the Commission in categorical terms, including legal, political, and technological advantages. The Commission has the most bureaucratic capacity in Brussels, and decades of experience in managing day-to-day programs and technological expertise that no other institution in Brussels can match. It has the legal authority to implement laws and adjust them on a regular basis.

To fully understand the European Council's potential for transboundary crisis leadership, we must turn to actual cases. The two selected hererepresent the most serious crises in EU history since they effectively targeted two of the core institutions of the EU: the single market and its currency, and the Schengen agreement (EPRS, 2016). Therefore, they make for good cases through which the European Council's crisis management and capacities can be analyzed in practice.

Methods

To gather data we drew from other deliverables of the Transcrisis project, including the mapping inventory of transboundary crisis capacities found in the EU (see Chapter 1). We also searched through official documents (such as Commission Communications and European Council Conclusions) along with news reports and newspaper articles. To fill-in gaps, we used secondary sources such as academic articles and think-tank reports.

Eurozone Crisis

The Eurozone crisis is well-described elsewhere (see Chapter 7 of this deliverable; see also Bauer & Becker 2014) so only a brief introduction is required here. The crisis cascaded from

the sub-prime mortgage crash in the USA (prompting the bankruptcy of Lehman Brothers) to Europe, revealing European banks' exposure to faulty, transboundary debt obligations. Those banks initially expressed confidence that they would "weather the storm", but when Monte dei Paschi and Deutsche Bank admitted requiring massive governmental bailouts, the contagion spread. Soon, what was a "banking crisis" morphed into a sovereign debt crisis threatening to bankrupt national governments and bring down the Eurozone. Austerity measures put in place to manage the crisis contributed to further unemployment and social unrest, broadening the parameters of the crisis even further.

The transboundary nature of this crisis – no single government "caused" or "owned" this crisis – along with its implications for Eurozone governance, dragged the EU into crisis management. The protagonists included Mario Draghi, head of the European Central Bank, and Angela Merkel, German Chancellor, who worked both independently (some might say, too independently) and with the European Council to manage the crises. The European Commission, as the holder of significant funds, banking supervision authority, and regulator of state aid was also involved, as was the Council of Ministers of the EU (in particular, the ECOFIN Council) and the European Parliament. The International Monetary Fund (IMF), worked together, and sometimes in contention with, the European Central Bank and the European Commission on setting conditions for state bailouts.

Our focus here, however, is not on the entire handling of the crisis but on two specific aspects: (a) the European Council's role *per se*, and (b) its ability to carry about the key transboundary crisis management tasks outlined as part of the Transcrisis project. We gathered data on each of those tasks, with the following featuring most prominently.

Detection. It perhaps unfair to expect the European Council to have "detected" the onset of the Eurozone crisis, since many others failed to see it coming. One might even suggest that as early as 2008, as the global financial crisis swung into effect, the European Council took action, agreeing to a €200 billion stimulus package to encourage economic growth. But for the most part, the "new and improved" European Council, with its new semi-permanent President and which garners so much attention as a crisis manager, was only established in December 2009 following adoption of the Lisbon Treaty. It was not fully "on-line" until early 2010 as the President's staff was put together (many drawn from the Commission, it could be added). The Commission had been monitoring events all along, via its DG for bank and financial supervision (DG FISMA). Many of the documents issued by the Commission during these months suggested risks now facing the Eurozone.

Sense-Making. By February 2010, the Greek economy was in a freefall and financial support was desperately needed from European and international neighbors. Van Rompuy, having newly taken up his post as European Council President, worked closely with Angela Merkel to establish the European Council as a 'trusted venue' for managing events. Indeed, Van Rompuy no doubt saw a window of opportunity to build the stature and portfolio of the new European Council President (about which the treaties were scarce on details). That same month, the European Council issues a statement echoing Germany's position: that the Greek budgetary deficit must be cut to under 4 per cent by the end of the year (European Council, 2010).

In March 2010, however, Van Rompuy took a different tack, launching a narrative that the EU lacked sufficient mechanisms to tackle the crisis properly and maintain the stability of the Eurozone. He argued for the creation of a 'crisis management framework' for handling the crisis

(Anghel et al, 2016: 8). The central aim was to convince member states of the urgency of the situation, and the need to empower the European Council. He invited them to charge him with starting a Task Force ‘to identify the measures needed to reach the objectives of an improved crisis resolution mechanism framework and better budgetary discipline’ (European Council, 2010: 6), and going further, at the June 2012 summit he was asked to develop ‘a specific and time-bound road map for the achievement of a genuine Economic and Monetary Union...’ (European Council, 2012: 3). As Nugent and Rhinard write, here ‘both tasks were to be undertaken in cooperation with the Commission, but the Commission was most decidedly not “in charge”’ (Nugent & Rhinard 2015: 254).

As the years dragged on, however, differing interpretations of “what was at stake” in the crisis emerged. For instance, Commission President Juncker, perhaps implementing his plan to become a more ‘political’ Commission, argued against seeing the crisis as solely a debt crisis requiring austerity (Spiegel, 10 February 2015).

Decision-Making. The Task Force as series of recommendations which, for the most part, were all adopted by European leaders (Anghel et al, 2016: 7). Following the Task Force’s advice (see (Task Force to the European Union, 2010) the European Council promoted the founding of a permanent crisis resolution mechanism – the European Stability Mechanism. Furthermore, the European Council established two provisional rescue mechanisms in May 2010: the European Financial Stabilization Mechanism (EFSM) and the European Financial Stability Facility (EFSF), both of which were employed to rescue states such as Ireland and Portugal from bankruptcy. In October 2010, upon further prompting from the President, the European Council issued a statement encouraging its own President to commence discussions on treaty changes enabling the creation of a European Crisis Resolution Mechanism (ECRM) intended to safeguard the financial stability of the Eurozone (Gianviti et al, 2010: 1f). At this point, the European Council was clearly in the lead of Eurozone crisis management, even the day-to-day issues that were once governed by the Commission. This is a clear example of how the Council promoted its own leadership during the financial crisis. Indeed, many have argued that the Euro crisis led to a more prominent leadership role for the European Council, as seen from their clear policy propositions and their role in presiding over the national economic policies of several Member States (Hoppe & Wessels, 2016).

The Task Force’s remit was further extended in 2011, charged with further enhancing fiscal discipline, economic policy coordination and surveillance. Deliberations producing the outlines of what would become the Treaty on Stability, Coordination and Governance (TSCG). From the Task Force’s work, new staff were hired, new working groups created, and new agreements that have helped to institutionalize a fledgling organization (namely, the President’s staff) and give it decision-making (and agenda-setting) authority (Anghel et al, 2016: 10). Van Rompuy, an under-stated former Prime Minister of Belgian, had played his cards right: coaxing member states to take collective decisions while establishing his own role as a power-player in crisis response.

Coordination. The rise of the leadership role of the European Council put it in a strong position to coordinate EU actors. This despite the fact that the Commission could at least lay claim to leadership, considering its legal authority to regulate banking, govern state-aid, monitor national budgeting practices, and make key decisions regarding the implementation of the treaties and agreements discussed above. Indeed, the European Council included the Commission in much of its actions. When the crisis began, the Council directly referred to state-

specific recommendations presented by the Commission, and invited the Commission to oversee the implementation of the recommendations together with the other two members of the ‘troika’: the European Central Bank and the International Monetary Fund (European Council, 2010). The Council often refers to joint action with the Commission in various statements, and commends it on its progress. Some argue that by relying on the Commission, the European Council could leverage its leadership role (Bauer and Becker 2016).

While the Commission could argue for legal authority, the European Council clearly outranked it in political authority. As Chang puts it, as leaders searched in the midst of the crises for a new system of economic governance, both the Commission and Van Rompuy were charged with coming forward with proposals; however, ‘The contributions of the Commission were constrained by tight limits set by the European Council, constant updating of preferences and instructions by France and Germany, and the VRTF as a rival body with a wider mandate than the Commission and access to its proposals and information’ (Chang, 2013: 148). In consequence, though the Commission ‘was an important source of ideas’ it ‘ultimately played the role of technocratic manager rather than political leader’ (*Ibid*: 168; see also Micossi, 2013).

