

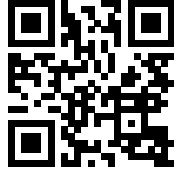
# AT WHAT COST?

Funding the EU's security,  
defence, and border policies,  
2021–2027

A guide for civil society on  
how EU budgets work

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# GLOSSARY OF FREQUENT TERMS<sup>1</sup>

**Acquis:** The EU's body of common rights and obligations that are binding on all EU member states is constantly evolving and comprises:

- the content, principles and political objectives of the Treaties;
- legislation adopted in application of the treaties and the case law of the Court of Justice of the EU;
- declarations and resolutions adopted by the EU;
- measures relating to the common foreign and security policy;
- measures relating to justice and home affairs;
- international agreements concluded by the EU and those concluded by the EU countries between themselves in the field of the EU's activities.

**Direct management:** The European Commission manages a particular fund or programme, meaning that it selects contractors, awards grants, transfers funds and monitors the activities funded. A Commission agency can also fulfil this role, which is termed 'centralised indirect management'.

**Indirect management:** The Commission entrusts the implementation of the fund to a third party, which might be a third country, international organisation, or European Investment Bank (EIB) group, based on its expertise, enhancing cooperation or to nurture cooperation.

**Shared management:** Most EU-funded projects are funded under shared management, through which the fund or programme is managed by member states.

## Main legislation cited in this report

**AMF Regulation:** Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021 establishing the Asylum, Migration and Integration Fund.<sup>2</sup>

**BMVI Regulation:** Regulation (EU) 2021/1148 of the European Parliament and of the Council of 7 July 2021 establishing, as part of the Integrated Border Management Fund, the Instrument for Financial Support for Border Management and Visa Policy.<sup>3</sup>

**CCE Regulation:** Regulation (EU) 2021/1077 of the European Parliament and of the Council of 24 June 2021 establishing, as part of the Integrated Border Management Fund, the instrument for financial support for customs control equipment.<sup>4</sup>

**CP Regulation:** Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy.<sup>5</sup>

**EDF Regulation:** Regulation (EU) 2021/697 of the European Parliament and of the Council of 29 April 2021 establishing the European Defence Fund.<sup>6</sup>

**EPF Decision:** Council Decision (CFSP) 2021/509 of 22 March 2021 establishing a European Peace Facility.<sup>7</sup>

**Horizon Europe Decision:** Council Decision (EU) 2021/764 of 10 May 2021 establishing the Specific Programme implementing Horizon Europe – the Framework Programme for Research and Innovation.<sup>8</sup>

**Horizon Europe Regulation:** Regulation (EU) 2021/695 of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination.<sup>9</sup>

**ISF Regulation:** Regulation (EU) 2021/1149 of the European Parliament and of the Council of 7 July 2021 establishing the Internal Security Fund.<sup>10</sup>

**NDICI Regulation:** Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe.<sup>11</sup>

## Abbreviations and Acronyms

AMF	Asylum and Migration Fund
BMVI	Border Management and Visa Instrument
CCE	Customs Control Equipment
CSO	Civil society organisation
CSS	Civil Security for Society
EASO	European Asylum Support Office (now the EU Asylum Agency)
ECRE	European Council on Refugees and Exiles
EDF	European Defence Fund
EIB	European Investment Bank
EPF	European Peace Facility
Europol	European Union Agency for Law Enforcement Cooperation
EUAA	EU Asylum Agency
EUTF	EU Trust Fund for Africa
Frontex	European Border and Coast Guard Agency
GDP	Gross Domestic Product
IBMF	Integrated Border Management Fund
ISF	Internal Security Fund
MMF	Multiannual Financial Framework
NGO	Non-government organisation
PPP	Public-Private Partnership

# EXECUTIVE SUMMARY AND KEY FINDINGS

At the time of writing, a war is being waged in Ukraine following an illegal invasion by Russian troops in February 2022. In response to this war, European Commission president, Ursula von der Leyen, announced that the EU would, for the first time ever, finance the purchase and delivery of weapons to a country under attack. EC vice president and high representative for foreign affairs and security policy, Josep Borrell, confirmed that lethal weapons would be sent to the war zone, funded by the European Peace Facility, saying that ‘another taboo has fallen... that the European Union was not providing arms in a war’.

The European Peace Facility is but one of the EU’s array of budgetary instruments that form part of the 2021–27 Multi-annual Financial Framework (MFF), under which an unprecedented amount of money has been earmarked for security and defence purposes. Other instruments with specific budget lines for security, defence and military equipment include the Internal Security Fund (ISF), the Integrated Border Management Fund (IBMF), the Asylum and Migration Fund (AMF), the Security Research Programme and the European Defence Fund (EDF), among others. This research discusses the objectives and functioning of each of these instruments, while also interrogating the larger political picture regarding what their approval means for the EU as a whole.

This report reveals that:

The 2021–27 Multi-annual Financial Framework allocates an unprecedented amount of European public money for security and defence purposes, more than doubling its budget from one spending cycle to the next.

- The overall amount of money earmarked for security and defence spending is €43.9 billion, an increase of more than 123% when compared to the previous seven-year budgetary cycle, which allocated €19.7 billion for the same purpose.
- The largest increase from the previous budgetary cycle can be seen in the European Defence Fund, which replaces its precursor programmes (Preparatory Action on Defence Research and European Defence Industrial Development Programme) with a massive funding increase of 1256%, to reach a total of almost €8 billion. This money will, for the first time, be used for the research and development of high-tech military weaponry.
- The European Peace Facility, which may be understood as replacing the Athena mechanism and African Peace Facility, will increase its budget by 119% to €5.7 billion. This means that 31% of the overall spending will go on military weaponry research and development and an off-budget military initiative with almost no democratic scrutiny, oversight or transparency whatsoever.
- Other significant budget hikes include the Internal Security Fund, which will increase by 90% to €1.9 billion, the Integrated Border Management Fund, which will increase by 131% to €6.2 billion and the funds being made available to agencies such as Frontex and Europol, which will increase by 129% to €9.6 billion. The increase of the Asylum and Migration Fund is less notable at 43% but the instrument will still receive a substantial €9.9 billion.

- The Citizens, Equality, Rights and Values Programme will increase its budget by 124%, to reach €1.4 billion, but this figure should be put in to context - it pales in comparison to the €43.9 billion being invested in militarised security and defence initiatives. Funding for law enforcement, border control, military research and development and operations (€43.9bn) is 31 times higher than funding for rights, values and justice (€1.4bn). Furthermore, the majority of the latter funds will still be awarded to states rather than independent organisations.

In addition to the aforementioned funds, development aid will be redirected towards border management and will play an increased role in enhancing non-EU states' ability to control migratory movements. The European Development Fund and EU Trust Fund for Africa have both been used to pursue migration policy objectives, and in the 2021–27 period 10% of the new €79 billion Neighbourhood, Development and International Cooperation Instrument (NDICI) 'should be dedicated particularly to actions supporting management and governance of migration and forced displacement within the objectives of the Instrument'.

The massive increase in security spending will also strengthen 'Fortress Europe' and further the long-standing goal of the EU and its member states to externalise border control to third countries regardless of these policies' devastating consequences. The objective of containing unwanted people fleeing war and persecution outside Europe's borders has been strongly prioritised in the 2021–27 security and migration funds:

- The new home affairs fund seeks to enhance the ability of countries outside the EU to control migration and one of the main objectives of the AMF is centred on the external dimension of asylum and migration management.
- One aim of the IBMF is 'to facilitate legitimate border crossings, to prevent and detect illegal immigration and cross-border crime and to effectively manage migratory flows', and one of the ways in which this can be done is through 'the enhancement of inter-agency cooperation' between member states, Union bodies and third countries.
- The IBMF will finance the deployment of immigration liaison officers to third countries to gather information and intelligence on migratory movements. Frontex, the EU's border and coast guard agency, has its own pool of liaison officers who undertake similar work.
- The consequences of border externalisation policies are felt in regions as far south as the Sahel or as far east as countries neighbouring Afghanistan, where immigration and asylum authorities have, in effect, become the border guards of the EU, detaining and containing those on the move in search of safety.

The European Defence Fund and the European Peace Facility mark a new point of departure for the EU in pivoting towards hard power and militarism.

- The European Peace Facility (EPF) is an off-budget fund which will circumvent, and may eventually render redundant, EU rules against funding military projects. Under the EPF lethal weapons may be provided to third countries for defence purposes. The financing and provision of weapons to Ukraine is the first such example.
- The European Defence Fund (EDF) will, for the first time, provide funding for the research and development of high-tech military equipment, which until now was largely prohibited by the EU.

- A substantial amount of funding will also bolster the European security industrial complex and serve to subsidise the already highly lucrative homeland security industry. This complex has long promoted a vision of security based on the development and deployment of technical 'solutions', many of which are premised on novel and enhanced surveillance techniques.
- The lion's share of EU funding for homeland security research has long gone to private companies that are likely to continue being the main beneficiaries of these funds in the 2021–27 period.
- The European Defence Fund will provide a new source of finance for many of the same corporations that have been significant recipients of security research funding. There is a requirement for the European Commission and other actors to ensure 'synergies' between the two programmes, and to exploit dual-use technology that may be of use to both the homeland security and military sectors. In practice, this is likely to mean the further militarisation of the civil sphere and the continuation of the long-standing trend to blur the lines between war, policing and internal security initiatives.
- The significance of the EPF and EDF for the EU as a political project should not be underestimated. The creation of these funds marks a new point of departure for the EU, which began as a peace project. Under these funds it is actively shifting course and is now pursuing militarised objectives.
- Determining the priorities of these funds will remain matters of state – apart from a limited role in negotiating legislation, the role of the European Parliament and civil society after laws have been passed is severely restricted, raising serious questions regarding parliamentary and public scrutiny, transparency and oversight.

The EU's Border and Coast Guard Agency, Frontex, will be provided with unprecedented funding of €5.6 billion from 2021-2027, a 194% increase compared to the previous budgetary cycle, and a key role in overseeing member states' use of EU migration funds.

- While Frontex received €6 million in 2005, it now receives an average of €800 million a year – a 13,200% increase in budget over less than 20 years.
- The agency will receive several hundred million euros a year to fulfil its expanded role, and in particular to develop its 'standing corps' of 10,000 border guards.
- The European Commission is obliged to take into account Frontex's views on national spending using the AMF and IBMF, and the agency is to be consulted on how member states should address recommendations resulting from evaluations on how they manage their borders.
- Any equipment purchased by national border authorities using the IBMF must meet Frontex's technical standards, and be made available for use by the agency.
- Frontex is to play a key role in identifying and evaluating relevant research activities as part of the Civil Security for Society homeland security research programme

Although the funding is being allocated for activities that carry significant risk, such as research into and development of lethal weapons, intrusive surveillance and policing, or the reinforcement of deadly border control practices, transparency, oversight, and accountability are all sorely lacking:



- Although the EU's new security funds will be subject to some measure of democratic scrutiny and oversight, and there will be some transparency regarding the projects and activities funded, this is largely restricted to the provision of information on spending and results, while democratic participation in setting priorities is strictly limited. With regard to the ISF, the European Commission is obliged to compile reports, to which the Parliament can then propose recommendations, which the Commission 'shall endeavour to take into account'. There is no such requirement however, for the AMF or IBMF.
- For the most part, it will be state officials in EU member states who determine how these funds are spent, while elected representatives and civil society organisations have only been granted a post-facto oversight role with no capacity to opine or influence spending beforehand.
- There are a number of loopholes for the home affairs funds that could be used to inhibit transparency and, in turn, accountability. National authorities are obliged to publish information on the AMF, IBMF and ISF, 'except where Union law or national law excludes such publication for reasons of security, public order, criminal investigations, or protection of personal data' - in the hands of over-zealous officials, 'security' and 'public order' could be interpreted very broadly as a means of restricting public access.
- Transparency has been kept to an absolute minimum with regard to the European Defence Fund and European Peace Facility.
- The distribution of spending on external migration policies across different funding streams (such as development, migration, and security) means that political responsibility is distributed and diluted, further reducing the Parliament's capacity to exert democratic scrutiny and oversight.

What is notable by its absence from the 2021 – 2027 Multi-annual Financial Framework?

- There is no funding to undertake search and rescue operations in the Mediterranean, but rather to provide assistance or actively participate in 'push or pull back' operations to prevent migrants and asylum seekers from reaching Europe's shores.
- There are only limited requirements to consult the EU's own expert body on fundamental rights, the Fundamental Rights Agency, when drafting and approving spending programmes, while there is no obligation whatsoever to consult the European Institute for Gender Equality or national human rights bodies.
- These funds attempt to address the consequences, and not root causes, of political and social conflict. For example, with regard to racism and xenophobia towards migrants and refugees, they appear to placate such sentiments rather than to find creative ways to effectively challenge them.

## SECTION 2

# INTRODUCTION

In May 2020, protests erupted around the world following George Floyd's murder by a police officer in the US city of Minneapolis. Driven by centuries of injustice and marginalisation, protesters called for an end to structural racism and discrimination, justice for victims of police violence, and – with the demand to 'defund' the police – for new ways to provide security and understand what makes us feel safe. These calls intersected with the longstanding demands of refugee and migrants' rights movements for governments to do more to provide protection for people fleeing violence and persecution, and to stop treating human movement as a security issue; as well as those of campaigners seeking to put an end to the domination of politics and society by global corporate interests, whose agendas fuel the militarised policing and border policies increasingly adopted across the globe.

The ultimate aim of all these movements is a more just, peaceful world – one that eliminates the historic systems of social and economic inequality that have for so long divided people and societies, as well as the systems of surveillance, coercion and exclusion that underpin these systems. Governments have not given a warm reception to this message. On the contrary, by and large they continue to press ahead with failed models of security that have done so much harm, propelled by economic interests that see 'solutions' for security problems in new technologies of surveillance and coercion.

The new seven-year security budgets approved by the European Union (EU) in early 2021 – the subject of this report – provide a clear example of this woeful tendency. A massive increase in security spending over the next seven years – to the tune of tens of billions of euros – is set to further reinforce 'Fortress Europe', bolster the technologies and powers available to police forces, and provide enormous sums for the development of new military equipment and the deployment of military operations overseas. This report is intended as a guide for campaigners, journalists, researchers and others who wish to understand how these budgets work, with the aim of spurring critical engagement with the projects and activities the EU currently funds, as well as informing subsequent negotiations on the next round of EU security spending, due to start in 2025.

The approval and implementation of the new security budgets comes at a time of much upheaval. During the global pandemic, which hit Europe in early 2020, EU governments introduced measures to try to curb the spread of COVID-19, and, in doing so, many further entrenched discriminatory and often racist police practices, while failing to effectively protect the most marginalised social sectors from the worst effects of lockdowns and restrictions. The EU's Mediterranean states – notably Greece, Italy, Malta and Spain – continue to violate the rights of migrants and asylum seekers as they seek to repel or expel people fleeing war and poverty, in the name of the EU's system of 'border management'. The French government has responded brutally to all manner of protests at the same time as seeking to enable new, intrusive surveillance techniques for police forces.<sup>12</sup> Meanwhile, the Polish and Hungarian governments, whose actions are often highlighted as the most egregious examples of democratic 'backsliding', serve to illustrate the unwillingness of EU institutions to counter their brazen opposition to the supposed 'founding values' in a robust manner.<sup>13</sup> Following repeated moves by those two governments to restrict the independence of the judiciary, increase executive power, crush independent civil society organizations and increase

government control of the media, EU institutions launched proceedings that could, ultimately, result in those governments having certain EU decision-making rights suspended.<sup>14</sup> However, other member states have sought to drag out the procedures for as long as possible to avoid making any sort of decision,<sup>15</sup> a tactic that even the passing of a new law has not, so far, been able to prevent.

In May 2018, the European Commission proposed rules 'to protect the Union's financial interests from the risk of financial loss caused by generalised deficiencies as regards the rule of law in a Member State'. These were approved by government ministers (in the Council of the EU) and the European Parliament in December 2020 – but their application was then stalled, with heads of government in the European Council deciding that they would not be enforced until the European Commission drew up 'guidelines' on their application, a move with no legal basis.<sup>16</sup> After several months of dithering, the Parliament then launched legal proceedings against the European Commission for its failure to enforce the new rules, but the case is yet to be heard by the Court of Justice.<sup>17</sup> The Commission belatedly decided to use the mechanism against Hungary,<sup>18</sup> following the re-election of Viktor Orbán; the outcome of that process remains to be seen. Commentators have noted that despite frequent court judgments against Hungarian legislation – for example on asylum – little has changed on the ground.<sup>19</sup>

Some action is being taken against the EU's rule of law 'backsliders'. The European Commission is withholding billions of euros in payments to Poland from the EU's coronavirus recovery fund, demanding that it reverse changes that undermine judicial independence. However, the Polish justice minister said in December 2021 that he would be in favour of suspending the country's contributions to the EU budget if the Commission refuses to back down.<sup>20</sup> The country maintains that it is being "blackmailed" by the Commission<sup>21</sup>. Meanwhile, in December 2021, the Hungarian government announced that it would not be doing anything to comply with a Court of Justice ruling that demanded an end to illegal pushbacks of asylum-seekers to Serbia. 'We will maintain the existing regime, even if the European court ordered us to change it. We will not change it and will not let anyone in,' Viktor Orbán told a press conference.<sup>22</sup>

In this context, it should be asked: will reinforcing the repressive agencies of the state, in particular, police forces and border control agencies, with billions of euros in funding over the next seven years, make us any safer? Is the development of new 'homeland security' and military technologies, or the financing of new military operations overseas, really the best use of society's resources – particularly at a time when the need to address climate change, inequality and discrimination has never been more urgent?

This report examines the financing for these agencies and activities. In particular, it looks at the three EU home affairs funds (the Asylum and Migration Fund, the Integrated Border Management Fund, and the Internal Security Fund), the European security research programme (Civil Security for Society, geared towards developing new security technologies and techniques) and two new military budgets (the European Defence Fund and the European Peace Facility). There are also other funds that may provide resources for security powers and agencies that are beyond the scope of this report: the Recovery and Resilience Fund, adopted in the wake of the coronavirus pandemic;<sup>23</sup> or the Instrument for Pre-Accession Assistance, used to support candidate countries for EU membership.<sup>24</sup>

The funds examined in this report will significantly strengthen the internal and external security machinery of the EU and its member states, reinforcing both their repressive and aggressive powers, as well as hugely increasing the profits of the private security industry, which is likely to reap massive financial benefits from this increased spending. Police databases and information networks; intrusive counter-radicalisation policies; border surveillance technologies; detention centres; migration 'hotspots' such as those already established in Greece and Italy; weapons research; the development of security and military technologies; and more military operations will all receive increased financial backing through these budgets.

These goals are being cynically pursued with comparatively little additional funding for human rights organisations and activism (the Citizens, Equality, Rights and Values Programme is included in Table 1 by way of comparison). The EU institutions have correctly identified that groups and governments seeking to undermine 'the rule of law, access to justice, space for civil society and the independence of the judiciary' are a major threat.<sup>25</sup> Although the diagnosis may be correct, the prognosis seems entirely inappropriate: while funding earmarked for 'rights, values and justice' has increased by 124%, in absolute terms this amounts to €1.4 billion, compared to that available for law enforcement, border control and military research and development (R&D) and operations – €43.6 billion<sup>26</sup> – and even with this increase, most of the funds for rights, values and justice will still be awarded to governments rather than independent organisations.<sup>27</sup> Particularly with regard to migration, the budgets – alongside some of the EU's more recent policy proposals<sup>28</sup> – are clearly geared towards trying to placate xenophobic and racist movements and sentiments in some member states rather than finding creative ways to effectively challenge them. It is true that, in comparison to the amount of money that member states have to spend on their police forces, border control agencies and militaries, the EU's contribution is relatively small. The European Defence Fund and European Peace Facility have a total budget of just under €14 billion over the next seven years, a mere 8% of total EU member states' spending on 'defence' in 2019 alone. The then-28 EU member states (before the UK left the EU) also spent €234 billion on 'public order and safety' in the same year. Next to this, the €1.9 billion Internal Security Fund looks like loose change.

This funding is not, however, simply an addition to national budgets, but is designed to contribute to building the EU as a political project. Thus, to understand the nature of this political project it is important to examine where the money is meant to go, what it is supposed to do, and what are the procedures and possibilities for ensuring accountability, respect for fundamental rights and transparency. Where there are no such procedures and possibilities, it will be up to campaigners, CSOs and national and European representatives to demand that they be put in place, while simultaneously challenging the very existence of such securitised budgets. This, with a view to advocating a shift in focus in the next budgetary cycle. Moreover, it is essential for critical observers to track and closely monitor the use of the funds at national level – another reason why transparency is such a key issue.

Those who have taken to the streets since May 2020 – and long before – have made it loud and clear that society's problems will not be solved by the same ideas, institutions and practices that have created and exacerbated them. It is no surprise that their aspirations are not reflected in the decisions made by politicians and officials in EU institutions and its member states. Achieving such change will take years, if not decades – if it is indeed possible at all. This report aims to provide a better understanding of where the EU allocates public money, and how it is controlled and monitored, in the hope that in the future, decisions about what is done with these resources may be better informed by the aspirations of those who seek a more peaceful, egalitarian society.

## SECTION 3

# EU SECURITY BUDGETS, 2014–2020 AND 2021–2027<sup>29</sup>

**Table 1. EU security budgets**

2014–2020			2021–2027	
Programme title(s)	Funding	% change	Funding	Programme title(s)
Internal Security Fund – Police	€1bn	+90%	€1.9bn <sup>30</sup>	Internal Security Fund
Internal Security Fund – Borders and Visa	€2.7bn	+131%	€6.2bn (€5.2bn + 1€bn) <sup>31</sup>	Integrated Border Management Fund – Borders and Visa
No previous equivalent	€-	N/A	€1bn <sup>32</sup>	Integrated Border Management Fund – Customs control equipment
Asylum, Migration and Integration Fund	€6.9bn	+43%	€9.9bn <sup>33</sup>	Asylum and Migration Fund
Funding for EU justice and home affairs agencies	€4.2bn	+129%	€9.6bn <sup>34</sup>	Decentralised agencies under the headings of Migration and Border Management and Security and Defence
Security research programme ('Secure societies')	€1.7bn	-9%	€1.6bn <sup>35</sup> (€1.3bn + €257m)	Civil Security for Society
Preparatory Action on Defence Research and European Defence Industrial Development Programme (2018–2020)	€590m	+1256%	€8bn <sup>36</sup>	European Defence Fund
Athena mechanism and African Peace Facility	€2.6bn	+119%	€5.7bn <sup>37</sup>	European Peace Facility <sup>38</sup>
<b>Total</b>	<b>€19.69bn</b>	<b>123%</b>	<b>€43.9bn</b>	<b>Total</b>
Rights, Equality and Citizenship and Europe for Citizens programmes	€625m	+124%	€1.4bn (€642m + €800m) <sup>39</sup>	Citizens, Equality, Rights and Values Programme <sup>40</sup>

## Table 2. Budgets and responsible committees

Proposal	Funding	General objective	Committee/Advisory Group
Internal Security Fund	€1.9bn	'tackling terrorism and radicalisation, serious and organised crime and... assisting and protecting victims of crime'.	Committee for the Home Affairs Funds <sup>41</sup>
Integrated Border Management Fund - Borders and Visa	€7.2bn	Border Management and Visa Instrument (BMVI): 'ensuring strong and effective European integrated border management at the external borders while safeguarding the free movement of persons within it'.  Customs control equipment instrument: 'support the customs union and customs authorities to protect the financial and economic interests of the Union and its Member States, to ensure security and safety within the Union and to protect the Union from unfair and illegal trade while facilitating legitimate business activity'.	Committee on Home Affairs Funds <sup>42</sup>  Customs Programme Committee <sup>43</sup>
Asylum and Migration Fund	€9.9bn	'...contribute to an efficient management of migration flows in line with the relevant Union acquis and in compliance with the Union's commitments on fundamental rights'.	Committee on Home Affairs Funds <sup>44</sup>
Security research programme	€1.6bn	'to strengthen the impact of research and innovation in developing, supporting and implementing Union policies, and support the uptake of innovative solutions in industry and society to address global challenges'.	Protection and Security Advisory Group <sup>45</sup> Programme Committee
European Defence Fund	€8bn	'to foster the competitiveness, efficiency and innovation capacity of the European defence industry'.	Programme Committee for the implementation of the European Defence Fund <sup>46</sup>
European Peace Facility	€5.7bn	'to preserve peace, prevent conflicts and strengthen international security'.	European Peace Facility Committee <sup>47</sup>

## SECTION 4

# THEMATIC ANALYSIS

This section explores the key themes that emerge from an examination of the EU's new security budgets.

## Europe's borders: here, there and everywhere

A long-standing goal of the EU and its member states is the externalisation of border control, in order to prevent the arrival of unwanted people – many of them seeking protection from war and persecution, or fleeing poverty and lack of opportunity. The project has been expanded in recent years, following the so-called 'refugee crisis' of 2015 and 2016, with development aid playing an increasing role in enhancing non-EU states' ability to control migratory movements. The home affairs funds have also played a role in this process, and the aims, objectives and requirements of the budgets for the 2021–2027 period make clear that this is set to continue.

### Diverted development aid

Through the European Development Fund (EDF), EU member states fund projects that apparently aim to eradicate poverty and to achieve Agenda 2030 and the Sustainable Development Goals (SDGs), though the funding has increasingly pursued migration policy objectives.<sup>48</sup> This agenda accelerated following the establishment of the EU Trust Fund for Africa (EUTF), set up after the 2015 Valletta Summit between EU and African heads of state. The EUTF receives some of its funding from the Development Fund, as well as from the Neighbourhood Development Instrument, the Asylum, Migration and Integration Fund (AMIF, the 2014–2020 predecessor to the AMF), member states and non-EU states. Projects funded under the EUTF have contributed to the strengthening of border control in the name of addressing poverty and unemployment. It has been noted that in the Sahelian region, whose economy has largely depended on internal migration, but also through emigration further afield, such actions underline the EU's prioritisation of border control over the social and economic needs of governments and of populations living in the region.<sup>49</sup> In neighbouring countries, hundreds of millions of euros have been provided to strengthen border controls in Libya, Morocco and Tunisia – ironically, borders that were drawn up in Europe with no regard for how local economies and social dynamics had functioned previously.<sup>50</sup> Minutes of the EUTF's Strategic Board record 'multiple discussions about the need to allocate budgets to specific regions and countries in Africa in accordance with the nationalities of people arriving in the EU after crossing the Mediterranean'.<sup>51</sup> The prioritisation of migration control and border security in external spending is set to continue, and has been widely condemned by development non-government organisations (NGOs).<sup>52</sup> The new Neighbourhood, Development and International Cooperation Instrument (NDICI) will provide €79 billion for these efforts, of which around 10% 'should be dedicated particularly to actions supporting management and governance of migration and forced displacement within the objectives of the Instrument'.<sup>53</sup> Furthermore, 10% of the NDICI's 'Neighbourhood instrument' will be used as an 'incentive towards reforms', to be provided on the basis of cooperation in a number of areas, including migration.<sup>54</sup> However, it is not only spending already earmarked for 'external' purposes that is being used for the purposes of migration control.

## Home affairs away from home

The new home affairs funds seek to enhance the ability of 'third countries' to control migration in a number of ways. One of the objectives of the AMF is to enhance the 'external dimension' of asylum and migration management via cooperation with third countries, in particular by 'enhancing their capacities to improve the protection of persons in need of international protection'. To help achieve this objective, it will be possible for third countries to be directly associated to the AMF, subject to certain conditions.<sup>55</sup> The Commission is also empowered to disburse emergency assistance to member states and third countries when faced with 'an exceptional migratory situation in a third country... notably where it might have an impact on migration flows towards the Union'.<sup>56</sup> While there is no doubt that many states will be able to make good use of EU funding to improve their ability to provide international protection, given the historical and political context in which that support is being provided, it may be better described as the EU offloading some of the responsibility for controlling migration flows onto countries that, in global terms, already do more than their fair share.<sup>57</sup> In effect, European funding seems more concerned with containment to prevent migrants reaching EU territory than with guaranteeing protection.<sup>58</sup> The most recent and egregious example of this trend is a proposal by the European Commission to increase support to countries neighbouring Afghanistan 'to prevent irregular migration from the region, reinforce border management capacity and prevent smuggling of migrants and trafficking in human beings'. Actions eligible for support under the AMF are geared towards precisely such activities.<sup>59</sup> The IBMF and ISF are less explicit than this, given their areas of focus – border management and internal security – but they also provide the possibility of funding actions in non-EU states, subject to certain conditions.<sup>60</sup> One of the objectives of the IBMF, for example, is 'to facilitate legitimate border crossings, to prevent and detect illegal immigration and cross-border crime and to effectively manage migratory flows', and one of the ways in which this can be done is through 'the enhancement of inter-agency cooperation' between member states, Union bodies and third countries. For this purpose, the fund is geared towards supporting member states' deployment of immigration liaison officers to third countries, to gather information and intelligence on migratory movements. Frontex, the EU's border agency, has its own pool of liaison officers who undertake similar work.<sup>61</sup> The IBMF can also be used to boost the operational capacity of and cooperation between networks of those officers. Measures approved in 2019 provide the legal backing for these activities, introducing greater EU-level coordination of their activities.<sup>62</sup>

The IBMF provides incentives to member states undertaking these activities in cooperation with states with which they share a land or maritime border: while the general rule is that EU funding may cover only 75% of the cost of any action undertaken by a member state, a rate of 90% will apply in these cases.<sup>63</sup> Turkey and Morocco are key examples of countries that, having been coerced or cajoled into enforcing border controls to keep migrants and refugees out of the EU, have then essentially blackmailed the EU into providing further financial support by threatening to relax those controls – in short, the EU's desire to keep people out has provided a mechanism that buffer states can use to extract further concessions, usually in the form of funding.<sup>64</sup> States in the Balkans may also be prime candidates for support, although their status as pre-accession candidates may make them less likely to engage in such 'migration diplomacy'. The region has been key to EU migration control efforts ever since the 'Balkan Route' became the chosen method for over a million people to travel to 'core' EU states in 2015 and 2016.<sup>65</sup> The aspects of the ISF concerned with the externalisation of border control focus on police operations against undesired migration. The 'thematic facility', a €579 million portion of the ISF that will be 'allocated flexibly



on the basis of work programmes drawn up by the Commission, can be used ‘for supporting actions in or in relation to third countries’. Alongside combating and preventing crime in general, and drug and human trafficking more specifically, ‘combating cross-border criminal smuggling networks’ is emphasised – a thinly-veiled reference to people-smuggling gangs. The European Commission has shown significant enthusiasm for joint activity with non-EU states in this area in recent years, in particular by establishing ‘common operational partnerships’ between law enforcement agencies.<sup>66</sup>

## **Oversight of externalisation**

The EU’s external migration policy is funded via different Commission departments, and implemented through migration, asylum, development and foreign policies with no designated lead institution. A European Parliament resolution approved in May 2021 criticised this set-up, expressing ‘concern’ that ‘this blending of executive responsibilities has created a lack of sufficient and coherent oversight of the Commission’s activities that would enable Parliament to exert democratic scrutiny over the EU’s external migration policy’.<sup>67</sup> While the legislation underpinning the home affairs funds oblige the Commission to provide Parliament with some information on their use, this remains limited in relation to spending in third countries (see section 4.3). In relation to the ISF, the European Commission is obliged to ‘report on the use and distribution of the thematic facility... including on the support provided to actions in or in relation to third countries under Union actions’. In response to this information, the European Parliament is able to make recommendations on future spending, which the Commission ‘shall endeavour to take into account’. There is no such requirement for the AMF or IBMF.

## **Putting lives at risk at sea**

The question of where precisely the EU’s borders begin and end is raised once again by the IBMF, in particular in the way that it treats the definition of ‘external sea border’. The legislation recalls the way in which this would normally be understood: ‘the outer limit of the territorial sea of the Member States as defined in accordance with Articles 4 to 16 of the United Nations Convention on the Law of the Sea’. However, when ‘long range operations outside the outer limit of the territorial sea... have been carried out in high threat areas on a regular basis in order to prevent illegal immigration or illegal entry’, that definition will not be used. Instead, the ‘outer limit of high threat areas’ will be used to define where member states’ external sea borders lie. This will be done on the basis of ‘operational data over the past two years as provided by the Member States concerned’.<sup>68</sup> The effect will be to afford greater funding to those member states that conduct interdiction operations beyond their territorial waters or contiguous zones. In practice, many of these operations may effectively be search and rescue operations – but in this case, the definition used in by the IBMF would take a history of extra-territorial search and rescue operations and use it to justify additional funding for operations in which such operations, if undertaken at all, will merely be a side effect of border surveillance. It is clear that the EU’s focus in the Mediterranean is not to undertake search and rescue operations for those at risk of drowning while crossing it, but rather to provide assistance or actively participate in ‘push or pull back’ operations to prevent migrants and asylum seekers from reaching Europe’s shores.

Beyond this, it is also noteworthy that the IBMF legislation includes no direct reference to fundamental rights. Given the large number of women, men and children who have already drowned at or near

the EU's borders in the Mediterranean, specific references to international maritime law, search and rescue obligations and *non-refoulement* should have been included.<sup>69</sup> Indeed, the 2018 proposal as a whole can be seen as a – perhaps deliberately – missed opportunity to provide significant financial backing for a coordinated search and rescue capability in the Mediterranean. The final decision made few significant changes and will simply help to finance many of the policies that have led to so much death and suffering in the first place, at the same time as states crack down on and criminalise independent organisations seeking to save lives at sea.<sup>70</sup>

## Empowering EU agencies

While the EU's justice and home affairs agencies have significant budgets of their own, further resources are to be made available from the 2021–2027 security and migration budgets. The intention is to bolster and consolidate their operational and policy-making roles, in particular of Frontex, the EU's border agency.

### Annual budgets: going up

EU spending on decentralised agencies increased from €95 million in 2000 to €775 million in 2013.<sup>71</sup> This was followed by a general reduction in staffing and expenditure across EU institutions, agencies and bodies from 2013 to 2020, as part of a savings drive.<sup>72</sup> However, for the most part the EU's justice and home affairs agencies saw their budgets rise – and it is well known that by the end of the last budget window in 2020, at least one agency – Frontex – had seen the response to the so-called 'refugee crisis' justify an unprecedented increase in its staff, financial, and operational resources.<sup>73</sup> The annual budgets for each agency are decided by the Council of the EU and the European Parliament, and come out of the amount earmarked under each of their respective policy areas. Under the security and defence policy envelope for 2021–2027, €1.3 billion is allocated for:<sup>74</sup>

- European Union Agency for Law Enforcement Cooperation (Europol, which for 2021 has a budget of just over €182 million)<sup>75</sup>
- European Union Agency for Law Enforcement Training (CEPOL, €12.6 million in 2021)<sup>76</sup>
- European Monitoring Centre for Drugs and Drug Addiction (EMCDDA, €18.2 million in 2021)<sup>77</sup>
- As part of the migration and border management envelope for 2021–2027, some €8.2 billion has been set aside for:<sup>78</sup>
- European Border and Coast Guard Agency (Frontex, €543.5 million in 2021)<sup>79</sup>
- European Asylum Support Office (EASO, €152.7 million in 2021)<sup>80</sup>
- European Agency for the Operational Management of large-scale IT Systems in the Area of Freedom, Security and Justice (eu-Lisa, €221.6 million in 2021)<sup>81</sup>

This increase in funds will boost a growing 'operationalisation' of EU justice and home affairs agencies: Frontex is developing its 'standing corps' of 10,000 border guards; Europol is being granted new powers over the exchange and processing of personal data; the European Asylum Support Office is becoming the European Union Agency for Asylum, with new roles and powers; and eu-Lisa is responsible for the maintenance and management of the EU's growing databanks – in particular, the new Common Identity Repository that will hold personal data on up to 300 million foreign nationals.