However, the crisis management task of decision-making reminds us to dig deeper and ask about implementation and management of decisions, too (not only headline-grabbing ones). Bauer and Becker note that, after the dust settled from the high-level “summitry”, a close analysis shows that much decision-making returned to the European Commission. The Commission was charged with carrying forth much of what the European Council decided upon but could not implement itself (because of limited capacity). Thus, the Commission was to negotiate countries’ financial assistance and monitor state progress, supplying information on economic governance management as well as providing technical assistance to states (Bauer & Becker 2014a: 160-163).

Communication. Communication is worth mentioning here only to emphasize the lack of collective crisis communication employed by the European Council during the crisis. Van Rompuy preferred to keep a low-profile, acting behind-the-scenes to ensure member state trust and confidence. Being a collection of heads of state and government, there is little common communication from the European Council outside of meeting conclusions posted on the Council’s website. National leaders tend to speak to their national audiences via individual press conferences following each European Council meeting. It should be noted here that the European Parliament, ostensibly channeling the feelings of the European public, argued forcefully against the lack of transparency and intergovernmental nature of European Council conclusions.

Summary

The European Council’s crisis management role in the Eurozone crisis from 2008 cannot be disputed. The crisis hit at the same time a reformed European Council was trying to find its feet and become empowered as a central EU institution. Van Rompuy succeeded in gaining the confidence of Angela Merkel and other powerful national leaders, making it difficult for the Commission to argue against the European Council’s crisis leadership role. But using the Transcrisis definition of crisis management capacities, however, offers a more nuanced story. The European Council was not particularly adept at detecting the on-going crisis, for instance. Nor did it hold the monopoly on decision-making: some key decision responsibilities were left with the Commission. The European Council did succeed in ‘making sense’ of the crisis in

initial phases, but that role was challenged subsequently. Communication was poor, and accountability secured mainly at national rather than supranational levels.

Migration Crisis

The start of the migration crisis can be dated to 19 April 2015, when news came of a tragic shipwreck on the Mediterranean which had claimed the lives of more than 800 migrants making their way to Europe. The event is widely considered the pivotal point in what had been a deteriorating situation for years, and one that prompted calls for a collective European crisis response. In 2015, the European Union received 1,322,825 asylum applications – compared to just 259,400 five years earlier (Eurostat, 2017). The migratory flow was aggravated by ethnic conflicts the Middle East/North Africa (MENA), the rise of terrorist groups such as Daesh, al-Shabaab and Boko Haram, repressive regimes and poverty. Much of the ‘cause’ of the crisis has been attributed to the conflict in Syria, the plight of refugees, although this not entirely the case (Anghels, 2016). On the European side, Greece and Italy have taken the brunt of the crisis, demanding greater assistance and cooperation from European partners. Those countries argue that their proximity to the Mediterranean puts them at risk, despite the fact that Northern European countries (e.g. Sweden and Germany) are welcoming migrants – and that ostensibly a European common approach to migration is in place. The tension between national instincts and supranational ideals characterized much of this crisis.

The key protagonists in this case were the European Council, which tried to marshal a coherent response, the European Commission, FRONTEX (the European border and coast guard agency), and of course high profile national leaders. As we shall see, in this case the European Council failed to mobilize the sharp leadership role that it held in the Eurozone crisis. Again we organize the discussion in line with the key crisis management tasks outlined in the Transcrisis research project.

Detection. While April 2015 marked the steep rise in salience of the migration crisis, EU authorities had already started warning of the potential for mass migration. In 2011, the EU’s High Representative for Foreign and Security Policy, Catherine Ashton, for instance, spoke of the need to begin a new strategy for the MENA region considering its ‘descent into chaos’ following the Arab Spring, while Ashton and the Commission, drawing on data from FRONTEX, argued for new investment to stave off a surge in migration (Commission Press Release, 2011). But it was not until 2015 that the European Council, now operating with a new President – former Polish Prime Minister Donald Tusk – held an extraordinary meeting to formally consider an EU response. That summit was followed by roughly 12 formal or informal summits through the rest of the year. The delay may help to explain why the EU has been repeatedly criticised for reacting slowly to early signs of the impending crisis and failing to foresee its consequences. Anghel, Drachenberg and de Finance argue that this resulted from the European Council’s inability to tackle different crises simultaneously – since it was still recovering from the bouts of the financial crisis – or due to uncertainties when it comes to crisis ownership (Anghel et al, 2016: 27). A bigger problem, as we shall return to below, concerns the lack of consensus amongst EU countries as to what should be done – and by whom.

Sense-making. The exact nature of the migration crisis was subject to debate. At one level, a narrative existed about the “objective” sources of the conflict – root causes such conflict, poverty and unemployment in the MENA region that lay unaddressed for too long (European Council, 2017). At another level, the crisis was about a lack of solidarity amongst countries which had pledged support for a common migration policy (European Commission, 2016). With domestic politics – and the rise of far-right, often anti-immigration parties – militating

against policies seen as too “pro-migration”, national governments contested the framing of events as a ‘solidarity crisis’. This meant that the Commission’s sense-making efforts, which tended towards calls for solidarity, fell on deaf ears. At the same time, divisions within the European Council prevented any single narrative from taking root. It is not hard to see how a lack of shared sense-making slowed a European response, and as we shall see below, impaired the leadership position of the European Council.

Decision-making. The European Council’s decision-making regarding this crisis can be divided into three phases: the first was focusing on saving lives; the second set on dealing with the migrants that arrived in Europe via the Balkans and Turkey; and, the third concentrating on protecting the Union’s external borders by creating a border management system and strengthening Frontex and other guard functions along the borders (Anghel et al, 2016: 14). These phases are mirrored in European Council Press Statements and Conclusions. In 2015 the Council pronounced four focal points: strengthening its presence at sea; fighting traffickers in accordance with international law; preventing illegal migration flows and; reinforcing internal solidarity and responsibility (Press Statement by the European Council, 2015a). In 2016, “regaining control” of the EU’s external borders became a top-priority, along with processing hotspots where migrants are registered via fingerprints, and arranging for the return of irregular migrants to their countries of origin (European Council Conclusions, 2016). In a nod to the “root causes” narrative, nestled within the bullet points on “securing migrant routes”, is a point on aiding the Southern neighbourhood and Western Balkan countries with their “sustainable growth, vital infrastructure and social cohesion”.

The wide number of priorities, however, belied (and perhaps reflected) lack of agreement on exactly how to address this crisis. Donald Tusk subtly referred to the lack of coherence within the Council in a speech to the European Policy Centre (Tusk 2016), although few observers missed the tension between the Southern and Northern EU member states. After several failed efforts to develop a collective strategy, individual member states began erecting fences and the Dublin Convention regarding returning migrants to their port of entry was abandoned. In short, chaos ensued. One of the few areas in which agreement could be found were “punitive measures” – confiscating smugglers’ boats, reinforcing EU borders, empowering FRONTEX to take stronger action, returning migrants to Turkey for processing (Press Statement by President Donald Tusk, 2017). These decisions earned considerable criticism from the European Parliament and human rights groups.

Even when agreements were made, they were not always carried out. Throughout the crisis, Tusk cajoled member states (and G20 members) to make certain commitments such as: imposing sanctions on known smugglers in the respective countries, and assisting the UN High Commissioner for Refugees and the World Food Programme with €1 billion for destitute migrants. But member states were lax in fulfilling their commitments, for which President Tusk, using a last-ditch strategy, openly berated them (Press Statement by President Donald Tusk, 2017). Thus, despite the fact that President Tusk has engaged in agenda-setting and norm dissemination through increasingly detailed invitation letters for the European Council meetings, summits often focused on reiterating previous decisions (Anghel et al, 2016: 15). Tusk later complained that: “it is too easy to reach compromise in the European Council, as afterwards almost nobody is ready to implement the common decisions” (Anghel et al, 2016: 17).