## Further benefits for EU agencies

The home affairs funds – the Internal Security Fund, Integrated Border Management Fund and Asylum and Migration Fund – are also geared in various ways towards further empowering EU agencies. In certain cases, the agencies can obtain funding from them, and have been given roles in determining, monitoring and evaluating national spending programmes. Activities undertaken by the member states and, potentially, non-EU states, will also bolster agencies by providing equipment and increasing the exchange and gathering of information, further cementing their place in the EU's internal security architecture.

Union actions – 'transnational projects or projects of particular interest to the Union', financed directly by the European Commission – are one way in which agencies will be able to obtain funding from the home affairs funds. In exceptional cases, agencies will be eligible for ISF funding if they wish to undertake actions that are not already covered by their budget.<sup>82</sup> Among the activities that may be funded by Union actions as part of the IBMF are: '...measures aiming to develop the European Border and Coast Guard, such as common capacity building, joint procurement, establishment of common standards and other measures streamlining the cooperation and coordination between the European Border and Coast Guard Agency and Member States'.<sup>83</sup> Emergency assistance from the IBMF and ISF, intended to 'address urgent and specific needs in the event of duly justified emergency situations', can also be awarded directly to decentralised agencies.<sup>84</sup> Increasing the gathering and exchange of information is key to the development of the 'Security Union',<sup>85</sup> on which the ISF places particular emphasis. One of the objectives of the fund is to improve and facilitate information exchange between national and EU agencies, as well as with third countries and international organisations.<sup>86</sup> One of the ways in which the ISF's results will be measured is by the number of mechanisms that the member states have set up or adapted for this purpose.<sup>87</sup> The ISF also aims to increase cooperation between national authorities and EU agencies (as well as 'civil society and private partners') as a way to strengthen abilities for 'preventing and combating crime, terrorism and radicalisation, as well as managing security-related incidents, risks and crises'. Joint law-enforcement operations involving national authorities, Europol and Eurojust will be one way of doing this, while the equipment purchased by the member states and made available to Frontex will provide it with an enhanced ability to launch border control operations in the EU and further afield.<sup>88</sup> As well as boosting agencies' operational capabilities, the funds will give them new oversight roles. It is a requirement for the European Commission to ensure that 'the relevant decentralized agencies' are involved in the development of the national programmes, by which the member states must set out what they intend to do with their allocation of the funds from the AMF, IBMF and ISF.<sup>89</sup> These roles in the decision-making process will be complemented with roles in the monitoring and evaluation of member states' activities.<sup>90</sup>

## Frontex: the favoured agency

Of all the EU's justice and home affairs agencies, Frontex will take on the most significant roles in the planning, monitoring and evaluation of the funds. The Commission is obliged to ensure that the agency's views are taken into account in relation to national spending under the AMF and IBMF, and to ensure that national actions financed by 'operating support' are consistent with those of Frontex.

The agency is also to be consulted by the Commission, 'where relevant', on the use of IBMF funds for addressing recommendations that result from the Schengen evaluation mechanism and Frontex's own 'vulnerability assessment' process, and on member state proposals to use the IBMF for operating support.<sup>91</sup> This can result in obligatory amendments to a member state's programme.<sup>92</sup> Responsibility for the implementation of 'effective European integrated border management at the external borders' is shared between Frontex (now also known as the European Border and Coast Guard Agency) and national border authorities (now known collectively as the European Border and Coast Guard).<sup>93</sup> Under the IBMF, Frontex is given a key role in assessing the best way to implement recommendations resulting from the Schengen evaluation exercises and its own recommendations resulting from 'vulnerability assessments' of the external borders.<sup>94</sup> Funds distributed to national authorities will also be used to bolster the role of Frontex in Europe's system of 'border management', in particular by expanding its inventory of technical equipment. The EU's border agency has long sought to acquire the latest technology for border control, including drones and other means of aerial surveillance,<sup>95</sup> along with more mundane items such as patrol cars.<sup>96</sup> Under the IBMF rules, any such equipment purchased by national authorities with the funding ('means of transport and ICT systems', as well as 'all-large scale operating equipment for border management, such as aerial and maritime means of transport and surveillance') must be verified with Frontex to ensure that it meets the common technical standards established by the agency, and made available for use in its operations.

Financial incentives will also be provided for this purpose. Measures to enhance cooperation between member states and Frontex are one of the actions for which the IBMF can provide up to 90% funding, including the joint purchase of equipment. The agency's use of that equipment will take precedence over member states' needs: it must be 'put at the agency's disposal when needed'. The amount of equipment made available to Frontex by the member states is one of the indicators for determining the success (or not) of the fund.<sup>97</sup> Along with its role in setting out standards and specifications for the equipment to be acquired by member states, Frontex now has a role in influencing the development of new border control technologies. An agreement signed with the European Commission in February 2020 awards Frontex a role in 'identifying research activities', facilitating the 'operational testing and validation' of new technologies, and 'providing feedback of research results into the wider capability development process', with regard to the border security research theme of the Civil Security for Society programme. Experts from Frontex (or from member state authorities, but recruited by Frontex) may also be made available to the European Commission Directorate-General for Home Affairs (DG HOME) to evaluate research proposals.<sup>98</sup> The agency will thus be able to identify new technologies whose deployment can be supported by the IBMF, having first influenced the priorities of the research programme developing them. Indeed, the IBMF prioritises actions 'developing innovative methods or deploying new technologies with a potential for transferability to other Member States, especially projects that aim to test and validate the outcome of Union-funded research projects'.<sup>99</sup> A similar role and powers are under negotiation for Europol,<sup>100</sup> and the ISF also explicitly seeks to support actions that test the results of EU research projects in the field of policing.

## Missing voices

While Frontex, EASO, Europol and eu-Lisa have explicit roles in these activities, other EU justice and home affairs agencies are less visible. The Fundamental Rights Agency is mentioned in relation to the development of national programmes under the AMF and IBMF,<sup>101</sup> but is not referred to in

the ISF legislation. Nor is there any mention of the European Institute for Gender Equality (EIGE), which was set up 'to contribute to and strengthen the promotion of gender equality, including gender mainstreaming in all Community policies and the resulting national policies, and the fight against discrimination based on sex'.<sup>102</sup> While the European Commission and the member states are not precluded from consulting the EIGE in relation to their spending plans, a requirement to do so could have helped avoid the implementation of projects that may maintain or exacerbate gender inequality – a problem that may be particularly acute in relation to the EU's border and asylum policies. As the scholars Audrey Reeves and Aiko Holvikivi note: 'Women and girls who reach refugee camps across Europe's borders regularly experienced sexual violence, harassment, and exploitation – including at the hands of border guards and volunteers in reception centres... as a result of hardened borders and gender-blind asylum procedures, sexual and gender-based violence on transit routes have become "normal", "commonplace" and 'so widespread that it affected almost all migrant and refugee women'.<sup>103</sup>

## Boosting Europe's security–industrial complex

A significant volume of the security funds being provided by the EU until 2027 will bolster the European security–industrial complex. This complex – the confluence of interests between the private 'homeland security' industry, and politicians and state officials dealing with security policies – has long promoted a vision of security based on the development and deployment of technological 'solutions', many of which are premised on novel and enhanced surveillance techniques.

One budget in particular, Civil Security for Society (part of the Horizon Europe research programme), is directly tied to the growth and development of this complex. It is the third official iteration of the European security research programme, the development and growth of which has been tracked and analysed by *Statewatch* and the *Transnational Institute* since its inception.<sup>104</sup> The new security research agenda is similar to those of years past. Under the 'Fighting Crime and Terrorism' heading in the first work programme of the 2021–2027 period, the European Commission is seeking projects to improve the ability of law-enforcement authorities to intercept telecommunications (which is threatened by new technologies such as 5G and edge computing); systems and methods to 'sift through (and learn from) vast amounts of data' collected from air passengers; ways to make more extensive use of biometrics in policing; and ways to use 'the most advanced technological means' to assess the vulnerability of public spaces to 'terrorist attacks or other forms of severe violence (amok, mass-riots)'.

Alongside this, the border security research theme has long been home to calls for new surveillance technologies, to bolster the ongoing development of a high-tech Fortress Europe. The current work programme is no exception. Tens of millions of euros are available for projects on 'increased surveillance capacity, including high altitude, long endurance aerial support'; to speed up border crossing times by enabling 'capture and use [of] biometrics of travellers without them having to stop'; and improved techniques for detecting objects concealed on people. Beyond policing and border control, the research programme is also concerned with 'disaster resilience' and cybersecurity.

Projects funded by the security research programme tend to be carried out by consortia made up of private companies, public agencies (for example, interior ministries or police forces), higher education or research institutions, consultancy firms, and NGOs. Of these, private companies have tended to receive the lion's share of the funding.

For example, €553 million (41%) of the €1.4 billion 2007–2013 security research programme was awarded to companies, with transnational arms and security corporations such as Airbus, Selex and Thales among the main beneficiaries. Large research institutes such as the Fraunhofer Institute (Germany), TNO (Netherlands) and the Swedish Defence Research Institute also received substantial funding, obtaining €348 million (25%) of the overall budget.<sup>105</sup> The same picture emerges from an analysis of the 2014–2020 research programme: private companies received 41% of the total budget (amounting to just over €663 million of a larger budget), research institutions 25% (just over €403 million), followed by higher education institutions (21%, €341 million), public bodies (10%, €157 million) and other types of organisation (3%, €66 million).<sup>106</sup> The overall budget for the 2021–2027 programme is slightly smaller than its predecessor (€1.6 billion compared to €1.7 billion), but a requirement to find ‘synergies’ with other funds may compensate for this decrease. The first work programme for the renewed security research programme makes clear that projects funded by Horizon Europe should be ‘followed by final development and market uptake and deployment of relevant research results’, in particular through the Integrated Border Management Fund and Internal Security Fund, as well as the Digital Europe Programme and the European Regional Development Fund.<sup>107</sup>

As well as financing research into and the development and deployment of new surveillance and control technologies, there are ongoing attempts to bring the public and private sectors closer through schemes such as ‘pre-commercial procurement’ and ‘public procurement of innovative solutions’. These differ in their details, but share the same overarching objective: to secure commitments from public authorities for the purchase of privately supplied goods before they are put on the market, as well as greater involvement of ‘end-users’ (such as police officers or border guards) in the design and testing phases of new technologies. They sit alongside projects funded by the security research programme that seek to make law-enforcement and other agencies more receptive to the ‘innovative solutions’ produced by the private sector.<sup>108</sup> While such schemes do not quite meet the demands of the security industry lobby for an ‘end-to-end’ public–private partnership (PPP),<sup>109</sup> they are certainly a step in that direction. As well as providing funds to purchase technologies produced through the security research programme, the IBMF and ISF budgets will pay for products and services from private companies that exist to serve the state’s security agencies – whether border surveillance equipment, new IT tools for the police, systems for the surveillance and profiling of air passengers, or simply vehicles and uniforms.<sup>110</sup> Tracking this expenditure is likely to remain problematic, given ongoing transparency deficits with the funds (see section 4.3). This is not the end of the story. Alongside the security research programme, the EU now has a military research programme, in the form of the €8 billion European Defence Fund. This will provide a new source of finance for many of the same corporations that have been significant recipients of security research funding. There is a requirement for the European Commission and other actors to ensure ‘synergies’ between the two programmes, and to exploit dual-use technology that may be of use to both the homeland security and military sectors. In practice, this is likely to mean the further militarisation of the civil sphere and the continuation of the long-standing trend to blur the lines between war, policing and internal security initiatives. Tracking the use of these funds, developing visions of security beyond the technological ‘solutionism’ offered by the security–industrial complex, and finding the means to work towards that vision remain crucial.

## Transparency, oversight and democratic scrutiny

The EU's new security funds will be subject to some measure of democratic scrutiny and oversight, and there will be some transparency regarding the projects and activities that are funded. This is largely restricted to the provision of information on spending and results, however, while democratic participation in setting priorities is strictly limited. For the most part, it will be the preserve of state officials to determine how the funds are spent – elected representatives and CSOs are only granted a *post-facto* oversight role.

### Setting priorities and making decisions

It is vital that funds designed to bolster state security powers are subject to meaningful democratic scrutiny, oversight and input – a role that, in this case, should fall primarily to the European Parliament, as well as national parliaments. The role of civil society – in particular, journalists and human rights organisations – is also key in scrutinising public spending. While there are roles foreseen for both CSOs and the European Parliament in the legislation underpinning the EU's new security funds, they are limited.

The European Parliament and national parliaments do, of course, have a say in the overall design of the majority of the funds. The European Parliament was co-legislator with regard to the AMF, IBMF, ISF, the European Defence Fund and Horizon Europe, which contains the European security research programme (it was, however, excluded from decision-making over the European Peace Facility, due to that budget's legal basis).<sup>111</sup> In these cases, it was also possible for national parliaments to provide opinions, for CSOs to lobby governments as well as both national and European representatives, and for other organisations to make their voices heard – for example, the European Economic and Social Committee and the Committee of the Regions, alongside the extensive corporate and industrial lobby that plagues Brussels.

### Planning and preparation

Beyond this point, there is little role for democratic bodies and civil society. The European Commission is obliged to 'engage with civil society organisations and relevant networks' when it prepares the annual work programmes, setting out spending priorities and themes, for the AMF, IBMF and ISF. However, those funds are also excluded from rules applicable to other EU budgets that require a partnership agreement between the state and a whole range of actors, from regional and local authorities, to trade unions, CSOs and universities, among others – the intention being to canvass as broad a range of views as possible in the drafting of national spending plans. This does not prevent the member states from undertaking such consultations, but there is no requirement to do so in relation to the funds for policing, border control, migration and asylum.

The sole exception to this exclusion of the European Parliament comes in the ISF legislation, the Commission 'shall endeavour to take into account' its recommendations on actions to be supported by the thematic facility.

The rules for Horizon Europe are somewhat more inclusive – although not with regard to the aspects of the research programme dealing with new security technologies. There are requirements for the European Commission to undertake 'extensive exchanges with the European Parliament' and 'consultation with stakeholders and the general public' when drawing up strategic research

plans.<sup>112</sup> These will, however, generally focus on areas other than security research, where the agenda has long been dominated by the interests of states and corporations. Determining the priorities of and actions to be funded by the European Defence Fund and European Peace Facility, meanwhile, will remain matters of state – the European Parliament and civil society are granted no role whatsoever.

## Transparency measures

The proactive disclosure of information on how EU funds are spent by member states and EU institutions themselves has long been woeful – so much so, in fact, that journalists have sought to take matters into their own hands by obtaining and publishing relevant data themselves.<sup>113</sup> The rules governing transparency of the 2021–2027 Multiannual Financial Framework (MFF) introduce some improvements in this area, but there are a number of loopholes for the home affairs funds that could be used to inhibit transparency and, in turn, accountability. Transparency is kept to an absolute minimum with regard to the European Defence Fund and European Peace Facility. The home affairs budgets – the Internal Security Fund, Integrated Border Management Fund and Asylum and Migration Fund – are all subject to essentially the same transparency requirements. For funds controlled through shared management, the member states must provide annual performance reports to the Commission, but only a summary of each report is to be made public.<sup>114</sup> The Commission is also obliged to report to the Council and Parliament on a set of ‘core performance indicators’, but the legislation does not specify when this should be done, or whether those reports should be public. Other provisions are clearer. The European Commission is obliged to publish information on all projects or activities it funds directly, and the member states must publish information on all the activities financed through EU funding, on either a dedicated website or a ‘single website portal’.<sup>115</sup> That information must be provided ‘in an open, machine-readable format which allows data to be sorted, searched, extracted and compared’.<sup>116</sup> The Commission is obliged to provide links to each of those websites on its own website. The sites should also be used to publish national evaluations, final performance reports,<sup>117</sup> any data transmitted to the Commission on the use of the funds,<sup>118</sup> the rules of procedure of national fund monitoring committees, and ‘the data and information shared with the monitoring committee’.<sup>119</sup> Given that the information currently available on EU funds is often incomplete or unavailable, these are welcome provisions, in particular the requirement to provide data in an open, machine-readable format. If they are upheld, the information will provide a rich source of data for anyone seeking to analyse the use of the EU’s home affairs funds and a useful tool for ensuring accountability of the use of public money.

However, the transparency provisions are undermined in two ways. First, it is left up to each member state to establish its own website or ‘single website portal’ for the publication of the required information. Anyone wishing to obtain an EU-wide understanding of how the home affairs funds are used will still have to trawl through dozens of different websites, in multiple languages – only to find that while information may be in an ‘open, machine-readable format’, it may still require significant manipulation to make sources comparable.

More concerning is a loophole that grants the member states significant discretion over whether they even publish certain information on the use of the home affairs funds. Horizontal rules that apply to the AMIF, IBMF and ISF include an obligation for national authorities to publish information, ‘except where Union law or national law excludes such publication for reasons of security, public



order, criminal investigations, or protection of personal data'.<sup>120</sup> In principle, very little of the information in question could be subject to such exceptions – but in the hands of over-zealous officials, 'security' and 'public order' can be interpreted very broadly as a means of restricting public access to information, and may put the citizens of some states at a greater disadvantage than others with regard to their ability to know how their government is spending EU funds.