Coordination. Since the European Council was in no position to agree amongst itself, it was in no position to coordinate other EU actors, either. In fact, one might argue that the lack of member state cohesion opened up room for manoeuvre from other institutions like the European Commission. Tellingly, much of the so-called agreements in the European Council summits were actually proposed originally by the Commission. Indeed, the European Council built its approach based on recommendations made by the Commission, and in public statements encouraged it to continue its work (Press Statement by the European Council, 2015b and 2017). The Commission did, in fact, much of the ‘heavy lifting’ in assisting Tusk and the European Council in devising their agenda and offering solutions (the empowering of FRONTEX is one clear example in which the Commission used the European Council to pursue its own agenda). That said, the Commission and the Parliament were frequently critical of the European Council. While carefully avoiding criticism of Tusk (with whom the other institutions’ leaders felt some solidarity), European Commission President Jean-Claude Juncker and European Parliament President Martin Schulz have commented on Member States’ negligence in following-through on commitments (Anghels, 2016: 15f).

Summary

The European Council’s handling of the migration crisis contrasts remarkably from that of the Eurozone crisis. The main reason for this should be clear: member states were more united on how to handle the former, allowing for the empowering of Van Rompuy and the European Council, while they disagreed strongly on the latter, undermining Tusk and his effort to replicated Van Rompuy’s leadership success. Against the backdrop of the Transcrisis transboundary crisis management tasks, these divisions were apparent in detection, which was slow, and sense-making, which was riven by conflicting images of what was happening. Unsurprisingly, the European Council’s efforts to make clear and effective decisions suffered, and its moral authority to coordinate actors was weak.

Conclusions and Key Findings

This study aimed to evaluate the role of the European Council – composed of heads of state and government – in transboundary crisis management. Such a task is not only crucial within the parameters of the Transcrisis project but also against the widespread claim that the European Council is a new center of crisis management in the EU (Puetter 2013).

Our findings suggest that such claims should not be exaggerated. The evidence used to support the ‘new center’ claim tends to be drawn from the Eurozone crisis, which featured two important – and unique – traits. First, it took place at the same time as the reformed European Council was taking shape, and when the new President Van Rompuy was looking for a role to fill. Second, consensus on what action to take was easier in the Eurozone crisis than in the Migration crisis. Angela Merkel, whose country faced the most to lose financially from insolvent countries, played a strong role in driving consensus. Van Rompuy teamed with Merkel in fairly effective way, and the European Council could be a driving force.

Even in the case of the Eurozone, however, our study shows that the European Council could not rule with a ‘free reign’. The Commission’s ongoing early warning and analysis was used to prompt action, and not all solutions originated in the European Council. Much of what was agreed stemmed from proposals made earlier by the Commission. An example makes the point. In early 2010, the Commission was working on a response to the Eurozone crisis and by February had a draft Communication outline. Van Rompuy then moved in front by proposing

the Task Force mentioned above, and some commentators took this to be slight to the Commission. In the end, however, the Task Force's report following the outline of the Commission Communication quite closely (Nugent and Rhinard 2015: 278). In the case of the migration crisis, the Commission had considerable room for maneuver to "lead" (although some would call this, pursuing its own agenda).

The European Council is not a body with an everyday and ongoing role in EU affairs. With the exception of the President's staff, leaders converge on Brussels occasionally, make statements, and leave the details to others. While it is true that the level of detail devoted by the European Council to the Eurozone crisis was without precedent, it is telling that such attention distracted from other pressing issues. Several critics point out that issues of the foreign affairs agenda have been neglected (Puetter, 2014). This may explain why the European Council was slow to respond to the emerging migration crisis. One might plausibly question whether the European Council possesses the ability to deal with simultaneous crises, and can explain why the European Council is not likely to become a bastion of detection and early warning capacities for transboundary crisis management.

Nor is the European Council a body with a highly institutionalized set of procedures and routines. Much depends on the figure in the role of President, and much depends on which member states wish to take action. Unlike the Commission, which operates under the leadership of a single President, with few opportunities for the airing of internal dissent, the European Council is composed of many leaders operating under a consensus format. This can empower the body in times of intergovernmental coherence, but render it impotent in times of division.

The findings presented here are worthy of further research, to confirm whether they also apply to other instances of crisis management by the European Council. Such research is pressing. As Micossi writes, each subsequent transboundary crisis seems to bring greater centralization to Europe and more executive powers over national economic policies (2013). Understanding who benefits from this centralization, where authority resides, and whether coherent and effective leadership is possible from any of the EU institutions, are pressing areas of concern.

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Chapter 9

The ‘Crisisification’ of European integration

9) The ‘*Crisisification*’ of European Integration

Introduction⁵¹¹

In recent years, a subtle change has taken place in the decision-making machinery powering European integration. The traditional methods for producing collective EU decisions, typified by extensive analysis of a particular problem, long phases of consultation with key stakeholders, deliberate cultivation of support for proposals, occasional decision-making moments, and a focus on longer-term implementation, now share space with what is best described as ‘crisis-oriented’ methods for decision-making. Virtually all EU policy domains feature tools and procedures for horizon-scanning for potential disturbances, early-warning systems for threats to a domain, communicating to key actors when a threat emerges, and decision-making via special procedures. These methods may not be in continuous use – and they may fail in their functional objectives, as recent crises show – but their existence generates questions on how the EU makes decisions in an increasingly crisis-ridden Europe, and with what effect on European integration more generally.

The current paper treats these phenomena as a kind of *crisification* of European integration – a change in the processes by which collective decisions are made – and explores it in three steps. It first describes what *crisification* looks like empirically before outlining the drivers behind it, some of which conform to traditional explanations of European integration while others reflect more security-related dynamics. It then explores implications for three topics of interest to European integration scholars. The first is the setting of the European agenda. It is argued here that traditional agenda-setting processes now share space with both pre-emptive and reactive forms of agenda-setting, thanks to increased focus on potential and actual crises. The second is collective decision-making *per se*. *Crisification* seems to be changing both the pace and the participants involved in how issues are deliberated and decided upon in the EU. The third implication is the legitimacy upon which European integration rests. *Crisification* carries with it an entirely different set of legitimacy premises when compared with those studied by EU scholars.

These trends cannot be adequately explained by recourse to traditional European integration theories, nor are they addressed in standard EU research agendas. EU scholars are grappling with the scholarly significance of an EU beset by crises (Ioannou et al. 2015) and growing Euroscepticism (Tosun et al. 2014), and some are seeking to understand related changes to the EU’s traditional methods of cooperation (Bickerton et al. 2015) and to relevant sources of legitimacy (Dellmuth & Tallberg 2015). Yet standard approaches, when considering crisis-induced effects, focus only on high-profile moments, such as the migration or banking crises, or on top-level institutional politics, such as the ‘constant summitry’ of the European Council during the Eurozone crisis (Lewis 2015). To understand the empirics presented in this paper, approaches sensitive to the widespread and subterranean creep of crisis-related words and actions is required. This paper thus discusses *crisification* with reference not only to traditional integration theory but also to literature on the nature of security (and how it is pursued) in modern societies. Falling within the broad category of critical security studies, this literature

⁵¹¹ This chapter is based on an unpublished paper of the same title, inspired by the results of the Transcrisis project. It was presented at the International Studies Association Conference, Baltimore, February 2017. The author is grateful for comments, reflections, and/or assistance on previous drafts of this paper by Stefan Borg, Lisa Dellmuth, and other members of the International Relations section at the Department of Economic History at Stockholm University.

explores the logic by which security is pursued, often in the guise of security and risk management, with clear relevance to patterns and implications of *crisification*.⁵¹² With the exception of critical European integration studies (Manners & Whitman 2016), the two literatures share little in terms of research questions, ontologies and, often, epistemologies. However, in an era of major upheaval in European integration, improving our understanding of fundamental changes – but subtle and profound – requires analytical innovation and exploration. This paper should be read not as driving a single argument to be assessed via a traditional empirical analysis, but rather as an agenda-setting piece setting out a variety of hypotheses to be pursued in future research.

What does *crisification* look like?

Crisification is a process by which more and more policymaking is undertaken in the name of preventing, responding to and recovering from crisis. Policymaking is a full range of decision activities: from agenda-setting to policy initiation (new ideas about what to decide upon) and from decision-making to implementation (Peters 1999). Crises are intersubjective, defined as episodes of threat and uncertainty, a grave predicament requiring urgent action (Boin & 't Hart 2003). The full-extent of the trend is not captured by political agreements or strategic documents (although, as shown below, those are part of the picture). Nor is it fully revealed by focusing only on high salience crises, such as the Eurozone crisis or migration crisis. The empirical pattern of interest here spans the EU's policy sectors and takes the form of mainly administrative instruments and seemingly mundane procedures.⁵¹³ This section presents those empirics in broad-brush form, having been previously presented in academic research (Boin, Ekengren and Rhinard 2013) and in a publicly accessible and searchable database (www.eusocietalsecurity.eu/wp/data). It reviews how the research took place before discussing *crisification* in very general terms, including horizon scanning, early warning, and specialized decision procedures.

The empirics presented here draws from data collected by research teams working to uncover a new area of European cooperation – the management of crises.⁵¹⁴ Through interviews, document analysis and internet searches, a host of data was collected and analyzed largely in terms of the traditional phases of crisis management: prevention, preparation, response and aftermath. The project uncovered roughly forty horizon-scanning systems, for instance, in different Directorates-General (DGs) of the European Commission, including RAS-BICHAT (to spot biological threats), EURDEP (to scan the environment for excessive radiology), Tariqa (to identify emerging conflicts in the EU neighborhood), LISFLOOD (to monitor flood plains across Europe to anticipate disasters), and CIRAM (a risk analysis model used by Frontex to analyze data and spot outlying trends).

Moreover, data collection revealed a high degree of 'early warning' and 'rapid alert' systems in place to communicate actual crises unfolding. Numbering almost forty, according to one research project, these include the EWRS (for communicating disease outbreaks), the ADNS (for emerging animal health problems), ECURIE (for communicating 'urgent' information in

⁵¹² Reference here is made to how critical security studies (lower-case) as a loose category of scholarship that brings alternative perspectives on understanding contemporary security practices, can help. This literature focuses on how the pursuit of security shapes what we act upon, how we act upon it, and with what effects (Peoples and Vaughan-Williams 2015)

⁵¹³ Here will be a discussion of *crisification*'s relationship to riskification (Corry 2012; Hardy & Maguire 2016) and securitization (Buzan et al. 1998; Balzacq 2016).

⁵¹⁴ The EU Horizon 2020 'TRANSCRISIS' project, currently running at Stockholm University from 2015-2018, and involving researchers Kajsa Hammargård and Sarah Backman, is one of those projects.

the event of a nuclear emergency), and CSIRT (for notifying incidents of cyber-attacks). For details, see Boin, Ekengren and Rhinard (2006, 2013, 2014). These various systems link policy-specific authorities in each member state (and sometimes authorities outside of the EU, too) via a common platform and particular threat definitions. The distinction of ‘horizon scanning’ versus ‘early alert’ systems is broadly accurate, but one cannot always easily separate the two functions. Some horizon scanning systems also include an early alert function, while some systems provide a ‘rapid response’ role as well. Sceptics may argue that these networks are simply banal communication systems. Yet research shows that the rapid response function includes not only communication of actions taken (or to be taken) but also coordination. The EWRS, for instance, was used by member states to notify amongst themselves what measures were being taken during the acute phase of the H5N1 crisis; that information was then used to inform national decision-making and Union action, too (cite). During the evacuation of Libya, the CoOL network (Consular On-Line Cooperation Network) was used by national governments to notify flight decisions into the zone of turmoil. That led some member states to request air assistance from others member states via the network. These systems thus facilitate policy coordination and operational activities via virtual networks.

Many of these networks are linked to ‘bricks and mortar’, another indication of the process of *crisisification* in the EU: the building of crisis rooms. No fashionable Directorate-General in the Commission is without its own, purpose-built, highly-secure center for information exchange, data analysis, and crisis coordination. The previous statement is a slight exaggeration: there are about eight crisis rooms, ranging from DG Home’s STAR (Strategic Analysis and Response Centre), DG Echo’s ERCC (European Response Coordination Centre), the EEAS’s Situation Room, DG Health’s HEOF, the External Action Service’s MSSC (Maritime Support Service Centre), DG Santé’s HEOF (Health Emergency Operations Facility), Frontex’s Situation Centre, the ECDC’s Epidemic Intelligence Unit, and Europol’s E3C (European Cybercrime Centre). The latter three examples serve to illustrate the broad institutional reach of *crisisification*. These centers are tasked with consolidating pertinent information, drawing up digestible reports for policymakers, and coordinating with counterparts in national capitals, Brussels, and, in some cases, in other international organizations. They range from rooms that are barely used (STAR) to centers that have 3 identical rooms, for handling simultaneous crises, and are staffed 24 hours a day/7 days a week (ERCC).

The phenomenon of the ‘crisis room’ in Brussels turns our attention to the *crisisification* of decision-making. Perhaps the most intriguing trend here is the adoption of special procedures for crisis situations—and the practice of these procedures through EU-wide exercises. Most DGs (especially those which have experienced crises in the past) have implemented procedures for crisis decision-making. This includes DG Transport, DG Energy, DG Santé, DG Agriculture, and DG Home. These procedures vary, but generally stipulate the steps to be taken in the event of an unexpected, urgent event that requires the DG to respond quickly. This ‘response’ may include close monitoring of a situation, in the event it implicates European infrastructures (as for DG Transport during the Ash Cloud incident), or it may include taking critical decisions (as for DG Agriculture’s quarantine decisions during foot-and-mouth disease). As suggested, the level of *crisisification* within different administrative levels varies according to legal competence: where the Commission has executive decision powers (as in animal health), crisis tools are built and used with greater vigor. That said, personalities matter, too: Franco Frattini, when heading DG Home (then DG JLS) reportedly demanded ‘my own’ crisis room to match those of others. A fuller explanation of the drivers of these trends is taken up in the next section.

An EU-wide set of crisis decision procedures, stretching across the DGs, EU institutions, and agencies, and including the political level, was initiated in 2005 by the then-Dutch Presidency. Initially titled ICMA (Integrated Crisis Management Arrangements), when fully implemented the procedures were called the ‘CCA’ (Crisis Coordination Arrangements). The CCA had a set of procedures requiring heads of PermReps to assemble in Brussels (within a 2-hour time-frame), to hear integrated assessments constructed by officials from different institutions, and to take operative decisions on behalf of their member states when required (Olsson 2009). The complex arrangements included a ‘Crisis Support Team’ of experts to advise officials, who in turn advised the political level. The CCA was run from a secure facility in the Council Secretariat, even though Commission DGs participated. The CCA was renamed the IPCR (Integrated Political Crisis Response) arrangements in 2012 but continues to be ‘exercised’ on a regular basis. The scenario-based exercises have involved a fictitious cruise ship hijacking of national politicians (2006), severe weather destroying European energy hubs on the Mediterranean coast (2008) or a cyber ‘event’ paralyzing multiple EU government infrastructures. COREPER led the exercise, supported by officials from the Commission and Council, with national governments responding to events via secured links from national capitals.