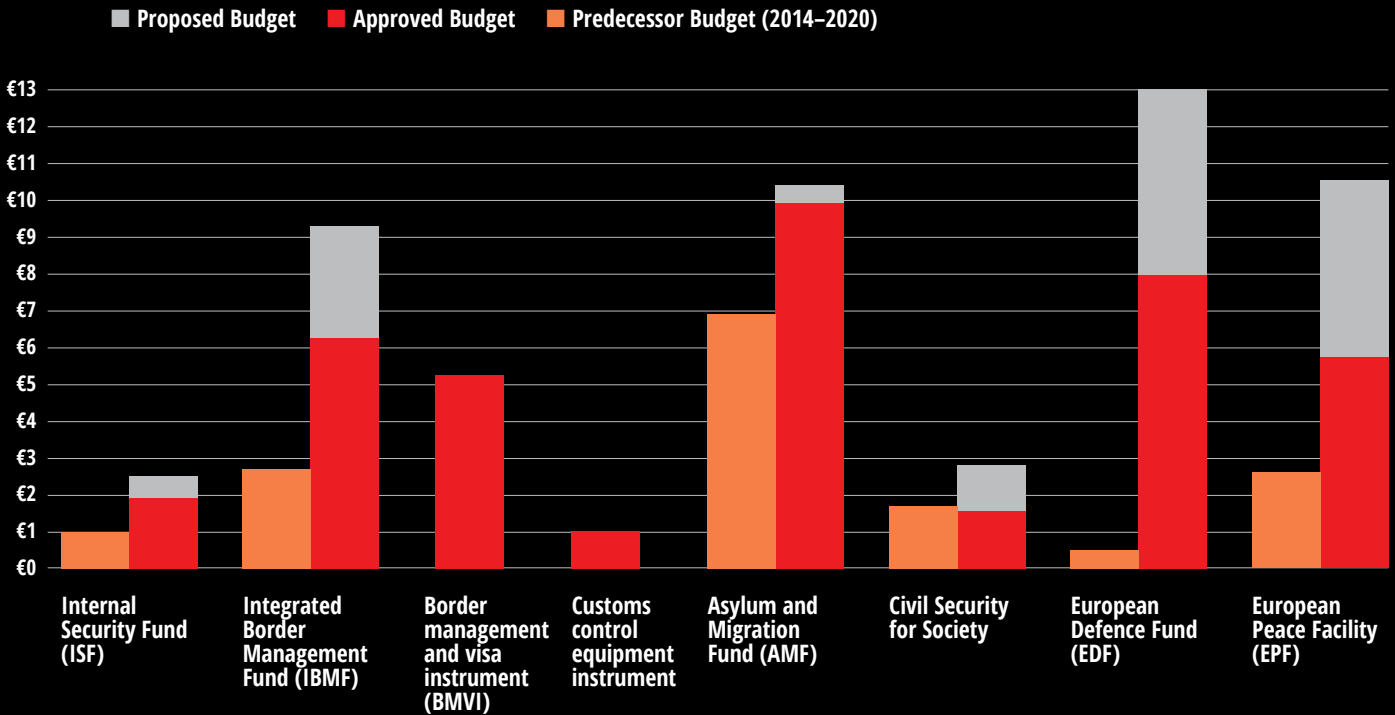
The transparency requirements for the EU's new military budgets are even more limited. With regard to the European Defence Fund, the European Commission is obliged to 'implement information and communication actions relating to the Fund, and its actions and results', but this may well just be a requirement to engage in public relations – there is no obligation to publish detailed information on each of the actions financed by the EDF. The provisions of the EPF are even more threadbare. Apart from a requirement for an evaluation every three years,<sup>121</sup> there are no requirements for publication of information or data on what has been funded. The first funding decision for the European Peace Facility on providing support to the African Union and various other intergovernmental organisations in Africa<sup>122</sup> makes clear that this lack of transparency provisions in the primary EPF legislation was not simply an oversight – it contains no such requirements. Finally, the Civil Security for Society budget remains subject to the same requirements as other projects funded by Horizon Europe. Every project and beneficiary will be listed in the enormous CORDIS database, making it possible to understand patterns and trends in how the money is spent. However, obtaining access to more substantial information on projects' activities, such as the results of research or ethics reports, may remain difficult. The issue is currently being considered by the Court of Justice of the EU, in a case brought by German MEP Patrick Breyer. He is seeking the release of ethical reports produced by the iBorderCtrl project, which sought to produce an automated lie detector for border controls.<sup>123</sup> The judgment permitted access to some general information, but the initial refusal to disclose 'information on the specific iBorderCtrl technology, including its legality, its reliability (false positives), the risk of discrimination and mitigation measures,' was upheld. Breyer has filed an appeal.<sup>124</sup>

There is an obvious need for meaningful transparency of government spending and decision-making, particularly in areas as sensitive for human rights and civil liberties as policing, border control and military matters. It allows citizens to see what is being done in their name and is a fundamental prerequisite for holding governments and states to account. In this regard, despite some improvements in relation to the home affairs funds, the differing provisions governing the EU's new security funds leave much to be desired.

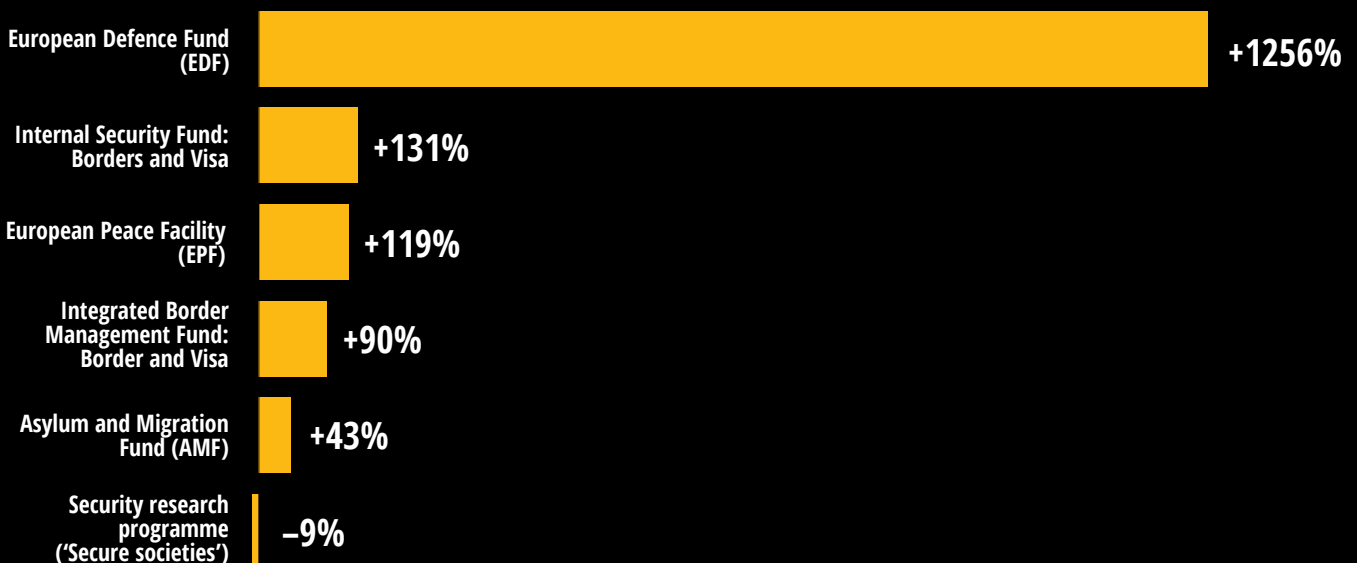
## SECTION 5

# DETAILS OF THE PROPOSED FUNDS

## 2021–2027 Budget (In billions of Euros)



## Percentage change (Budget increase / decrease from 2014–2020 to 2021–2027)



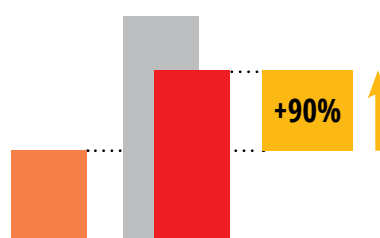
# Internal Security Fund (ISF)

**PROPOSED BUDGET: €2.5 billion**

**FINAL BUDGET: €1.9 billion**

**PREDECESSOR BUDGET (2014–20): €1 billion**  
(Internal Security Fund – Police)

**CHANGE: +90%**



## Legislation

Regulation (EU) 2021/1149 of the European Parliament and of the Council of 7 July 2021 establishing the Internal Security Fund.<sup>125</sup>

## Objectives

The ISF is intended to reinforce the powers of the police and other law-enforcement actors. The €1.9 billion budget for the 2021–2027 period will be split between funding distributed to the member states (€1.35 billion, via shared management) and to the Commission, (€579 million, via the ‘thematic facility’) national authorities and other bodies. Its overarching goal is ‘preventing and combatting terrorism and radicalisation, serious and organised crime, and cybercrime, by assisting and protecting victims of crime... by preparing for, protecting against and effectively managing security-related incidents, risks and crises’. What this means in practice is using the vast majority of the substantial budget to implement and develop EU law and policy on crime control, and continue with the construction of a pan-EU law-enforcement machinery.

## Activities and beneficiaries

Three more specific objectives sit under the fund’s overarching goal, each accompanied by a set of activities.<sup>126</sup> First, to improve and facilitate information exchange among national authorities, Union bodies, offices and agencies, and with third countries and international organisations. This would take place, for example, through national implementation of EU information exchange systems such as Prüm,<sup>127</sup> EU PNR (Passenger Name Record),<sup>128</sup> SIS II (the Schengen Information System)<sup>129</sup> and the ‘interoperability’ scheme,<sup>130</sup> and feeding data to those systems. The second specific objective is to improve and intensify cross-border cooperation and joint operations related to terrorism and serious organised crime. The aim is to establish more joint investigation teams; facilitate cross-border hot pursuits and surveillance measures; and to increase coordination and cooperation between law enforcement and ‘other competent authorities’ and ‘relevant actors’.

The third specific objective is to strengthen capabilities for combating crime, terrorism and radicalisation. Ways of doing this will include the establishment of PPPs, training and exchange programmes, including with non-EU states; knowledge-sharing among member states ‘and other relevant actors, including civil society’; developing protection and support schemes for witnesses, whistle-blowers and crime victims; and increasing ‘preparedness, resilience, public awareness and adequate response to security threats’ through the purchase of equipment and establishment of infrastructure.

There is an obligation for member states to prioritise ‘agreed Union priorities and the *acquis* in the area of security’, recommendations resulting from the Schengen monitoring and evaluation

mechanism,<sup>131</sup> and ‘country-specific deficiencies with financial implications identified in the framework of needs assessments such as European Semester recommendations in the area of corruption’. They must also ‘in particular’ undertake certain types of actions: to counter ‘radicalisation’; to improve the interoperability of EU and national information systems; to pursue the priorities set out as part of the EMPACT mechanism;<sup>132</sup> to address cybercrime; and to ‘improve the security and resilience of critical infrastructure’. Likewise, funds managed directly by the European Commission should be geared towards these activities and ‘shall be used for supporting actions in or in relation to third countries... in particular in order to contribute to combating and preventing crime, including drug trafficking, trafficking in human beings and combating cross-border criminal smuggling networks’.<sup>133</sup> A further annex (Annex IV) includes more detail on the types of activities that may be supported by the ISF,<sup>134</sup> and the text also includes a list of actions national authorities may not finance with the fund, except in ‘an emergency situation’.<sup>135</sup> These include ‘actions limited to the maintenance of public order at national level’ (as opposed to a cross-border context); the purchase of ‘coercive equipment, including weapons, ammunition, explosives and riot batons, except for training purposes’, and ‘informant rewards and flash money outside the framework of an EU policy cycle/EMPACT operational action’.<sup>136</sup> Funds distributed to the member states are to be disbursed to their authorities, which may then use that money to acquire services or equipment from other entities, in particular private companies. In the case of the funds managed directly by European Commission, entities eligible for funding are those established in a member state or a third country that is listed in a work programme, or ‘legal entities created under Union law or any international organisation’. Legal entities in third countries are eligible for funding if they are part of a consortium with at least one entity established in a member state.<sup>137</sup> National authorities are likely to remain the principal beneficiaries of the portion managed by the Commission, but private companies, non-profit organisations, universities and others will also participate in projects and activities. In the case of Union actions and emergency assistance, EU agencies may also receive funding from the ISF.

### **Funding and control methods**

The €1.35 billion earmarked for member states (‘shared management’) will be distributed in accordance with several criteria. All member states will be awarded €8 million at the start of the funding period, with the remaining funds distributed on the basis of their gross domestic product (GDP), population and size of their territory.<sup>138</sup> The funds must be spent in accordance with work programmes that are ‘consistent with and respond to Union priorities and challenges in the area of security and are fully in accordance with the relevant Union acquis and agreed Union priorities’. These programmes are to be drawn up by national authorities with the Commission, along with input from EU ‘bodies, offices and agencies’, where relevant. The work is therefore in the hands of interior ministry and other security and law-enforcement officials, with no requirement to involve parliaments or CSOs – despite the legislation calling for ‘active and meaningful involvement of civil society, including non-governmental organisations’. The limited pool of actors responsible for drawing up and agreeing the work programmes may also hinder compliance with the legislation’s fundamental rights obligations. All actions funded by the ISF must be implemented ‘in full respect for fundamental rights and human dignity’,<sup>139</sup> something that could perhaps be better achieved if national authorities were required to consult bodies such as the EU Fundamental Rights Agency, the European Institute for Gender Equality, or their own national human rights institutions. A more comprehensive approach could have included a role for the European Parliament’s civil liberties committee, national parliamentary committees,

CSOs and other interested parties. Money from the ISF may not exceed 75% of the cost of any particular national activity, apart from in particular cases. Up to 90% of the cost may be financed by the ISF in the case of 'specific actions' (these are funded via the Commission's portion of the budget and defined as 'transnational or national projects that bring Union added value') and for 'Annex IV actions', described in the previous section. The ISF can cover 100% of costs if it is used to pay for operating support,<sup>140</sup> emergency assistance, or 'technical assistance at the initiative of the Member State'.<sup>141</sup> The €579 million at the disposal of the European Commission is also to be distributed in accordance with work programmes. It may be awarded directly to certain entities (for example, networks of law-enforcement bodies such as the 'Atlas' network of 'special intervention units'<sup>142</sup>) or in response to calls for proposals. Unlike national authorities, the legislation places an obligation on the European Commission to 'engage with civil society organisations and relevant networks, in particular with a view to preparing and evaluating the work programmes for Union actions financed under the Fund'.<sup>143</sup> It remains to be seen how this will be done. The Commission is to be assisted in its work by a new Committee for the Home Affairs Funds, which started work in July 2021.<sup>144</sup> Alongside new overarching rules intended to prevent EU funds being used to finance the actions of governments in breach of the EU's 'founding values', both the European Commission and national authorities are obliged to ensure that funding from the ISF is 'not directly affected by a reasoned opinion by the Commission in respect of an infringement under Article 258 TFEU [for failure by a member state to implement EU law] that puts at risk the legality and regularity of expenditure or the performance of operations'.<sup>145,146</sup>

### **Monitoring, reporting and transparency**

The Commission is obliged to provide the Parliament and Council with 'information on the core performance indicators' listed in Annex V of the legislation, although there is no timeline for when that information should be provided, nor a requirement that it be made available to the general public.<sup>147</sup> The 'core performance indicators' sit alongside a more detailed set of 'output and result indicators', which are to be used to inform a mid-term evaluation (due in 2024) and a final evaluation (due in 2029). There is no requirement that these be made public.<sup>148</sup> In response to Commission reports on the 'thematic facility', the European Parliament may make 'recommendations for actions to be supported under the thematic facility', and 'the Commission shall endeavour to take such recommendations into account'. Reporting obligations are also placed on the member states, which are obliged to submit an annual performance report to the Commission on the use of the funds from 2023 until 2031 (again, there is no requirement that these reports be made public),<sup>149</sup> and to publish information on all projects financed by the ISF (as well as the IBMF and AMF) online, a point discussed further in section 4.3.

# Integrated Border Management Fund (IBMF)

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**PROPOSED BUDGET: €9.3 billion**

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**FINAL BUDGET: €7.25 billion**

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The Integrated Border Management Fund comprises two separate instruments, which concern funding for border controls and visa processing (the 'border and visa' fund, worth some €6.2 billion) and customs control equipment (worth just over €1 billion).

## Border Management and Visa Instrument (BMVI)

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**FINAL BUDGET: €6.24 billion**

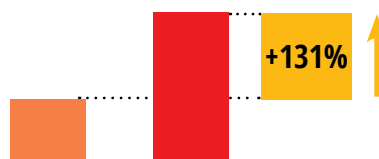
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**PREDECESSOR BUDGET (2014–20): €2.7 billion**  
(Internal Security Fund – Borders and Visa)

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**CHANGE: +131%**

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### Legislation

Regulation (EU) 2021/1148 of the European Parliament and of the Council of 7 July 2021 establishing, as part of the Integrated Border Management Fund, the Instrument for Financial Support for Border Management and Visa Policy.<sup>150</sup>

### Objectives

The overarching objective of the border management and visa instrument is 'to ensure strong and effective European integrated border management at the external borders... while safeguarding the free movement of persons within it and fully respecting the relevant Union *acquis* and the international obligations of the Union and Member States arising from international instruments to which they are party'. It is noteworthy that there is no direct reference to fundamental rights, while the emphasis on externalisation (also a feature of the Asylum and Migration Fund) appears intended to push the issue of states' responsibilities to uphold human rights further out of sight and out of mind.

The €6.24 billion budget<sup>151</sup> will be split between the member states' programmes (€3.7 billion, via shared management) and the Commission (€2.5 billion, via the thematic facility), which will subsequently be distributed to national or other authorities as deemed appropriate.

### Activities and beneficiaries

Two specific objectives serve the BMVI's main goal. First, to support 'effective European integrated border management at the external borders...to facilitate legitimate border crossings, to prevent and detect illegal immigration and cross-border crime and to effectively manage migratory flows'. Second, the fund supports 'the common visa policy... to facilitate legitimate travel, while helping to prevent migratory and security risks'.