The question of what security scholars call the ‘referent object’ draws our attention to one final aspect of *crisisfication*: what are these measures all meant to protect? One policy program struggled months to answer the question: the European Programme for Critical Infrastructure Protection (EPCIP) was adopted in 2008, but only after much deliberation on the definition of a ‘European infrastructure’. Other policies are focused on certain domains, such as the Transport Network Protection (2009) or the Energy Infrastructures Protection Program (2012). DG Echo is responsible for civil protection policies (led politically by a Commissioner with the portfolio for ‘International Cooperation and Crisis Response’) including the development of a ‘Mechanism’ which obliges member states to pre-designate supplies to be shared, within Europe, in the event of a disaster, terror attack, pandemic, or other crisis affecting the continent. DG Sante developed new laws on health security, intended to ramp up the Union’s role in coordinating a response to a major health threat. In the event of actual manifest crises, when member states (or Brussels) is subject to significant material damage following a crisis, a ‘Solidarity Fund’ can be drawn upon to help rebuild. Added to the significant funding associated with preventative work (e.g. securing transport hubs or improving flood defenses) that can be found in the EU’s Structural Funds, the fiscal resources surrounding the ‘crisis drive’ in the EU are considerable.

The list of other policies, emanating from other areas of the EU and setting policy guidelines for crisis-related cooperation in the EU, are too long to enumerate here (see Boin, Ekengren and Rhinard 2013 for more details) but add weight to evidence of *crisisfication*. Admittedly, it is difficult to assess the volume of these activities in comparison to the overall set of activities in which the EU is engaged. Even without relative statistics, however, it is difficult to ignore the growth of this substantial area of EU cooperation, much of it taking place ‘under the radar’. Some scholars encourage a focus on these lower-profile activities, including EU scholars urging attention to the ‘nebulous underbelly’ of the EU (Christiansen 1997) and critical security scholars keen to explore ‘little security nothings’ (Huysmans 2011). But for the most part, what earns scholarly attention is what gets public attention: high-profile strategies, decisions, and communiqués.

How did we get here?

What has been driving the *crisification* of the EU? The answer to this question is multifaceted and can be broken down into several categories. Certainly one answer is crises themselves, in both objective and subjective terms. Political scientists are usually hesitant to ascribe objectivity to any social phenomenon, but one could acknowledge that the nature of modern threats, when combined with how societies are organized, has led to a complexity that means cooperation on crisis management appears to make sense. Whether we speak of the mass movement of migrants, cyber-attacks, pandemics, or climate change-related disasters, threats are both complicated in their origins, and made more complex by the way they travel through globalized societies, highly technical infrastructures, and tightly linked supply chains. Even if one does not subscribe to such reflections, these arguments at least provides extra material for their intersubjective construction as ‘threats’ requiring increasing cooperation. Thus, subjectively speaking, modern crises like September 11, the Madrid and London transport bombings, a succession of pandemics (SARS, H1N1, H5N1), Ash Cloud, the Eurocrisis, and the migration crisis provide the kind of ‘shocks’ (Kingdon 2005) that seem to both reveal the impotence of the nation-state to protect citizens in a globalized world and to justify increased action at the EU level.

In consequence, following ‘real life’ crises (real or perceived), two sets of dynamics normally accelerate at the EU level. The first is a political dynamic. As the crisis management literature tells us, the exigency of a real-life crisis demands answers from politicians especially in the hours or days following the event, before attention fades. During that window, political symbolism becomes paramount: leaders must be seen to be ‘doing something’ and Brussels-level initiatives are part of that. After September 11, a core group of national leaders pushed for a statement to declare their solidarity with the US and to encourage new security measures in Europe. After the Madrid bombings in March 2003, a ‘Solidarity Declaration’ was adopted at the behest of the Spanish government, which demands for additional early warning, intelligence cooperation, and deradicalization efforts. After the London bombings in June 2005, the UK government demanded the EU adapt an ‘EU Counter-Terrorism Strategy’ (and held the pen in its formulation). Following the Ash Cloud from Iceland in 2010, when European publics demanded answers as to ‘who’s in charge’ for major disruption of European air spaces (cite), member states gathered in Brussels to commit to more action. Furthermore, Council voting dynamics mean that even if some countries have weak preferences in advancing the EU’s role in crises, they are unlikely to obstruct motivated member states seeking symbolic action. In short (and this list expands at the rate of several examples per year), asking the EU to ‘do more’ has become part of national governments’ reactions to actual crises. During times of treaty revision, these demands may even make their way into new treaty bases. Thus, the Solidarity Declaration was transformed into a ‘Solidarity Clause’ in the Lisbon Treaty (Article 222) suggesting member states had an obligation to help one another in crises (Myrdal and Rhinard 2009). This move was one of many representing a type of cycle by which crises are followed by political and strategic declarations by heads of state and government in Brussels.

The crisis-political declaration cycle intersects with a different kind of cycle underway: the use of these political declarations by the Commission to advance policy goals. As Peterson (1995) argued decades ago, this pattern is broadly familiar in European integration, in the sense that member states issue broad commitments (whether in communiques, Council Conclusions, or Treaty agreements) and the Commission works to first consolidate and then to incrementally expand cooperation. Political statements, Council Conclusions, or initiatives like the Solidarity Clause usually lead to ‘Action Plans’ which summarize what is to be done (much of it already underway), by whom, and by when. Progress on these plans are reported to subsequent Council of Ministers meetings, which normally ‘endorse’ them and ‘encourage’ the Commission to

move forward again. This has been seen in such examples as the Health Security Action Plan (first mooted in 2006), the Counter Terrorism Action Plan (2006), the Solidarity Clause Action Plan (2012), and the Migration Crisis Action Plan (2013). The Commission and agencies use these plans, and their periodic endorsement by the Council, to build momentum towards policy change, including the many tools, procedures, programs and resource allocations described in the section below. If we superimpose the two cycles described above, we get the graphic version in Figure 1 below, which reminds us that the when the next crisis hits again, the cycle repeats itself.

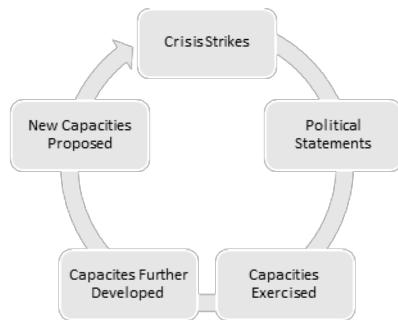


Figure 1. Crisis Driven Crisification

Yet crisis-driven dynamics should not overshadow other important explanations for the crisisification of the EU. One stems from the fact that much of the ‘cooperation activity’ described in this article do not require political blessing nor a strong legal basis. The Commission is allowed to implement administrative reforms largely on its own volition if it relates to ‘administrative activities’ and the improvement of the functioning of the Commission. Thus, in many cases, the Commission can create an ‘early warning’ system or a set of special ‘crisis decision procedures’ through internal fiat. This kind of Commission entrepreneurship should be considered separately then that described above, since it is a rarely acknowledged form of policy change that leads to significant crisis management capacity. Much of the crisis tools, procedures, and resources described in the next section owe their existence to Commission fiat rather than legislation or even Council Conclusions. Agencies display a similar dynamic, especially when they have close links to the Commission. It becomes the Commission, not the Council, which blesses the expansion of crisis capacities within agencies (Groenleer). These actions of the Commission represent a significant increase in ‘executive authority’ in the EU, a theme returned to in the final section of the article. Even where the Commission ‘briefs’ the Council on its crisis-related initiatives, in virtually any policy area, the Council tends to nod its approval partly because of the urgency related to the crisis concept. Since the EU’s normal legislative procedure takes, on average, 24 months from initiation to adoption (Steunenberg & Rhinard 2010), arguments made in the interest of speed and urgency tend to soften up any opposition that might occur.

Moving further down the conceptual ladder from high-salience political drivers to bureaucratic and technical developments, two final points should be made. One is the role of ‘flanking measures’ in the accumulation of crisis-related capacity in the EU. Armstrong and Bulmer (1998) once argued that many initiatives in the EU are measures taken at the edges of an overarching policy instrument, to correct inconsistencies, update for recent developments, and ensure the smooth functioning of the main instrument. While those authors were pointing largely to the Single Market as one such main instrument, and the measures adopted to flank it, many of the crisis tools and procedures emerging across the EU institutions have a similar provenance. They can be traced back to efforts to ‘make safe’ many of the EU instruments

associated with building the Schengen zone, European energy grids, the Single European Sky, of TransEuropean Transport Networks. If you build a common water transport system, the argument goes, flanking measures should be put in place to protect it from threats.

Finally, technical drivers can explain part of the trends outlined in this paper. As critical security scholars (Bigo) remind us, the availability of technologies can drive policy developments (often irrespective of an objective problem or need). The fairly inexpensive availability of networking technology, satellite imagery, information filtering software, situation assessment algorithms, and communication technologies has been a boon to the Commission as it expands its crisis-related capacities and seeks to demonstrate ‘added-value’ to member states. A key partner in this regard has been the Joint Research Centre (JRC) based in Ispra, Italy, which supplies different parts of the Commission with networking technology and crisis response software as part of a package.

Broader Implications

With the full empirical range of *crisification* set out, the paper now highlights three specific aspects worthy of deeper analytical and theoretical attention: how *crisification* has affected agenda-setting, decision-making and understandings of EU legitimacy. Not unintentionally, these aspects relate to three long-standing research questions in the field of EU studies.

4.1 The European Agenda

What issues arrive on the European agenda, through which routes, and how do national governments formulate their preferences on those issues? Those questions dominated the early decades of European integration theory, with some authors arguing that national governments exercise strict control on what issues are (or are not) delegated to the European level after preference formation processes shaped mainly by national politics (Hoffman, Moravcsik). Other scholars showed that European agenda-setting is a more complex process driven collaboratively by societal interest groups, supranational institutions, and national governments working in different constellations depending on different issue areas (Haas, Stone-Sweet). Few scholars – even diehard intergovernmentalists – would deny that the process by which an issue becomes a European issue is complicated. But agenda-setting and preference formation processes are typically attributed to newfound issue salience (e.g. an unexpected crisis), policy entrepreneurs (e.g. an activist network), and access to sufficiently influential public officials (e.g. national governments or supranational actors). The effects of *crisification* on the European agenda, however, call into question whether such explanations are sufficient.

The empirics outlined above suggest that the types of issues considered to be European – e.g. relevant to supranational decision-making – is subtly expanding. Even in non-security related sectors, ‘normal’ issues are sharing the agenda with crisis issues. To some extent this is also true for national governments, which find themselves faced with what seems to be increasingly ‘urgent’ questions (Lodge 2009). The effects of climate change, societal diversification, economic inequality, and – as the vote for Brexit highlighted – extreme politics, all generate perturbations in society that governments are pressed to address. The EU is no exception: crises land on its ‘doorstep’ more frequently than before. Yet, there is an endogenous dimension to the increasing focus on crises in Europe, too. The *crisification* of the EU means that a greater number of events are identified internally as EU-relevant from amongst a wider universe of possible problems that can now be surveyed. The array of early warning systems discussed above regularly ‘flag up’ (or ‘ping’, in the words of one technician monitoring these systems) issues that might potentially warrant a European solution.

What demands a European solution is of course entirely intersubjective. The point here is that these systems identify, more readily and clearer than ever before, a broader universe of problems that are ready for construction into an emerging crisis. Speaking with some of the operators of these systems reveals an assumption that the mere appearance of a ‘red flag’ in one of these systems (or in one of these rooms) denotes a potential European problem. DG Mare’s detection systems, for instance, uncovered the arrival of deadly ‘Lionfish’ in the Mediterranean in the summer of 2016, which prompted inter-service consultation on whether or how to respond (even though it’s not abundantly clear upon which legal basis a response should be mounted). Moreover, if a crisis has taken place previously, more intensive monitoring subsequently follows. Both the 2010 Ash Cloud incident and the 2009 ‘Red Sludge’ chemical spill in Hungary prompted more intensive monitoring of volcanoes and residual chemical storage facilities, respectively.⁵¹⁵ Following the mass migration into Europe starting around 2013, it should come as no surprise that extra efforts are being made to monitor unplanned movements of people in the Middle East and North Africa (MENA) to try to anticipate the next migration surge.

How well can European integration theories help explain these trends? Transactionalists like Mitrany (and Deutsch would point to cross-border community building amongst actors with a shared view of security and a common identity. And indeed, a focus on ‘practices’, broadly within that same theoretical orientation, helps to illuminate community building dynamics that others neglect (Adler and Pouliot, Bremberg). Scholars within public administration or public policy studies might strive to identify the entrepreneurs pushing certain issues to the supranational level. But not only is such research unlikely to uncover a single driving force, their analytical models assume a conventional nature of how public policymaking works: long periods of normal policymaking, ‘punctuated’ by occasional crises that reshape the political agenda (Baumgartner and Jones). Of course, traditional processes still take place – and may even remain dominant explanations of most policy outcomes. But other dynamics are crowding the agenda, and not only because of a European agenda driven by sequential crises. It is also the *search* for crises that *crisification* reveals.

On this point, two security-related literatures bear relevance. The first is on ‘reflexive modernity’ associated with Ulrich Beck, who argues we are now in a ‘second modernity’ in which society becomes ‘increasingly occupied with debating, preventing and managing risks that it itself has produced’ (Beck 2006: 332). There is a ‘constant feedback of information as society monitors itself while generating novel technologies’ (Corry 2012: 8) and hence producing ‘manufactured risks’ (Giddens 2002) . Security logics change under these conditions as ever-more effort is made to control and monitor the risks that society itself has created. The EU findings here show that much of the effort to detect problems, warn national capitals, and alert decision-makers are focused on protecting some of the EU’s own systems – many related to (and justified in terms of) preserving efficiency in those systems.

The second relevant literature shines light on an ever-extending security agenda driven by discoveries of new risks as anticipatory action. De Goede, drawing on Beck and Foucault, documents how pre-emptive security now manifests itself in every life, by using various technologies on a daily basis to anticipate as-yet-unproven problems (2008; Amoore 2013; see also Stockdale 2013 for a full review).⁵¹⁶ Huysmans similarly argues that modern security

⁵¹⁵ ‘More intensive monitoring’ could be qualified, in that DG Transport demanded better access to existing volcano eruption systems and risk analysis modelling.

⁵¹⁶ See Rasmussen and Coker for examples in more traditional security matters.

policy is becoming increasingly biopolitical, understood as ‘a practice of identifying and monitoring irregular developments that may endanger an optimum regularity’ (2006: 100-1). The shift to pre-emptive security is one of the consistent aspects of *crisification* in the EU, with normative connotations. The regular search for new crises crowds out policy space for issues that might have been arrived at through processes of deeper deliberation. More bluntly, it is a shift from proactive policy measures to reactive ones. Member states are asked to formulate preferences on issues not generated through public deliberation or public advocacy processes but through technical systems engaged in constant horizon scanning (see Borg and Rhinard, forthcoming). On a similarly normative vein, De Goede, Simon and Hoijsink argue that pre-emptive security ‘reorients and thwarts spaces for politics and critiques of contemporary security’. *Crisification*, the authors would surely agree, ‘has the capacity to generate its own benchmarks’ (2014: 419) of what matters for the European agenda and what does not. For scholars of EU public policymaking, such trends have gone unnoticed since they do not conform to more traditional modes of interest mobilization and agenda setting.⁵¹⁷ The hypotheses set out here are worthy of further exploration.

4.2 The Nature of Decision-Making

Crisification also seems to be changing the nature in which decisions are made in the European Union. For European integration scholars, how decisions are made – and by whom – are central concerns. This section takes each of those concerns in order.