A list of activities to help achieve these objectives is provided in Annex III, which includes:

- Setting up, maintaining and making interoperable large-scale IT systems for border management;
- Reinforcing border checks and surveillance;
- Conducting risk and threat analyses;

- Technical and operational reinforcement, including at ‘hotspot areas’;
- Reinforcing Frontex, vis-à-vis its surveillance capacity at external borders and technical and operational reinforcement for identification of vulnerable persons and those in need of international protection;
- Enhancing inter-agency cooperation between the member states, and between the member states and Union agencies or third countries;
- Providing ‘efficient and client-friendly services to visa applicants while maintaining the security and integrity of visa procedures’;
- Supporting member states to issue humanitarian visas, or visas on grounds of national interest or international obligation; and
- ‘developing different forms of cooperation between Member States in visa processing’.

Support for search and rescue is mentioned among the activities covered by the Fund, but only in the context of border surveillance at sea.

The acquisition of new technologies is key to many of these aims. Infrastructure and equipment, inter-operable IT systems, the deployment of new technologies (developed by EU security research projects and identified by Frontex as a priority), and training are all prioritised in order to enhance border surveillance, statistical tools and indicators, visa processing, and the ‘debriefing’ of people arriving at the external borders. Intelligence-gathering is also pursued through the deployment of immigration liaison officers to non-EU countries and the reinforcement of the liaison officers’ network.

Entities eligible to receive funding are legal entities established in a member state or a third country that is listed in a work programme; or ‘legal entities created under Union law or any international organisation’. Legal entities in third countries are eligible when participating in a consortium at least one independent member of which is established in a member state.<sup>152</sup>

### **Funding and control methods**

The majority of the funding (€3.7 billion) is to be distributed to member states and controlled via the shared management method, with responsibilities split between the member states and the Commission. Each member state will receive a fixed amount of €8 million, apart from Cyprus, Malta and Greece, each of which will receive €28 million. The remaining funds will be distributed to member states in accordance with four criteria: external land borders (30% of the remaining funding), external sea borders (35%), airports (20%), and consular offices (15%).

Regarding external land and sea borders, 70% of the distribution will be given on the basis of the length of those borders and the ‘impact levels’ attributed to each particular section of them, in accordance with the Eurosur Regulation.<sup>153</sup> Thirty per cent of the distribution for external land and sea borders will be given in accordance with workload, determined on the basis of the number of crossings at authorised border crossing points (70%) and the number of third-country nationals refused entry (30%). The latter two criteria will also be used to establish the funding given to airports. Regarding consular offices, half will relate to the number of consular offices and half to the workload at consular offices, based on the number of applications for short-stay visas or airport transit. Data for the last three years prior to the date of application of the Regulation are to be used for these calculations. Some funds will also be kept aside to provide a ‘top-up’ to member states following a mid-term review in 2024.<sup>154</sup> The funds distributed under shared management must be spent in line with programmes drawn up by the responsible national authorities.<sup>155</sup> The Commission is ultimately responsible for assessing the programmes, but EU

agencies are to play a role in developing, monitoring and evaluating them, namely Frontex, the EU Agency for Large-Scale IT Systems (eu-LISA) and the EU Agency for Asylum). Frontex is given a particularly key role in assessing the best way to implement recommendations resulting from the Schengen evaluation exercises and its own recommendations resulting from 'vulnerability assessments' of the external borders, and funds distributed to national authorities will be used to bolster the EU border agency's role. The normal funding rate for projects is to be 75% of the total eligible costs, although member states may also receive additional funding from the thematic facility for undertaking 'specific actions'<sup>156</sup> and will be incentivised for doing so through a higher co-funding rate of 90% of the total eligible expenditure for the project. This funding will then be implemented through the shared management method. Specific actions will be set out in the work programmes for the thematic facility. Funding can also be increased to 90% for actions listed in Annex IV to the Regulation. These include jointly purchasing equipment with Frontex, to be put at the agency's disposal when needed; other measures to enhance cooperation with Frontex (such as training or standard-setting); the testing or deployment of technology developed through the EU security research programme; and 'measures for setting up and running hotspot areas in Member States facing existing or potential exceptional and disproportionate migratory pressure'.<sup>157</sup> Member states may also use up to 33% (compared to 10% under the ISF) of the funding allocated to them to finance 'operating support',<sup>158</sup> to be provided to 'the public authorities responsible for accomplishing the tasks and providing the services which constitute a public service for the Union'. To use operating support, member states must comply with the EU *acquis* on borders and visas and will be subject to an examination by the Commission and Frontex to determine whether they qualify. As with the ISF, although not mentioned in the main body of the proposed Regulation, a recital expands upon the meaning of compliance with the *acquis*: 'A Member State may be deemed not to be compliant with the relevant Union *acquis*, including as regards the use of operating support under the Instrument if it has failed to fulfil its obligations under the Treaties in the area of border management and visa, including as regards fundamental rights obligations, if there is a clear risk of a serious breach by that Member State of the Union's values when implementing the *acquis* on border management and visa policy or if an evaluation report under the Schengen evaluation and monitoring mechanism... has identified deficiencies in the relevant area'.<sup>159</sup> There are clearly numerous circumstances across the EU that could be seen to represent such a 'breach of the Union's values' in this area – for example, the frequent pushbacks that take place at the Greek–Turkish and Spanish–Moroccan borders, and, more recently, Poland's and Lithuania's borders with Belarus, the coordination between the Italian and Libyan authorities that results in the return of migrants and refugees to Libya when intercepted at sea, or the unacceptable detention conditions in a number of member states, including in the 'hotspots' in Greece – but the term 'clear risk of a serious breach... of the Union's values' is not defined in the text, nor is there any established process for how it would be determined. This grants significant discretionary power to the Commission, which has already demonstrated a lack of enthusiasm for meeting its obligations with regard to separate rules on preventing EU funds being used in breach of the EU's fundamental values.

The €2.5 billion thematic facility takes up the remainder of the border management and visa funds. The details of what the thematic facility will fund will be established in work programmes (technically referred to as 'financing decisions'), and the Commission is obliged to 'engage with civil society organisations and relevant networks', in preparing the work programmes, although it is not clear how it should do so. The Commission is also to be assisted by the Committee for the Home Affairs Funds, to be made up of member state representatives. No project affected by a Commission infringement proceeding (Article 258 TFEU) may be funded.



Funds from the thematic facility may be allocated via shared, direct or indirect management for specific actions, Union actions or emergency assistance, in order to 'address priorities with a high added value to the Union'.<sup>160</sup> Funding will generally be awarded following calls for proposals, except in certain cases.<sup>161</sup> The co-financing rate would presumably be 75% (the standard rate), unless a Union action was based on one of the actions listed in Annex IV to the proposal, qualifying for a co-financing rate of 90%. Emergency assistance may also be provided from the thematic facility (Article 25), directly to decentralised Union agencies (such as Frontex or the EU Agency for Asylum) or any other entity eligible for funding under the Regulation. An emergency situation is defined as one resulting from:

'...an urgent and exceptional pressure, in which a large or disproportionate number of third-country nationals have crossed, are crossing or are expected to cross the external borders of one or more Member States or in which incidents related to illegal immigration or cross-border crime occur at the external borders of one or more Member States, and those incidents have a decisive impact on border security to such an extent that they risk jeopardising the functioning of the Schengen area, or any other situation in respect of which it has been duly substantiated that immediate action at the external borders within the objectives of the Instrument is required'.<sup>162</sup>

Given that the definition of an 'emergency' outlined here generally encompasses situations in which large numbers of people will be in need of humanitarian or other kinds of support (for example, accommodation, medical and psychological support, legal assistance), it would have been beneficial to have more detail on the border-screening activities supported by this fund (it is one among 12 categories of activity outlined in Annex III to the Regulation). The Commission has stated that one reason for the significant increase in the size of the thematic facility is the need for capacity to deal with unforeseen situations. However, the type of actions eligible for funding under the BMVI (primarily concerned with ensuring 'border security') is seldom likely to be the most appropriate to respond to the types of situations that are likely to arise. Time and time again, the EU and its member states have prioritised security measures (fingerprinting, security screening, confinement on islands or in 'hotspots') over the basic needs of individuals – with the exception of the welcome given to refugees fleeing Russia's invasion of Ukraine. Nevertheless, the way the BMVI is structured indicates a preference for security over solidarity.

### **Monitoring, reporting and transparency**

The monitoring, reporting and evaluation requirements are similar to those established for the ISF and AMF. The Commission will present information on core performance indicators, listed in Annex V, to the European Parliament and Council. Annex V contains eight indicators for the integrated border management objective, and five for the common visa policy objective. Where the 2018 proposal included just four indicators,<sup>163</sup> the final legislation includes expands these to include: availability of equipment to Frontex; improved cooperation between national authorities and Eurosur coordination; number of 'regular' border crossings through automated control systems and e-gates; use of training; applications for international protection at border crossing points; and the number of people refused entry by border authorities. The final decision heavily favours the digitisation of border and visa procedures, along with member state cooperation and capacity-building/training and intelligence. Other issues related to transparency and accountability that primarily stem from the proposed Common Provisions Regulation (which covers the AMF, ISF and BMVI) are discussed in section 4.

# Customs Control Equipment Instrument

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**BUDGET: €1 billion**

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**PREDECESSOR: N/A**

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## Legislation

Regulation (EU) 2021/1077 of the European Parliament and of the Council of 24 June 2021 establishing, as part of the Integrated Border Management Fund, the instrument for financial support for customs control equipment.<sup>164</sup>

## Objectives

The general objective of the customs control equipment fund is to ‘support the customs union and customs authorities in their mission to protect the financial and economic interests of the Union and its Member States, to ensure security and safety within the Union and to protect the Union from illegal trade while facilitating legitimate business activity’. Within this framework, the specific objective is to contribute ‘to adequate and equivalent results of customs controls [across the member states] through the transparent purchase, maintenance and upgrading of relevant and reliable state-of-the-art customs control equipment that is secure, safe and environmental-friendly’.

The explanatory memorandum to the 2018 proposal stated that the customs control equipment has ‘no particular bearing on fundamental rights’, and fundamental rights are not referred to in the final 2021 text. However, the funds can be used to purchase equipment that has clear privacy implications, such as devices for the ‘indication of hidden objects on humans’.

## Activities and beneficiaries

Actions backed by the fund must implement these objectives and concern one of the following activities:

- non-intrusive inspection;
- indication of hidden objects on humans;
- radiation detection and nuclide identification;
- analysis of samples in laboratories;
- sampling and field analysis of samples; and
- handheld search.<sup>165</sup>

Details on the types of equipment that come under each of these headings is set out in Annex I of the text. The Commission can adopt delegated acts to amend the customs control purposes listed above.<sup>166</sup> It is noteworthy that any equipment purchased may also be used ‘for additional purposes’ to customs controls, including ‘in support of the national border management authorities and investigation, for control of persons’. According to the recitals, this is because customs authorities ‘have been taking up an increasing number of responsibilities which are carried out at the external border and which often extend into the security field’, and it is ‘important to promote, at Union borders, as regards controls of goods and controls of persons, inter-agency cooperation among the national authorities in each Member State’.<sup>167</sup> Under the border and visa

instrument, however, the purchase of border control equipment must form part of member states' programmes and certain types of equipment must be verified with Frontex to ensure that it meets the relevant technical standards. The customs control equipment legislation makes no mention of these requirements, so it is unclear if equipment purchased for both customs and border control purposes must meet the same criteria.

### **Funding and control methods**

To achieve the instrument's objectives, the €1 billion fund will be implemented via direct management, with money distributed by the Commission to the national customs authorities.<sup>168</sup> This will be done through work programmes established by the Commission on the basis of an assessment of national authorities' needs. To this end, the national customs authorities must provide the Commission with a categorised list of all national border crossing points; a 'comprehensive description' of available equipment; a list of customs control equipment that should be available; and an estimate of their financial needs. Up to 80% of the total costs may be covered by the customs control equipment instrument, although more may be granted in undefined 'duly justified exceptional circumstances'.<sup>169</sup>

### **Monitoring, reporting and transparency**

Monitoring and reporting requirements<sup>170</sup> include a set of indicators for reporting on progress, which essentially revolve around the availability of certain types of equipment.<sup>171</sup> It is not stated to whom such reporting should be directed, apart from when equipment costs more than €10,000, which require annual communication to the Commission. Such reports should also be made publicly available, as is required for the AMF, ISF and BMVI, although there is no obligation to do so. The text includes certain transparency requirements, but these are not as detailed as those for other funds that require the publication of beneficiaries and other information on usage. Recipients of Union funding are required to be transparent about the origin of the funds when promoting actions and results, though obligations about transparency of such actions and results are not clearly outlined.<sup>172</sup> The provisions on evaluation are the same as those for the border management and visa instrument and other instruments such as the ISF and AMF, although they are phrased differently. The Commission will carry out an interim evaluation 'once there is sufficient information available about its implementation, but not later than four years after the start of that implementation'. The final evaluation of the instrument will be conducted must be conducted by the end of 2031. In contrast with the other home affairs funds examined in this report, the legislation makes it obligatory for the results of the evaluations and the Commission's observations to be sent to the Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions.<sup>173</sup>

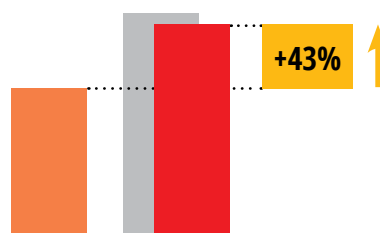
# Asylum and Migration Fund (AMF)

**PROPOSED BUDGET: €10.4 billion**

**AGREED BUDGET: €9.9 billion**

**PREDECESSOR BUDGET (2014–20): €6.9 billion**  
(Asylum, Migration and Integration Fund)

**CHANGE: +43%**



## Legislation

Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021 establishing the Asylum, Migration and Integration Fund.<sup>174</sup>

## Objectives

The overarching objective of the proposed AMF is:

‘...to contribute to the efficient management of migration flows and to the implementation, strengthening and development of the common policy on asylum and the common immigration policy, in accordance with the relevant Union *acquis* and fully respecting the international obligations of the Union and the Member States arising from the international instruments to which they are party’.<sup>175</sup> This wording places less emphasis on fundamental rights than the Commission’s original proposal, which referred explicitly to ‘compliance with the Union’s commitments on fundamental rights’ rather than ‘fully respecting... international obligations’.

## Activities and beneficiaries

Under the overarching policy objective outlined above, the AMF has four specific objectives,<sup>176</sup> each of which has its own set of ‘implementation measures’ and activities. The first specific objective is ‘strengthening and developing all aspects of the Common European Asylum System (CEAS), including its external dimension’, to be done by:

- uniform application of the Union *acquis* and priorities related to the CEAS;
- infrastructure and services to support the capacity of Member States’ asylum systems, including at regional and local level;
- ‘enhancing cooperation and partnership with third countries for the purpose of managing migration, including by enhancing their capacities to improve the protection of persons in need of international protection in the context of global cooperation efforts’;
- ‘providing technical and operational assistance to one or several Member states, including in cooperation with EASO [now the EU Agency for Asylum]’.

In practice, this can mean various things: the ‘provision of material aid, including assistance at the border’; carrying out asylum procedures; identification and referral of applicants with special requirements; the construction or improvement of ‘reception accommodation infrastructure’; improving the ability of member states to share country of origin information; improving third countries’ ability to provide protection; and ‘the establishment, development and improvement of effective alternatives to detention, in particular in relation to unaccompanied minors and families’.

The second specific objective of the fund is to 'strengthen and support legal migration to the Member States including to contribute to the integration of third-country nationals', in particular by:

- 'supporting the development and implementation of policies promoting legal migration and the implementation of the Union legal migration *acquis*, including family reunification and the enforcement of labour standards';
- 'supporting measures to facilitate regular entry into and residence in the Union';
- "enhancing cooperation and partnership with third countries for the purpose of managing migration, including through legal avenues of entry to the Union, in the context of global cooperation efforts in the area of migration"; and
- 'promoting integration measures for the social and economic inclusion of third-country nationals... in particular with the involvement of national and, in particular, regional or local authorities and civil society organisations, including refugee organisations and migrant-led organisations, and social partners'.

Here, the objectives should be achieved through the establishment of information campaigns that raise awareness of legal migration channels; the establishment of 'mobility schemes to the Union, such as circular or temporary migration schemes'; cooperation activities between third countries, employment agencies and member states' immigration services; skills and qualifications recognition; and integration and family reunion measures, among other things.

The fund also aims to fund activities that will achieve the objective of 'countering irregular migration, enhancing effective, safe and dignified return and readmission, and promoting and contributing to effective initial reintegration in third countries', namely by:

- uniform application of the Union *acquis* and policy priorities with regard to infrastructure, procedures and services;
- support for an 'integrated and coordinated approach to return management at the Union and Member States level',<sup>177</sup> developing 'capacities for effective, dignified and sustainable return, and to reducing incentives for irregular migration'; 'supporting assisted voluntary return, family tracing and reintegration, while respecting the best interests of the child'; and
- Strengthened cooperation with third countries regarding readmission and sustainable return.

For these purposes, funds may be used for 'the establishment or improvement of open reception or detention infrastructure, including the possible joint use of such facilities by more than one Member State', but also alternatives to detention; forced return monitoring systems; 'the countering of incentives for irregular migration, including the employment of irregular migrants', including through means for irregular migrants to make claims for pay against unscrupulous employers; deportation measures (such as preparatory measures, document acquisition, and removal operations themselves, 'with the exception of support for coercive equipment'); and 'cooperation with third countries regarding countering irregular migration and regarding effective return and readmission'.

Finally, with regard to 'solidarity and fair sharing of responsibility between the Member States', the activities foreseen are:

- resettlement within the EU and 'other legal avenues to protection in the Union' for third countries 'affected by migratory flows'; and
- support for transfers of applicants or beneficiaries for international protection between member states.