4.2.1 Decision Modes

Debates over *how* decisions are made pit one set of arguments against another. On one side, decision-making is seen to be akin to classical intergovernmental bargaining, with interest maximizing governments weighing preferences, and adjusting strategies for their attainment, during negotiation sessions (Steunenberg, Franchino, Naurin). Decisions are made in a ‘hard bargaining’ mode amongst sovereignty-sensitive governments. This intergovernmental perspective is contrasted with arguments regarding deliberative modes of decision-making. Scholars on this side argue that, uniquely, decision-making in Brussels was more akin to thoughtful problem-solving, in which arguments and perspectives were aired, considered, debated, and in some cases transformed (Joerges and Neyer, Wessels). This ‘deliberative supranationalism’ served a variety of purposes: one was to upgrade the ‘community interest’ rather than race toward the lowest common denominator of outcomes. Another was to inject a kind of democratic quality to the processes of decision-making, since different perspectives could be presented and fairly considered, at least in principle. Temporally speaking, the hard-nosed bargaining versus thoughtful deliberation approach had different time horizons. The former suggested key moments of decision-making while the latter suggested implicitly that longer time horizons were required to conclude meaningful decision moments. Of course these debates were stylized – European decision-making reflected different modes depending on time

⁵¹⁷ One might query under whose authority and political guidance a certain threat was defined and legitimized as EU-relevant: a question frequently asked by critical security scholars examining different governance systems (see Dunn-Cavelty 2013). For mainstream EU scholars, the perennial question of which actors wield power in the EU governance system and at what level arises here, too (Christiansen 2016). For scholars of supranational agency (Pollack 2003) and institutional entrepreneurship (Rhinard 2010), the role of the Commission and EU agencies in ‘crisis agenda-setting’ is worth exploring.

and issue area (Peterson & Bomberg 1999) – but they nevertheless pointed to the importance of understanding the nature of decision-making processes to understand more profound aspects of European integration.

Crisification suggests the need to consider the implications on the quality of decision-making. One clear shift is in the pace of policymaking – a logic of urgency rather than bargaining or deliberation creeps into decision arenas. Insights from the literature on crisis management (based in sociology and public administration) bear repeating. They argue that decisions on crises exude four key traits. Crisis decisions:

- are highly consequential: they affect core values and interests of communities and the price of both “right” and “wrong” choices is high – socially, politically, economically and in human terms;
- are more likely than non-crisis situation to contain genuine dilemmas that can be resolved only through trade-off choices, or “tragic choices”, where all the options open to the decision maker entail net losses;
- are baffling in that they present leaders with major uncertainties about the nature of the issues, the likelihood of future developments, and the possible impact of various policy options;
- [require real] choices...to be made...quickly: there is time pressure—regardless of whether it is real, perceived, or self-imposed – which means that some of the tried-and-tested methods of preparing, delaying, and political anchoring difficult decisions cannot be applied (Boin et al 2005: 43).

Case studies of crisis decision-making in the EU (Morsut 2013; Svantesson 2009; Matzen 2009) show that the exigencies of time tend to dominate other decision criteria during crises. This matters, since the empirics presented in this paper reveal an accumulation of crisis decision-making procedures in a variety of sectors. The focus on pace is not unlike the focus on ‘decisionism’ in critical approaches to studying modern security. Aradau and van Munster show that the emergence of problems that require urgent action ‘privileges a politics of speed based on the sovereign decision of dangerousness’ (2007: 107). Rather than reference Beck’s risk society writings, they use a Foucauldian governmentality framework to show how (what one might call) a *politics of immediacy* privileges not only certain actors (see below) but also certain skill-sets: technological know-how or horizon-spotting credentials, which translate into authority in decision situations. In short, the nature of decision-making in the EU may be taking a new hue based on the way urgency has become a key aspect of decision situations. While scholars explored the temporal aspects of European decision-making, and its effects, in past years (see Ekengren 2003) there is little recent research taking place within EU studies.

4.2.2 Participation

Another aspect of how decisions are made in the EU concerns *participation*. Understanding who is involved in decision-making – and thus which interests are represented and shape outcomes – has long been the central question of EU studies. The role of the Commission, the influence of member states via the Council, the rising role of the European Parliament: these are all issues prioritized in the study of ‘who gets what, when and how’ in European integration (Schattschneider, Peters). Those classic questions can be seen in new light in an era of *crisification* – but more fundamental changes to the actors involved in decision-making may also be at stake.

Traditional questions of inter-institutional relations and decision-making influence amongst the EU institutions are thrown into sharp relief when considering the empirical developments discussed above. First, it is predominantly the Commission that creates and manages many of the crisis tools discussed above. The Commission engages, for instance, in the almost constant process of ‘early warning’ as part of the eighty or so early warning and rapid alert systems it maintains. It is also involved in the ‘enrichment’ of threat and risk information flowing into its organization – via situation assessments and other ‘reports’ detailing potentially suspicious behaviors. Second, these warnings, assessments and reports about potential risks are reported to networks of national actors outside of the EU’s institutional structures. In other words, the Commission draws information from, and sends reports to, networks of national officials with a risk-specific focus rather than member states in the Council. While there is nothing new about the Commission building and using networks of national officials, traditional networks (advisory groups, comitology, etc.) clearly feed back into the EU policy process. The networks organized to help avoid and mitigate potential crises are not clearly linked to the EU decision-making process. They are ostensibly created to help national officials ward off an impending crisis – with or without European action. Third, the Council has its own procedures for managing impending crises, when those crises are seen to be requiring European action. The Crisis Coordination Arrangements (CCA) – in place from 2005 to 2014 – comprised a special set of decision-making arrangements for the Council. Organized and exercised by the Council General-Secretariat, the CCAs were designed to put national permanent representatives on a ‘crisis footing’ when triggered. A special set of support bodies – to feed timely information and decision recommendations into the process – were created outside of the normal Council institutional infrastructure. Since 2014, the system has been replaced with a less onerous set of special procedures and now takes the name ‘Integrated Political Crisis Response’ arrangements. There, the Commission and Council are expected to liaise closely, together with designated experts useful for identifying decision options ‘in the heat of the moment’ (Interview 8b). Thus, *crisification* has brought new policy competences, new forms and types of networks, and special decision arrangements for crisis decision-making.

Studies of actual EU-level crisis decision-making reveal interesting – and often exclusionary – dynamics. In the case of ‘Mad Cow’ (BSE) disease, scholars found that larger member states tend to take over (Grönvall 2001), leaving supranational actors and smaller member-states to wait for outcomes. In the case of the financial crisis, the same dynamic seems to have held: larger member states took leadership and pre-cooked collective decisions while supranational actors like the Commission waited in the wings (Bickerton et al). In the Ash Cloud, supranational actors took a stronger role, but only after deliberating the extent to which they should take ownership over a mixed competence question (Parker). In short, we have no solid, consistent evidence about what happens to the nature of decision-making in a crisis-focused policy system. We might surmise that a bargaining logic takes precedence over a deliberation logic, although the nature of bargaining in a context in which information is scarce, consequences are unknown and decisions must be made quickly suggests – at best – a highly skewed nature of bargaining. In all of this, the European Parliament takes a back seat. Rationales regarding the ‘heat of the moment’ combine with intergovernmental power dynamics (‘Germany pays, so Germany says’, as one interview said) to exclude the EP.⁵¹⁸

⁵¹⁸ The Commission assumes a higher profile in such moments, consistent with ‘executivisation’ thesis of internal security studies, in which it is argued that power flows towards central governments and away from elected parliaments when security concerns take precedence (Bossong and Rhinard 2016). The Council also rises in prominence, in ways that chime with studies of how member states in the Council (or coalitions within the Council) take the reins in times of acute crisis (cite). The growing networks of national actors tasked with assisting in early

Yet inter-institutional politics, so beloved of EU studies scholars, cannot plumb the depth of possible significance regarding shifts in participation in decision-making. Here critical security scholars shed light on what deleterious effects many of the trends associated with *crisification* might lead to. Viewing security not as a policy sector but as a social field, scholars subscribing to a Foucauldian version of ‘governmentality’ focus on practitioners and institutions of security (Stockdale 2013; Salter 2008; Bigo 2002; Huysmans 2006). Such scholars would no doubt view the trend of *crisification* as yet another attempt at bringing new spheres of human life under governmental control. Crisis-oriented thinking becomes a tool, of sorts, used by officials at various levels (political and bureaucratic) as a mode of governmentality – to exercise influence over outcomes. As Bigo (2016) would no doubt endorse, EU bureaucratic actors with no political or formal role in policy processes nevertheless have skill-sets – database operators or early warning experts – that under *crisification* become a ticket to enter decision-making venues.