Funds may be used for voluntary transfers between EU member states; support for staff to be seconded between member states, including through the EU Asylum Agency; the implementation of resettlement or humanitarian admission schemes; and 'support by a Member State to another Member State affected by migration challenges in terms of establishment or improvement of reception infrastructure'.

There is much to be said about the deficiencies of the EU's migration and asylum system(s), but one element in particular is made clear by the new funds. Although three of the objectives of the AMF explicitly aim to enhance the 'external dimension' of asylum and migration management, there are no specific human rights safeguards included in the text on this matter, except for countries that are directly associated to the fund.<sup>178, 179</sup> Entities eligible for funding are legal entities established in a member state (or third country or territory linked to it), third countries associated to the fund and third countries listed in a work programme; or 'legal entities created under Union law or any international organisation relevant for the purposes of the Fund'. Legal entities in third countries are eligible as part of a consortium composed of at least two independent entities, one of which must be established in a member state.<sup>180</sup>

### **Funding and control methods**

Of the final agreed budget of €9.9 billion, €6.3 billion is to be allocated to member states' national programmes, and €3.6 billion to be distributed by the Commission via the thematic facility.

As with the IBMF, each member state will receive an initial amount of €8 million from the portion of the fund controlled through shared management, aside from Cyprus, Greece and Malta, which will receive €28 million. Of the amount they receive, each member state would be obliged to distribute 35% of its total to asylum; 30% to legal migration and integration; and 35% to 'countering irregular migration including returns'. These amounts are determined on the basis of further calculations.<sup>181</sup> Regarding integration, the AMF will only fund short-term integration measures, while longer-term projects should be financed by the European Regional Development Fund and the European Social Fund. An analysis of the proposals by the European Council on Refugees and Exiles (ECRE) noted that the criteria set out in the proposals were 'very problematic', providing 'incentives for Member States to issue return decisions and enforce them'. This could risk the further undermining of asylum procedures 'by governments' pre-occupation with return'. While the numbers may have been altered during negotiations, it seems likely that the problem will remain, and ECRE underscore that:

'...some Member States may effectively be financially rewarded for asylum recognition rates far lower than the EU average, which in turn create larger populations eligible to undergo return procedures'.

As with the other home affairs funds, the way in which member states intend to spend their allocation from the AMF must be set out in a national work programme. As with the ISF and IBMF, EU agencies – in this case Frontex, the EUAA and (unlike the other funds) the Fundamental Rights Agency – will have a role to play in developing, monitoring and evaluating the national programmes and ensuring that relevant recommendations and amendments are implemented. Member states intending to undertake projects in non-EU states must consult with the Commission prior to doing so, but there are no detailed provisions concerning an assessment of the fundamental rights situation in that country nor its ability to comply with its international legal obligations; the same issue also arises in the relevant provisions of the ISF and IBMF.

The normal funding rate for projects under shared management is 75% of the total eligible costs. Member states may also receive additional funding (co-financed at a rate of up to 90%) from the thematic facility for undertaking 'specific actions', which the Commission will identify in the work programmes for the thematic facility. A co-financing rate of up to 90% will also apply to actions listed in Annex IV, and the member states are obliged to 'in particular pursue' those actions: integration measures implemented by local and regional authorities and CSOs; the development of effective alternatives to detention; 'Assisted Voluntary Return and Reintegration' programmes; and measures that target vulnerable persons seeking international protection or those with "special reception and/or procedural needs".

Beyond the amounts allocated via the national programmes and the thematic facility, there are financial incentives for various other activities. Member states will receive an additional €10,000 per person resettled and €6,000 for every individual admitted through 'humanitarian admission'.<sup>182</sup> Member states that accept transfers of applicants for and beneficiaries of international protection from other member states, in accordance with the Dublin rules, will also be provided with an additional €10,000.<sup>183</sup> A number of measures included in the proposals have been removed from the final text due to their reliance on asylum measures that were still under negotiation at the time of agreement on the AMF. The €3.6 billion thematic facility will be disbursed through a variety of methods (shared, direct and indirect management), to be set out in work programmes drawn up by the Commission. Funding may be disbursed for specific actions, Union actions or emergency assistance, as well as technical assistance, in order to 'respond to pressing needs and changes in policy and Union priorities, and to steer funding towards actions with a high level of Union added value'.<sup>184</sup> The same committee established to assist with the implementation of the ISF and BMVI – the Committee on Home Affairs Funds – will also be used for the AMF. As with those two funds, the committee will assist in defining the work programmes for the thematic facility, but there are no provisions that would allow other actors to have a role in the process. Equally, the Commission is also obliged to ensure that funding from the thematic facility is not used for projects subject to a 'reasoned opinion'<sup>185</sup> by the Commission. The managing authorities of the member states are obliged to do the same for projects financed by national work programmes under shared management.<sup>186</sup> Union actions are to be financed by the thematic facility and are defined in Article 20 as 'transnational projects or projects of particular interest to the Union, in line with the objectives of this Regulation'. They will be financed 'at the Commission's initiative' and can target any of the Regulation's objectives in line with the activities set out in Annex III. Funding will generally be awarded following calls for proposals, except in certain cases.<sup>187</sup>

Under Article 26, emergency assistance may be made available from the thematic facility, at a financing rate of up to 100%, if any of three specific situations arise:

(a) an exceptional migratory situation characterised by a large or disproportionate influx of third-country nationals into one or more Member States which places significant and urgent demands on those Member States' reception and detention facilities, and on their asylum and migration management systems and procedures;

(b) an event of a mass influx of displaced persons within the meaning of Council Directive 2001/55/EC [on minimum standards for giving temporary protection in the event of a mass influx of displaced persons, also known as the Temporary Protection Directive];

(c) an exceptional migratory situation in a third country, including where persons in need of protection could be stranded due to political developments or conflicts, notably where it might have an impact on migration flows towards the Union'.

As with the general objective of the AMF contributing to the 'external dimension' of asylum, few clear limits are laid down on what exactly emergency assistance may be used for and there are no references to international human rights law.

As with the ISF and BMVI, the recitals make clear that member states cannot be considered compliant with the *acquis* if there is a clear risk of the breach of the Union's values or deficiencies in a national system have been identified through a Schengen evaluation or an evaluation by the EU Agency for Asylum.

### **Monitoring, reporting, transparency and evaluation**

The provisions on monitoring and reporting mirror those established for the ISF and BMVI. The Commission is required to report to the Council and Parliament on a set of 'core performance indicators', and a mid-term evaluation and final evaluation should be carried out by the end of 2024 and a final evaluation 'in a timely manner'. Other issues related to transparency and accountability that primarily stem from the Common Provisions Regulation (which covers the AMF, ISF and BMVI) are discussed in Section 4.



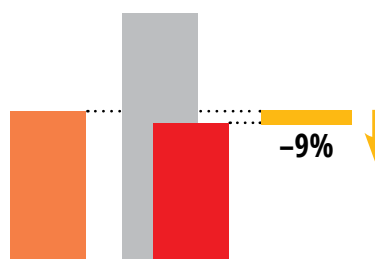
# Civil Security for Society (the European security research programme)

**PROPOSED BUDGET: €2.8 billion**  
(total for the 'Inclusive and creative society' research theme)

**AGREED BUDGET: €1.56 billion**

**PREDECESSOR BUDGET (2014–20): €1.7 billion**  
(‘Secure societies’)

**CHANGE: -9%**



## Proposed legislation

Regulation (EU) 2021/695 of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013.<sup>188</sup> Council Decision (EU) 2021/764 of 10 May 2021 establishing the Specific Programme implementing Horizon Europe – the Framework Programme for Research and Innovation, and repealing Decision 2013/743/EU.<sup>189</sup>

## Objectives

The overarching objective of the Horizon Europe programme is to fund scientific research and innovation projects to assist with the implementation of EU policies areas such as transport, health, the environment and industrial development. For the purposes of this report, security is the most important area of the programme. In Horizon Europe, the security theme encompasses disaster preparedness and response (ranging from terrorist attacks to industrial disasters, floods and forest fires); ‘protection and security’ (encompassing crime, radicalisation, terrorism and border control); and cybersecurity.

The European security research programme has been in place since the early 2000s, and its development and activities have been extensively documented and analysed by *Statewatch*, the *Transnational Institute* and others.<sup>190</sup> In its current incarnation under the umbrella of Horizon Europe it has been given the title ‘Civil Security for Society’. The activities it funds aim to fulfil ‘the commitment of the Rome Agenda to work towards “a safe and secure Europe”, contributing to a genuine and effective Security Union’. This is to be done by ‘enabling the future availability of technologies, techniques and applications to fill capability gaps identified by policy-makers and practitioners and civil society organisations’.<sup>191</sup> As with previous versions of the security research programme, there is a formal requirement for research to focus exclusively on civil applications, but ‘coordination with Union-funded defence research [that is, the European Defence Fund] will be sought in order to strengthen synergies, recognising that there are areas of dual-use technology’.<sup>192</sup> There will also be attempts to find ‘synergies’ with the Integrated Border Management Fund, Internal Security Fund, Digital Europe programme, and the European Regional Development Fund, among others.<sup>193</sup>

## Activities and beneficiaries

The activities funded by the EU’s research programmes tend to be collaborative research projects. In the context of security research, this generally involves a consortium of different organisations cooperating to develop some new type of technology, technique or procedure. Thus, the end result may come in the form of a tangible product (for example, a new type of camera or piece of software) or knowledge intended to assist in the future development of such a product.

Other types of activities are also funded – for example, two ongoing projects, funded by the 2014–2020 research budget, have set up networks of law-enforcement technology agencies in order to enhance their ability to procure ‘innovative’ technologies.<sup>194</sup> The aim is thus not just to produce new products, but to develop a web of organisations and institutions to try to ensure that those products are purchased and used. The range of entities that can participate in these activities is extremely broad, for both security research projects and research projects funded by Horizon Europe more generally:

‘Any legal entity, regardless of its place of establishment and including legal entities from non-associated third countries or international organisations, may participate in actions under the Programme, provided that the conditions laid down in this Regulation have been met together with any conditions laid down in the work programme or call for proposals’.<sup>195</sup>

The beneficiaries of security research funding tend to be private companies, public agencies (for example, interior ministries or police forces), higher education or research institutions, consultancy firms, and NGOs.

### **Funding and control methods**

Funds from the research programme are distributed in accordance with eligible proposals submitted by consortia or individual entities in response to annual or multi-annual work programmes, drafted by the European Commission and ultimately approved by member state representatives in the Programme Committee. The first work programme for the Horizon Europe security theme, covering 2021–2022, includes topics on policing and border control such as:

- ‘Lawful interception using new and emerging technologies’, with €5 million earmarked;
- ‘Enhanced fight against the abuse of online gaming by extremists’, €3 million;
- ‘Public spaces are protected while respecting privacy and avoiding mass surveillance’, €3 million;
- ‘Enhanced security and management of borders, maritime environment, activities and transport, by increased surveillance capability, including high altitude, long endurance aerial support’, €20 million;
- ‘Advanced detection of threats and illicit goods in postal and express courier flows’, €8 million.

Proposals are then judged by external experts hired by the European Commission according to various criteria, depending on the type of project.<sup>196</sup> The European Commission and the member states are formally responsible for drawing up and adopting the security research work programmes, but input into the topics and priorities also comes from other sources. As in other research areas, the European Commission is assisted in the area of security by an advisory group,<sup>197</sup> responsible for providing ‘consistent and consolidated advice to the Commission services during the preparation of the... work programmes’.<sup>198</sup> Representatives of corporate and state interests have featured heavily in the membership of this group in previous years, including representatives of many of those companies that have consistently received funding from the security research programme, raising questions of conflict of interest. Currently, it has 15 members and is chaired – as it has been since 2016 – by Alberto de Benedictis, a former long-term senior employee at the arms company Finmeccanica (now Leonardo) and a former chairman at the private defence and security industry lobby group AeroSpace and Defence Industries Association of Europe, ASD). It

remains to be seen whether the membership of the group will be rejigged now that the Horizon Europe programme has superseded its predecessor, Horizon 2020. There is also a growing role for EU agencies in advising on the content of the work programmes. Under an agreement signed in February 2020, Frontex (the EU's border agency) has a role in 'identifying research activities', facilitating the 'operational testing and validation' of new technologies, and 'providing feedback of research results into the wider capability development process', with regard to the border security research theme. Experts from Frontex (or from member state authorities, but recruited via Frontex) may also be made available to the European Commission Directorate-General for Home Affairs (DG HOME) to evaluate research proposals. Frontex staff are also mandated to 'supervise the operational relevance of the projects, acting as liaison between the research projects, DG HOME and the European border and coast guard community'.<sup>199</sup> A similar role is foreseen for the policing agency Europol in new powers that are currently under negotiation.<sup>200</sup> There is, however, no way for the European Parliament to have any input into the process, beyond its role in negotiating the legislation itself.

### **Transparency, monitoring, reporting and evaluation**

Once topics have been determined and projects selected, the monitoring of ongoing work is conducted by officials, generally at the European Commission or the EU's Research Executive Agency (REA). The results of projects are then submitted to those officials for final approval at the end of the project, and the results of research activities will reside with one or more of the project partners, depending on what agreements have been made regarding intellectual property. In any case, they are under an obligation to use their 'best efforts to exploit the results [they own], or to have them exploited by another legal entity'.<sup>201</sup> Projects must also engage in dissemination and publicity for their work, which is generally done by setting up a website, social media accounts, and perhaps engaging in public relations work. An archive of every research project funded by the EU is held in the CORDIS database,<sup>202</sup> which provides basic information on the aims of and participants in a project, although not all public project outputs (e.g. reports) are systematically archived there. This is a long-standing hindrance of public understanding and critical scrutiny of security research projects: certain project reports may be hosted on the project's website, but once that disappears from the web, access to the report itself is no longer possible, unless it has been archived on a site such as the *Wayback Machine*. There are also specific rules as to who is allowed to access the results of security research projects, to try to facilitate their uptake:

'In actions under the cluster "Civil Security for Society", beneficiaries that have received Union funding shall also grant access to their results on a royalty-free basis to Member States' national authorities, for developing, implementing and monitoring their policies or programmes in that area. Access shall be limited to non-commercial and non-competitive use and shall be subject to a bilateral agreement defining specific conditions aimed at ensuring that those access rights are used only for the intended purpose and that appropriate confidentiality obligations are in place. The requesting Member State, Union institution, body, office or agency shall notify all Member States of such requests'.<sup>203</sup>

The research programme as a whole is subject to ongoing monitoring by the European Commission to determine whether it is meeting its objectives, and an independent interim evaluation must be carried out no more than four years after the programme has begun (in the case of Horizon Europe, by the beginning of 2025). This will be followed by a final evaluation, which must be carried out no more than four years after the programme ends (2031) – rather too late to have any meaningful input into the successor programme.

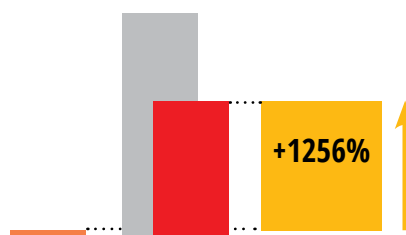
# European Defence Fund (EDF)

**PROPOSED BUDGET: €13 billion**

**AGREED BUDGET: €7.95 billion**

**PREDECESSOR BUDGET (2018–20): €590 million**  
(European Defence Industrial Development Programme and Preparatory Action on Defence Research)

**CHANGE: +1256%**



## Legislation

Regulation (EU) 2021/697 of the European Parliament and of the Council establishing the European Defence Fund and repealing Regulation (EU) 2018/1902.<sup>204</sup>

## Objectives

The European Defence Fund's stated aims are to 'support collaborative research projects that could significantly boost the performance of future [military] capabilities throughout the Union', and 'to support the collaborative development of defence products and technologies' in line with the priorities for the Common Foreign and Security Policy (CFSP), as agreed by the member states. This is supposed to help 'foster the competitiveness, efficiency and innovation capacity of the European defence technological and industrial base (EDTIB)... which contributes to the Union strategic autonomy'. The ultimate objective, of course, is to bolster the military power of the EU and its member states, a policy goal that has been given increased priority following the Russian invasion of Ukraine in late February 2022.

The approval of the European Defence Fund has introduced an unprecedented militarisation of the EU, setting it firmly on a course that firmly emphasises the need for 'hard power'<sup>205</sup> and further enmeshes its interests with those of arms industry. The decision to provide billions of euros for research into and the development of new military technologies is clearly at odds with Article 3 of the Treaty on European Union ('The Union's aim is to promote peace'), although this provision has never sat comfortably with the requirement for member states to 'progressively improve their military capabilities' (Article 42). The legality of the EDF is to be tested by the German courts, where Özlem Demirel, an MEP for The Left group, filed a complaint in June 2021.<sup>206</sup>

## Activities and beneficiaries

Actions eligible for funding from the EDF include:

- activities aiming to create or improve new 'knowledge, products and technologies, including disruptive technologies for defence, which can achieve significant effects in the area of defence';
- activities aiming to increase interoperability and resilience;
- studies (for example, feasibility studies exploring new or improved technology);
- the design, development, qualification and/or certification of a 'product, tangible or intangible component or technology as well as the definition of the technical specifications on which such a design has been developed';
- the development of technologies or assets to increase efficiency; and
- dissemination, networking and awareness-raising projects.

The EDF can be used to finance both research and development actions for military technologies and techniques, including weapon systems. A research action is defined as ‘an action consisting primarily of research activities, in particular applied research and where necessary fundamental research, with the aim of acquiring new knowledge and with an exclusive focus on defence applications’. A development action, meanwhile, consists of ‘defence-oriented activities primarily in the development phase, covering new defence products or technologies or the upgrading of existing ones, excluding the production or use of weapons’. That is, the EDF will fund everything up to, but not including, the actual production of weapons and other military technologies – this aspect must be paid for by EU member states themselves. There will also be an attempt to find ‘synergies’ with the security research projects undertaken through Horizon Europe (see section 4.2).

Projects will be eligible for funding if they involve at least three entities in at least three member states or associated countries, although this requirement is waived if a proposal concerns ‘disruptive defence technologies’ or seeks to undertake a study.<sup>207</sup> Eligible entities must be ‘established in the Union or in an associated country, have their executive management structures in the Union or in an associated country and [not be] controlled by a non-associated third country or by a non-associated third country entity’, although there are some exceptions. Applicants that are established in the Union or an associated country, but which are controlled by non-associated third-country or non-associated third country entity ‘may be eligible for funding if this is necessary for achieving the objectives of the action and provided that its participation will not put at risk the security interests of the Union and its Member States’. Various types of evidence and guarantees are required from such applicants in order to demonstrate their trustworthiness.<sup>208</sup>

### **Funding and control methods**

The final budget for the EDF comes in at almost €8 billion – a hefty sum, although significantly less than the €13 billion originally proposed by the European Commission. Almost €2.7 billion of the total is for research, and €5.3 billion is allocated for development. The European Commission may reallocate up to 20% from one heading to the other, if it is considered necessary ‘to respond to unforeseen situations or to new developments and needs’.<sup>209</sup> There are different degrees of funding proposed depending on the type of project but, as a general rule, the EDF may provide up to 100% of eligible costs.<sup>210</sup> There will also be various incentives for projects developed in the context of the Permanent Structured Cooperation scheme (PESCO, ‘a framework and process to deepen defence cooperation between those EU Member States who are capable and willing to do so’<sup>211</sup>); and for projects involving small- and medium-sized enterprises (SMEs) and ‘mid-caps’ (companies that are not SMEs, with up to 3,000 employees). Funding will primarily be controlled through the direct management method, although in ‘substantiated cases’ funds may be awarded to third countries, international organisations, EU agencies or other bodies<sup>212</sup> for implementation via indirect management.<sup>213</sup> Project proposals will be submitted in response to annual work programmes that set out ‘the research topics and the categories of actions to be supported by the Fund’. The work programmes will be drawn up by the Commission, which is to be assisted by a committee composed of EU member state representatives. The European Defence Agency will sit on the committee to ‘provide its views and expertise... as an observer’, and the European External Action Service will be ‘invited to assist’ in the committee.<sup>214</sup> The European Parliament or national parliaments will have no role in this process.

The procedure for ethical review of projects funded, meanwhile, 'falls short of being transparent and credible', in the words of the European Network Against Arms Trade (ENAAT).<sup>215</sup> The companies or consortia applying for funds are to undertake an 'ethics self-assessment', that the European Commission will use to identify projects 'that raise serious ethical issues... Where appropriate, such proposals shall be subject to an ethics assessment'. An array of 'independent experts' (who, in particular, should have 'recognised expertise in defence ethics') will be appointed by the Commission to assist with the ethics screening and assessment process.<sup>216</sup> Scrutiny by civil society of those experts will, however, be impossible – their names are to be kept secret, in derogation from standard EU rules.<sup>217</sup>

The Regulation states that 'the development of products and technologies[,] the use, development or production of which is prohibited by applicable international law shall not be eligible'. This would include, for example, cluster bombs, blinding lasers, or mustard gas – although as ENAAT highlight, these criteria are 'not strict enough to exclude all type of weapons of mass destruction (WMD) from EU funding, such as incendiary weapons or nuclear technology'.<sup>218</sup> The final text also includes a prohibition on funding 'killer robots',<sup>219</sup> although the commitment to developing 'disruptive technologies for defence' shows clear enthusiasm for funding other novel war technologies. The EDF's predecessor budgets have shared this enthusiasm, financing 'investments in quantum technologies, artificial intelligence, "directed energy" weapons, "adaptive camouflage" and "real-time cyber threat hunting"'.<sup>220</sup>

### **Monitoring, reporting, transparency and evaluation**

Progress indicators for the EDF include the number of entities involved in projects; the number and value of funded projects; the number of SMEs and 'mid-caps' involved; the number of patents registered as a result of EDF-funded projects; and 'the number of supported defence R&D employees'. Through delegated acts, the Commission is empowered to 'review or complement' these indicators and to 'supplement this Regulation with provisions on the establishment of a monitoring and evaluation framework'.<sup>221</sup> The Commission must 'implement information and communication actions relating to the Fund, and its actions and results'.<sup>222</sup>

The Commission is also obliged to report annually to the European Parliament and the Council of the EU on the implementation of the EDF; in doing so, it must set out how the lessons it has learned from the EDF's predecessor budgets have been applied.<sup>223</sup> A formal interim evaluation of the EDF is to be conducted 'no later than four years after the start of the implementation period', with a specific requirement for that evaluation to examine the provisions on independent experts and the ethics screening and review procedures. A final evaluation must be carried out no later than 31 December 2031, four years after it has ceased operating.<sup>224</sup>

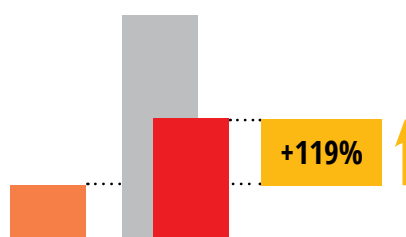
# European Peace Facility (EPF)

**PROPOSED BUDGET: €10.5 billion**

**AGREED BUDGET: €5.7 billion**

**PREDECESSOR BUDGETS (2014–20): €2.6 billion**  
(Athena mechanism and African Peace Facility)

**CHANGE: +119%**



## Legislation

Council Decision (CFSP) 2021/509 of 22 March 2021 establishing a European Peace Facility, and repealing Decision (CFSP) 2015/528.<sup>225</sup>

## Objectives

The European Peace Facility is a new budget designed to finance military operations carried out by the EU or its allies, or to provide equipment, training or other assistance to those allies. As with the European Defence Fund, the establishment of the EPF is indicative of a renewed emphasis on the importance of ‘hard power’ in international affairs, and a growing attempt by the EU institutions to ensure they can project power abroad, whether through EU military operations or the financing of allies’ operations. The substantial amount of money that is being made available, however, is not formally part of the EU budget (see section 5.5.2).

The use of the word ‘peace’ in the name of the fund can only be described as Orwellian, given that this is a budget designed to increase the EU’s ability to launch or assist various types of military operation,<sup>226</sup> significantly expanding on its current efforts. The text states that this is ultimately supposed to pursue ‘the objective of preserving peace, preventing conflicts and strengthening international security, in accordance with the purposes and principles of the Charter of the United Nations’. The intended direction of travel is clear and has long-been stated – as the then-Commission President Jean-Claude Juncker put it in June 2017: ‘soft power alone is not powerful enough in an increasingly militarised world’. The depressing conclusion is that the EU should start massively increasing its contribution to militarising the world, in order to try and match that of its perceived competitors – namely Russia and China.<sup>227</sup>

## Activities and beneficiaries

Funds channelled through the EPF will finance:

- EU military operations launched as part of the Common Security and Defence Policy;
- military support to non-EU states;
- ‘peace support operations led by a regional or international organisation or by third states’;
- other EU military or defence operations.

EU military operations are referred to in the text as ‘operations’, while the term ‘assistance measures’ is used to describe ‘actions to strengthen the capacities of third States and regional and international organisations relating to military and defence matters’, as well as ‘support to military aspects of peace support operations led by a regional or international organisation or by third States’.<sup>228</sup> Confusingly, assistance measures can be implemented through operations.<sup>229</sup>

The Decision establishing the EPF sets out a number of potential objectives for assistance measures:

- to strengthen the capacities relating to military and defence matters and resilience of third states and of regional and international organisations;
- to contribute rapidly and effectively to the military response of third states and of regional and international organisations in a crisis situation;
- to contribute effectively and efficiently to conflict prevention, stabilisation and peace consolidation, including in the context of operations with tasks of training, advice and mentoring in the security sector, as well as in other pre-conflict or post-conflict situations;
- to support cooperation in the area of security and defence between the Union and a third state or a regional or international organisation.

There are numerous potential beneficiaries of the EPF. While it is the successor to the African Peace Facility (APF), it is wider in scope in two key ways (and, notably, it is now no longer necessary for the EU to seek the assent of the African Union to fund operations or assistance measures in African states). Firstly, while most of the EU's military operations are currently in African states,<sup>230</sup> EPF money can be spent around the globe. Second, it will be possible to use EPF funds to pay not just for items such as transport, billeting or training, but also for weapons, something previously not possible. As if to demonstrate both these novel aspects of the new fund, the EU has so far provided €1 billion in military assistance to Ukraine,<sup>231</sup> - 'Another taboo has fallen... The taboo that the EU was not providing arms in a war, yes we are doing it,' said foreign policy chief Josep Borrell after agreement on the first round of funding for the Ukrainian military.<sup>232</sup>

Member state authorities and agencies, primarily their militaries, will be responsible for conducting operations. Member state authorities and agencies may also be responsible for carrying out assistance measures, although the Council of the EU is able to delegate that task to numerous other actors: international or regional organisations; non-EU states that do 'not contravene the security and defence interests of the Union and its Member States... [respect] international law and, where relevant, the principle of good neighbourly relations with Member States'; or EU bodies or agencies. The implementing actor may be some other type of organisation or agency in 'exceptional circumstances'.<sup>233</sup>

### **Funding and control methods**

Decisions over when and where to launch EU military operations or assistance measures will remain with the member states. Proposals for those decisions can be made by either the High Representative for Foreign Affairs and Security Policy, who heads the European External Action Service (EEAS, potentially acting alongside the European Commission) or by a member state.<sup>234</sup>

The EPF can be used to cover the 'common costs' of both the preparatory and active phases of operations. The preparatory phase is deemed to last 'from the approval of the crisis management concept until the appointment of the operation commander', while the active phase 'runs from the date on which the operation commander is appointed to the day on which the operations headquarters ceases its activity'. Precisely what the common costs are in each of those phases is set out in a series of detailed annexes to the Decision establishing the EPF.<sup>235</sup> In certain cases, the EPF may also manage expenditure 'to facilitate the initial deployment of the forces to an operation, before it has been confirmed which Member States will contribute personnel or assets to an operation'.<sup>236</sup> The EPF will also fund the common costs of EU military exercises.<sup>237</sup>



Member states can choose not to participate in any particular operation, absolving them from the obligation to contribute to its costs.<sup>238</sup> Likewise, a member state may choose not to contribute funds to an assistance measure that involves ‘the supply of military equipment, or platforms, designed to deliver lethal force’. If it does so, however, it must ‘make an additional contribution to assistance measures other than those concerning the supply of such equipment or platforms’,<sup>239</sup> thus leaving it complicit in the use of lethal force. Those other assistance measures can be existing ones, ‘possible future measures for which a concept note has been presented or approved by the Council, or new measures requested by the abstaining state’.<sup>240</sup>

Despite the availability of these partial opt-outs, all member states except Denmark are obliged to contribute to the costs of ‘support and preparatory expenditure on operations’ that are ‘not linked to a specific operation’,<sup>241</sup> and all member states must contribute to expenditure for assistance measures. These contributions can cover, among other things, ‘indemnities for damages and costs resulting from claims and legal actions to be paid through the Facility’; ‘expenditure for contract staff working for the Facility and administrative support in headquarters and delegations’; and even ‘costs necessary for exploratory missions and preparations (in particular fact-finding missions and reconnaissance) by military and civilian personnel with a view to a specific Union operation’.<sup>242</sup> The exact amount of each state’s contribution to the EPF is to be determined annually in accordance with separate EU rules.<sup>243</sup>

It will also be possible for member states and non-EU states to make ‘voluntary financial contributions’ to the EPF. The legal framework governing any particular operation or assistance measure must set out how such contributions are to be managed, if the Political and Security Committee (a Council working party) agrees to accept them. Those contributions ‘may be earmarked for a particular project in support of the operation or assistance measure’.<sup>244</sup>

A new administrative structure is being set up to assist in the implementation of the EPF. The budget will be ‘managed under the authority and direction’ of a Facility Committee. A number of officials will be responsible for day-to-day management of the Facility’s affairs: an administrator and accountant for operations; the operation commander of each operation financed by the EPF; and an administrator and accountant for assistance measures.<sup>245</sup> In the case of operations, responsibility for making use of the funds provided by the EPF lies with either the operation commander or the relevant accounting officer.<sup>246</sup> In the case of assistance measures, either the direct or indirect management method may be employed. In the case of the latter, the Council of the EU is to decide exactly whom will be the ‘implementing actor’, with possibilities ranging from member states to EU agencies (as explained above).

The Facility Committee itself is to be made up of a representative of each member state, with the state holding the Presidency of the Council of the EU serving as chair. European External Action Service (EEAS) and European Defence Agency (EDA) representatives may be invited to attend its meetings, but without voting rights. The Committee is to adopt the annual budget (and any amending budgets); approve the annual accounts; and adopt implementing rules covering how money is to be spent for both operations and assistance measures. For non-procedural matters, decisions require unanimous agreement amongst those eligible to vote on the subject in question. Control of the EPF thus rests firmly in the hands of the member states, with no formal role whatsoever for the European Parliament.

The Facility Committee is obliged to establish a 'minimum deposit system to provide early financing for Union rapid response operations and urgent measures',<sup>247</sup> although these cannot involve the provision of any 'military equipment, or platforms, designed to deliver lethal force'.<sup>248</sup> The Council is to take decisions on when and where to launch any such rapid response operations or urgent measures.

The Committee is also responsible for approving the final destination, following completion of an operation, of equipment and infrastructure purchased with EPF funds. Infrastructure can either be sold or transferred to the host country undertaking an operation, a member state or a third party, while equipment can be sold or stored for subsequent use by the host country, a member state or a third party. However, infrastructure and equipment do not necessarily have to be disposed of – the Facility itself may retain it after an operation is wound up. If it is decided that the Facility should keep ownership of infrastructure or equipment, 'the contributing Member States may ask for financial compensation from the other Member States except Denmark'.<sup>249</sup>

There are some explicit fundamental rights obligations placed upon the Facility Committee, which must examine any proposed budgetary implementing rules 'in close cooperation with the administrators, in particular with a view to ensuring that the implementing rules will comply with the principles of sound financial management and non-discrimination and respect for fundamental rights'.<sup>250</sup>

The text also includes a number of explicit principles for assistance measures. They 'must be consistent with the policies and objectives of the Union's external action aiming at building peace, preventing conflicts and strengthening international security', and 'they must respect the obligations of the Union and its Member States under international law, in particular international human rights law and humanitarian law'.<sup>251</sup> They must also comply with EU rules on arms exports. Any assistance measure has to be accompanied by:

'...an assessment from the High Representative, including a conflict sensitivity and context analysis, and a risk and impact assessment, and include appropriate safeguards, controls, mitigating and flanking elements and arrangements for monitoring and evaluation'.<sup>252</sup>

An example of such an assessment, concerning the provision of arms to Ukraine, was published by Statewatch at the end of March 2022.<sup>253</sup>

There are no such explicit principles or requirements included for operations (which will primarily be conducted by EU member state military forces, rather than third countries), apart from any general obligations such as compliance with the Charter of Fundamental Rights, European Convention on Human Rights, international human rights law and international humanitarian law.

### **Monitoring, reporting and transparency**

The Council is obliged to review the legislation establishing the EPF every three years. The format of that review is not set out in the legislation – for example, there is no requirement to produce a report of any kind, whether public or not, nor is there a requirement for an independent, external evaluation – but the text does say that for the purposes of that review, 'all experts relevant to the proceedings, including in the Committee and the Facility management bodies, may be called upon to contribute to the discussion'. As with all other aspects of the fund, there is no requirement for the involvement of any democratically elected officials or institutions, namely the European or national parliaments.







## SECTION 6

# CONCLUSION

The EU is always keen to proclaim its origins in and ongoing commitment to upholding peace, human rights, democracy and the rule of law, and promoting diplomacy and soft power over militarism and war. Upon closer examination, however, the bloc's spending priorities make clear that its identity as a political project is shifting. The 2021-27 multi-annual financial framework allocates an unprecedented sum of European public money for security and defence purposes.

The starkest example of this is in the military arena, with the 2021-27 budgets providing billions for research, development, and the acquisition and supply of weaponry. On the first day of Russia's war against Ukraine, the president of the European Commission, Ursula von der Leyen, stood at the side of NATO Secretary-General Jens Stoltenberg to proclaim that the EU and NATO are 'one union, one alliance'. At the time of writing, rather than calling for de-escalation and diplomacy, the EU has so far used €1.5 billion from the European Peace Facility to purchase weapons and other equipment for the Ukrainian military. While the desire to arm Ukraine against an illegal invasion is understandable, it far from clear how, in the long term, this will promote a durable peace. The political rhetoric coming from politicians in EU institutions and member states following the Russian invasion of Ukraine suggests that the further militarization of the EU is likely to be one of many undesirable outcomes of the conflict.

This 'outward' militarization of the EU is a reflection of the 'inward' militarization that became particularly noticeable with the enlargement and entrenchment of EU and national homeland security machinery in the post-9/11 era. This has by now been firmly normalized and is set to continue apace in the 2021-27 spending period. In particular, there is to be a substantial intensification of border externalisation policies (including through the diversion of development aid), despite such policies doing nothing to address the reasons why people wish to, or are forced to leave their countries in the first place. If anything, this funding has served to prop up and maintain authoritarian regimes, which exacerbate rather than diminish the reasons why so many people are so desperate to flee.