4.3 Legitimacy

The last theme worth delving into more deeply, against the backdrop of *crisification*, is legitimacy. The question of legitimacy for supranational governance in Europe is a long-standing one in EU studies but one gaining greater attention in an era of growing Euroscepticism (Podwell 2015). For EU studies scholars the literature is broadly familiar. The ‘no demos’ argument states that without being based on a European body politic, the EU will never enjoy the direct democratic legitimacy that can be seen in national settings (Weiler, Höreth). While not necessarily denying this reality, some scholars show that some sources of legitimacy can nevertheless underpin supranational governance in Europe, including input-legitimacy, such as that derived from direct elections of the European Parliament, throughput-legitimacy, including decision-making machinery guided by transparency and the rule-of-law, and output-legitimacy, such as effective, problem-solving policy decisions (Schmidt, Scharpf). A slate of recent studies aims to go deeper into the debate by assessing whether the EU’s efforts to legitimize its activities have any bearing on changes in public beliefs – or ‘empirical legitimacy’ (see Tallberg and Zurn, Dellmuth).

For EU scholars, the rise of crises in Europe is the challenge *per excellence* for the continued legitimacy of European integration, in two respects. One is the perception that integration itself has been the cause of recent crises (banking crisis, migration) in terms of either incomplete contracting (Bauer and Becker) or ineffective economic policies (Montavi 2009). The other way in which recent crises threaten EU legitimacy is articulated usually by the popular press and some corners of academia. Here the argument is that, irrespective of the source of crises, if the EU cannot manage to ‘solve’ a number of pressing, complex crises, the European project itself is doomed to fail (Boin and Overdijk 2015).

A finding in the *crisification* data presented in this paper is that most policymakers, too, believe more effective crisis management is a ‘way out’ of the EU’s public support problems. In line with the output-oriented legitimacy argument above, practitioners generally abide by the notion that the EU must become better at detecting and responding to crises wherever and whenever they strike. This explains why the language of ‘value-added’ has become so prevalent in EU

warning and response of potential crises is a new extension of European coordination, in unique institutional forms, in ways that is consistent with the ‘new intergovernmentalism’ argument that following crises, *de novo* bodies are created that bypass European decision-structures (Bickerton et al. 2013). Again, additional research is needed here but a general hypothesis seems plausible: *crisification* has ushered in a new set of actors and decision structures that departs from traditional decision-making methods and actor constellations in the EU.

discourses today (Ekengren, Rhinard and Boin 2016) as rationale for new initiatives. Continuous recourse to arguments regarding the ‘transboundary nature of modern threats’, the need for ‘all hazards’ monitoring, and the importance of ‘all of government’ responses is commonplace amongst the practitioners we interviewed and documents we analyzed. There was even a sense amongst some practitioners involved in EU-wide crisis coordination procedures, for instance, that their tasks were more essential than normal policymaking (Interview 12b).

Is *crisification* a plausible mechanism for legitimizing European integration? Two sets of literatures shed light on this question. Crisis management literature, which tends to be either social-psychological or functional-political, is skeptical towards the ability of public officials to be effective crisis managers (Boin et al 2005). The organization of government and the uncertainties associated with modern, unexpected event make crisis management an ‘impossible job’ (see ‘t Hart). Crisis management case studies feature much more failure than success, which bodes poorly for legitimization through crisis management – particular in an era of Euroscepticism. From a completely different angle, both ontologically and epistemologically, scholars inspired by Bourdieu and Foucault would argue that *crisification* is a rationality of government that works to legitimize government encroachment into new areas of social and public life (Bigo, Aradau and van Munster). As Bigo has written, increasing attention to risks is a tool used purposively by certain actors ‘as a mode of governmentality by diverse institutions to play with the unease, or to encourage it if it does not yet exist, so as to affirm their role as providers of protection and security’ (Bigo 2002: 65). Corry argues that society is being (over-)controlled by cumulative security practices using ‘riskification’ (which relates nicely to *crisification* in categorization), ‘as a major tool and strategy of legitimation’ (2013: 9). Of course, for critical security scholars this is a normatively unpleasant trajectory (albeit one we are doomed to enter) and not a plausible strategy for legitimation.

Thus, from both crisis management studies and critical security studies perspectives, *crisification* does not bode well for enhanced legitimacy of the European Union. European studies scholars, who have identified multiple sources of legitimacy, can treat *crisification* only in terms of an output-based strategy for legitimation, which is not particularly realistic considering insights from the other two literatures.

Conclusion

This chapter sought to take a macro-perspective on the development of crisis management capacities at the European level. Although previous chapters look at specific topics, such as institutional leadership, this chapter looked into the implications of these developments for the larger process of decision-making in Europe. It found that sequential crises, combined with the longer-term accumulation of special protocols and process for handling crisis-related issues, has changed the nature of EU policymaking. It looked specifically at agenda-setting, decision-making and implementation to understand how several changes are becoming manifest: new modes of decision making based on the assumption of urgency, new participation patterns based on a desire for limitation, and new discourses regarding the legitimacy of European action. These represent significant changes in European integration as a political process – captured by the concept of *crisification* and demanding further study.

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ⁱⁱ See www.societalsecurity.eu for the full database on which this article draws.

ⁱⁱⁱ Considering the breadth of the empirical data collection project, interviews were used only sporadically. At three points in the research project, well-placed practitioners were asked to review, critique and comment on the data.

^{iv} It is interesting to note that the Commission itself rarely seems to evaluate effectiveness on a regular or systematic basis. A full evaluation of this claim, however, requires more data collection and, as mentioned in the text, is outside of the scope of this particular study.

^v http://cordis.europa.eu/news/rcn/123444_en.html

^{vi} <https://www.eurocontrol.int/articles/tools-available>

^{vii} <http://ec.europa.eu/energy/en/topics/international-cooperation/russia>

^{viii} <https://www.europol.europa.eu/content/ectc>

^{ix} ENISA, 2014, Report on Cyber Crisis Cooperation and Management, p. 36

^x European Council, Report from the EU counter terrorism coordinator to the council, p. 13

^{xi} http://europa.eu/rapid/press-release_IP-15-6243_sv.htm

^{xii} Commission (2015) “The European Agenda on Security”, *Communication from the Commission*, Strasbourg, 28.4.2015 COM(2015) 185 final.

^{xiii} http://europa.eu/rapid/press-release_IP-15-6243_sv.htm

^{xiv} <https://www.europol.europa.eu/content/ectc>

^{xv} It should be noted that EU coordination capacity potentially extends beyond the EU institutions and agencies to include non-EU bodies, such as other international organizations (e.g. the WHO, UN), non-governmental actors (e.g. the Red Cross), and private companies (e.g. Telenor). We are grateful to an anonymous reviewer for reminding us of this point.

^{xvi} http://ec.europa.eu/echo/files/civil_protection/vademecum/index.html

^{xvii} <https://twitter.com/Avramopoulos>

^{xviii} <http://www.consilium.europa.eu/en/policies/migratory-pressures/history-migratory-pressures/>

^{xix} <http://forest.jrc.ec.europa.eu/effis/>

^{xx} Brussels, 23.11.2009 SEC(2009) 1622 final, Commission Staff Working Document, Health Security in the European Union and Internationally

^{xxi} http://ec.europa.eu/health/preparedness_response/docs/hsc_factsheet_en.pdf

^{xxii} Brussels, 23.11.2009 SEC(2009) 1622 final, Commission Staff Working Document, Health Security in the European Union and Internationally

^{xxiii} http://ec.europa.eu/health/preparedness_response/risk_communication/index_en.htm

^{xxiv} http://ec.europa.eu/dgs/home-affairs/financing/fundings/projects/stories/ebds_en.htm

^{xxv} ENISA, 2016, Common practices of EU-level crisis management and applicability to the cyber crises, p. 21