The use of our common resources on new surveillance technologies, policing gadgets and border control equipment and operations does not make us safer. Fundamentally, it only serves to instill fear and suspicion, and to entrench division and polarization across society. The funding initiatives discussed in this report should not be understood as reactionary attempts to keep society safe from an external threat, but rather as a key component and contributing factor in creating the very threat and instability that they purport to be tackling. The decision to provide unprecedented amounts of funding to security and defence budgets is a political choice. The money could be invested in health, care and education – all of which would be far more conducive to building peaceful and stable societies than investing in new military technologies, the toughening and externalization of border controls (in particular through the expansion of Frontex and the establishment of its 'standing corps' of border guards), surveillance equipment for police forces, and new means of monitoring and controlling refugees and asylum-seekers.

At the same time, with these budgets now in place, it is crucial that civil society and elected officials are able to hold to account the institutions responsible for distributing and spending the money. Unfortunately, the means for doing so remain limited. Despite some improvements in the transparency regimes governing the internal security budgets, there are likely to remain substantial obstacles to greater public availability of information – an indispensable precursor to accountability. With regard to the military budgets adopted for the 2021-27 period, meanwhile, the transparency provisions are worse, if not non-existent. Provisions allowing for democratic oversight and scrutiny are severely limited, while the possibilities for elected officials and civil society representatives to have any input into determining spending priorities is effectively zero. Even consultation with the EU's own expert bodies on fundamental rights and gender equality is not a requirement for each of the budgets examined in this report.

It is likely that the true beneficiaries of these budgets will be the homeland security and arms industry in the private sector, and state security forces in the public sector. Those seeking to curtail the power and influence of these institutions, will have to continue working from the ground up to demand change. Given the substantially increased resources available from the EU's security budgets until 2027, activists and campaigners will have their work cut out. It is hoped that this guide is able to offer some assistance in better dissecting and understanding these budgets, and in informing the struggle to push for a very different set of priorities in the next round of decision-making, which will be upon us sooner than we think.

## COMMONLY ASKED QUESTIONS

### Which budgets fund EU security and defence spending?

There are six budgets relevant to EU security and defence spending for the 2021-2027 budgetary cycle and through them, funding is made available to EU member states and to the European Commission.

There are three EU home affairs funds:

1. the Asylum and Migration Fund (insert link to the respective sections for each fund) (AMF),
2. the Internal Security Fund (ISF),
3. the Integrated Border Management Fund (IBMF), which is divided into two parts, called 'instruments':
  - (1) The IBMF – Borders and Visa,
  - (2) IBMF – Customs and control equipment.
4. There is the European security research programme, Civil Security for Society.

There are two military budgets:

5. the European Defence Fund (EDF)
6. the European Peace Facility (EPF).

There is also independent funding for decentralised EU agencies active in Migration and Border Management and Security and Defence. These agencies can also profit from additional funding through the above-mentioned budgets.

### How has EU spending changed from one budgetary cycle to another?

In the 2021-2027 budget, EU military and security spending is set to increase by 123% to a total of €43.9bn compared to €19.7bn from 2014-2020. This massive increase in security spending over the next seven years – to the tune of tens of billions of euros – is set to further reinforce 'Fortress Europe', bolster the technologies and powers available to police forces, and provide enormous sums for the development of new military equipment and the deployment of military operations overseas.

Here is a snap shot of how the various budgets have increased:

- the Internal Security Fund ((add links to the respective sections for each fund) increased by 90% to €1.9bn
- the Integrated Border Management Fund - Border and Visa by 130% to €6.2bn
- the Asylum and Migration Fund by 43% to €9.9bn
- the European Defence Fund by 1256% €8bn
- and the European Peace Facility by 119% to €5.7bn
- Funding for the EU decentralized agencies increased by 129% and the Civil Security for Society research programme decreased by 6%.



## What is funded with these budgets?

The **Internal Security Fund** will tackle “terrorism and radicalisation, serious and organised crime and... assisting and protecting victims of crime.” What this means in practice is using the vast majority of this budget to implement and develop EU law and policy on crime control, and continue with the construction of a pan-EU law enforcement machinery. [Learn more \(link to fund\)](#)

The **Integrated Border Management Fund** - Border and Visa will ensure “strong and effective European integrated border management at the external borders while safeguarding the free movement of persons within it”. Much of the budget will be spent acquiring new border control technologies, training border security forces and intelligence gathering. It is noteworthy that there is no direct reference to fundamental rights, while the emphasis on externalisation appears intended to push the issue of states’ responsibilities to uphold human rights further out of sight and out of mind. [Learn more \(link to fund\)](#)

The **Asylum and Migration Fund** aims to “contribute to an efficient management of migration flows in line with the relevant Union acquis and in compliance with the Union’s commitments on fundamental rights.” In practice, this includes managing internal asylum procedures, paying third countries to detain migrants so that they cannot reach the EU, or funding deportations. Despite three of the objectives of the AMF aiming explicitly to enhance the “external dimension” of asylum and migration management, there are no specific human rights safeguards for third countries included in the text. [Learn more \(link to fund\)](#)

The security research programme **Civil Security for Society** aims “to strengthen the impact of research and innovation in developing, supporting and implementing Union policies, and support the uptake of innovative solutions in industry and society to address global challenges”. This means funding research related to disaster preparedness and response (ranging from terrorist attacks to industrial disasters, floods and forest fires); “protection and security” (encompassing crime, radicalisation, terrorism and border control); and cybersecurity. In the past, private companies, among them arms companies, have been the main beneficiaries of these kind of research programmes. The European Border Coast Guard Agency - Frontex, has significant influence on what is being researched and Europol PUT FULL NAME FOR EUROPOL can provide. [Learn more \(link to fund\)](#)

The **European Defence Fund** aims “to foster the competitiveness, efficiency and innovation capacity of the European defence industry.” The main beneficiaries are arms companies, many of which are accused of corruption or involved in highly controversial arms exports to countries experiencing armed conflict or where authoritarian regimes are in place and human rights violations are commonplace. The approval of the European Defence Fund has paved the way for the unprecedented militarisation of the EU, setting it firmly on a course that emphasises the need for ‘hard power’ and further intertwines its interests with those of the arms industry.

The **European Peace Facility** aims “to preserve peace, prevent conflicts and strengthen international security”. It is a new budget designed to finance military operations carried out by the EU or its allies, or to provide equipment, training or other assistance to those allies. The use of the word “peace” in the name of the fund can only be described as Orwellian, given that this is a budget designed to increase the EU’s ability to launch or assist various types of military operation, and, for the first time in the EU’s history, directly buy weapons for third countries. The EPF is an off-budget fund over which the European Parliament has no control.

## What are the likely impacts of these funds and why are they problematic?

The funds will significantly strengthen the internal and external security machinery of the EU and its member states, reinforcing both their repressive and aggressive powers. Police databases and information networks; intrusive counter-radicalisation policies; border surveillance technologies; detention centres; migration “hotspots” such as those already-established in Greece and Italy; weapons research; the development of security and military technologies; and an increased number of military operations will all receive increased financial backing through these budgets.

These goals are being cynically pursued with comparatively little additional funding for human rights organisations and activism: Funding for law enforcement, border control and military research and development, and operations (€43.9bn) is 31 times higher than funding for “rights, values and justice” (€1.4bn). Furthermore, the majority of the funds for rights, values and justice will still be awarded to states rather than independent organisations.

This funding is not simply an addition to national budgets, but is designed to contribute to building the EU as a political project. Thus, to understand the nature of this political project it is important to examine where the money is meant to go, what it is supposed to do, and what are the procedures and possibilities for ensuring accountability, respect for fundamental rights and transparency.

We identified a number of problematic trends:

With regard to migration, the budgets – alongside some of the EU’s more recent policy proposals – are clearly geared towards trying to placate xenophobic and racist movements and sentiments in some member states rather than finding creative ways to effectively challenge them. A long-standing goal of the EU and its member states is the externalization of border controls, in order to prevent the arrival of unwanted people – many of them seeking protection from war and persecution, or fleeing poverty and lack of opportunity. The home affairs funds have also played a role in this process, and the aims, objectives and requirements of the budgets for the 2021-27 period make clear that this is set to continue. [Read more \(Link to section 5.1\)](#)

Decentralised agencies are being strengthened with both more money and extended powers, in particular the European Border and Coast Guard Agency Frontex. Frontex has been accused of being involved in illegal pushbacks that led to the death of thousands of people at the EU’s external borders. [Read more \(Link to section 5.2\)](#) + maybe Frontex infographic

A significant quantity of the security funds being provided by the EU until 2027 will help to bolster the continent’s security-industrial complex. This complex – the confluence of interests between the private ‘homeland security’ industry, and politicians and state officials dealing with security policies – has long-promoted a vision of security based on the development and deployment of technological ‘solutions’, many of which are in turn premised on novel and enhanced surveillance techniques. [Read more \(Link to section 5.3\)](#)

## Who controls them and how can they be held accountable?

Most of the EU's new security funds will be subject to some measure of democratic scrutiny and oversight, but in the case of the European Defence Fund (EDF) and the European Peace Facility (EPF) this is practically non-existent. This is significant because for the first time the EU has these kinds of militarised budgets and right from the outset it has specifically established procedures that circumvent the already limited transparency and oversight procedures in place.

There will be some transparency over the other projects and activities that are funded. However, this is largely restricted to the provision of information on spending and results, while democratic participation in setting priorities is strictly limited. For the most part, it will be the preserve of state officials to determine how the funds are spent – elected representatives and civil society organisations are only granted a *post-facto* oversight role, until the start of negotiations on the next round of budgets. more (Link to section 5.4)

## What is notable by its absence from the 2021 – 2027 Multi-annual Financial Framework?

There is no funding to undertake search and rescue operations in the Mediterranean, but rather to provide assistance or actively participate in 'push or pull back' operations to prevent migrants and asylum seekers from reaching Europe's shores.

There are only limited requirements to consult the EU's own expert body on fundamental rights, the Fundamental Rights Agency, when drafting and approving spending programmes, while there is no obligation whatsoever to consult the European Institute for Gender Equality or national human rights bodies.

These funds attempt to address the consequences, and not root causes, of political and social conflict. For example, with regard to racism and xenophobia towards migrants and refugees, they appear to placate such sentiments rather than to find creative ways to effectively challenge them.

## Where can I find further resources?

- Read more about the different security funds and their impacts on this website (link to menu) or download the whole report as a PDF document (link). For an overview of the most important findings, read the executive summary (link).
- Read TNI's report *Fanning the Flames* about how the European Union is fuelling a new arms race.
- Read Statewatch's analysis of Frontex and eu-LISA spending.
- Read TNI's report *Smoking Guns* about how European arms exports are forcing millions from their homes.
- Read Statewatch's analysis *Border surveillance, drones and militarisation of the Mediterranean*.
- Read TNI's report *Outsourcing Oppression* about how Europe externalises migrant detention beyond its shores.
- Read Statewatch's analysis of migrant 'hotspots' in Greece.
- Subscribe to the newsletters of Statewatch and TNI to stay updated about new publications.

## Endnotes

- 1 [https://ec.europa.eu/info/sites/default/files/about\\_the\\_european\\_commission/eu\\_budget/eu-budget-glossary-2019\\_en.pdf](https://ec.europa.eu/info/sites/default/files/about_the_european_commission/eu_budget/eu-budget-glossary-2019_en.pdf)
- 2 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32021R1147>
- 3 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32021R1148>
- 4 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32021R1077>
- 5 <https://eur-lex.europa.eu/legal-content/AUTO/?uri=CELEX:32021R1060>
- 6 <https://eur-lex.europa.eu/eli/reg/2021/697/oj>
- 7 <https://eur-lex.europa.eu/legal-content/AUTO/?uri=CELEX:32021D0509>
- 8 <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32021D0764>
- 9 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32021R0695>
- 10 <https://eur-lex.europa.eu/legal-content/AUTO/?uri=CELEX:32021R1149>
- 11 <https://eur-lex.europa.eu/legal-content/AUTO/?uri=CELEX:32021R0947>
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- 16 Alberto Alemanno, ‘The EU Parliament’s Abdication on the Rule of Law (Regulation)’, Verfassungsblog, 25 February 2021, <https://verfassungsblog.de/the-eu-parliaments-abdication-on-the-rule-of-law-regulation/>
- 17 Statement by the President of the European Parliament, ‘Parliament files lawsuit against Commission over rule of law mechanism’, 29 October 2021, <https://the-president.europarl.europa.eu/en/newsroom/parliament-files-lawsuit-against-commission-over-rule-of-law-mechanism>
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- 19 ‘Twelve years of Orban: How the EU has failed to rein in Hungary’s democratic backsliding’, Euronews, 3 April 2022, <https://www.msn.com/en-gb/news/other/twelve-years-of-orban-how-the-eu-has-failed-to-rein-in-hungarys-democratic-backsliding/ar-AAVMj5D>; ‘Hungary: Ruling Party’s Lock On Power Threatens EU’, Human Rights Watch, 5 April 2022, <https://www.hrw.org/news/2022/04/05/hungary-ruling-partys-lock-power-threatens-eu>
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- 23 An ECRE analysis of national Recovery and Resilience Programmes notes that some may be used for migration and border control purposes: ‘National Recovery and Resilience Programmes’, ECRE, September 2021, <https://ecre.org/wp-content/uploads/2021/12/Working-Paper-15.pdf>
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- 26 These amounts are detailed in Table 1.
- 27 Article 7, Regulation (EU) 2021/692 of the European Parliament and of the Council of 28 April 2021 establishing the Citizens, Equality, Rights and Values Programme. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32021R0692#d1e847-1-1>
- 28 ‘EU: The new ‘pact’ on migration and asylum - documentation, context and reactions’, Statewatch, 23 September 2020. <https://www.statewatch.org/news/2020/september/eu-the-new-pact-on-migration-and-asylum-documentation-context-and-reactions/>

- 29 This is necessarily a partial view. For example, it does not include funding for the nuclear decommissioning programme (which the Commission places under its 'Security and Defence' budget head) as this is not directly relevant to the themes discussed in this report – namely, the repressive and aggressive agencies of the state. Neither is the Justice Programme, which seeks to increase cross-border cooperation among civil and criminal justice practitioners included in the analysis, although it should be noted that funding for the Justice Programme decreased by 19%, from €378m in the 2014–2020 period to €305m in the 2021–2027 period. See: Article 5. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021R0693&qid=1625825579714>
- 30 Article 7. <https://data.consilium.europa.eu/doc/document/ST-6488-2021-REV-1/en/pdf>
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- 37 Article 2. [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2021.102.01.0014.01.ENG](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2021.102.01.0014.01.ENG)
- 38 Due to various provisions of the Treaty on European Union, funding for the European Peace Facility (EPF) cannot come from the EU budget, but is taken directly from the member states. It is included here as it makes up a substantial part of the EU's military ambitions over the next budgetary period. The EPF will absorb two current funds that operate in a similar 'off-budget' basis, the Athena mechanism and the African Peace Facility.
- 39 Article 7. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021R0692&qid=1625825965880>
- 40 This budget is included here for comparative purposes, to demonstrate the emphasis on 'security' as opposed to fundamental rights.
- 41 <https://ec.europa.eu/transparency/comitology-register/screen/committees/C90500/consult?lang=en>
- 42 <https://ec.europa.eu/transparency/comitology-register/screen/committees/C90500/consult?lang=en>
- 43 <https://ec.europa.eu/transparency/comitology-register/screen/committees/C58400/consult?lang=en>
- 44 <https://ec.europa.eu/transparency/comitology-register/screen/committees/C90500/consult?lang=en>
- 45 <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?do=groupDetail.groupDetail&groupID=3010>
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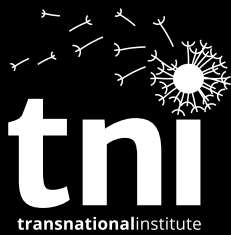


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1. Based on the Agency's risk analysis and in agreement with the Member State concerned, the Agency shall attribute the following impact levels to each of the external land and sea border sections of Member States or change such levels:
    - low impact level where the incidents related to illegal immigration or cross-border crime occurring at the relevant border section have an insignificant impact on border security;
    - medium impact level where the incidents related to illegal immigration or cross-border crime occurring at the relevant border section have a moderate impact on border security;
    - high impact level where the incidents related to illegal immigration or cross-border crime occurring at the relevant border section have a significant impact on border security.
  2. The national coordination centre shall regularly assess whether there is a need to change the impact level of any of the border sections by taking into account the information contained in the national situational picture.
  3. The Agency shall visualise the impact levels attributed to the external borders in the European situational picture'.
- 154 Article 13, BMVI Regulation.
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- 157 The full list is available in Annex IV.
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- 161 These are set out in Article 188 of the most recent proposal to amend the EU's Financial Regulation. Calls for proposals may be omitted in a number of cases, the most relevant of which for the IBMF concern humanitarian aid and emergency support operations; in 'exceptional and duly substantiated emergencies'; or 'to bodies with a de jure or de facto monopoly'. This latter provision would cover, for example, the member states' network of Immigration Liaison Officers or some of the numerous networks that have come into existence and that report to Council working parties. Under the Internal Security Fund, for example, such bodies include AQUAPOL, RAILPOL and AIRPOL, networks of waterways, railway and airport policing agencies, respectively.
- 162 Article 2(7), BMVI Regulation.
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- 230 There are six active EU military operations: EUTCM RCA (a military training mission in the Central African Republic); EUNAVFOR MED Operation Sophia (a multi-purpose operation against migrant smuggling, arms and oil trafficking from or to Libya); EUNAVFOR Somalia (a counter-piracy mission operating off the coast of Somalia); EUFOR ALTHEA (a military training mission in Bosnia and Herzegovina); EUTM Mali (a military training mission in Mali), EUTM Somalia (a military training mission in Somalia). For more details, see European External Action Service, 'Military and civilian missions and operations': [https://eeas.europa.eu/headquarters/headquarters-homepage\\_en/430/Military%20and%20civilian%20missions%20and%20operations](https://eeas.europa.eu/headquarters/headquarters-homepage_en/430/Military%20and%20civilian%20missions%20and%20operations)
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