

# THE FUTURE EUROPEAN UNION INTERNAL SECURITY STRATEGY (2015-2020) AND THE ROLE OF REPUBLICAN NATIONAL GUARD

## *A FUTURA ESTRATÉGIA DE SEGURANÇA INTERNA DA UNIÃO EUROPEIA (2015-2020) E O PAPEL DA GUARDA NACIONAL REPUBLICANA*

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## **Abstract**

This paper addresses the set of issues related to the European Agenda on Security (2015-2020) and the role the Guard is likely to play in it. The methodology used in the present research paper consisted in the bibliographic analysis of primary and secondary sources of a theoretical, analytical and institutional nature.

The present study allowed us to explain the evolution of the Union's internal security, to identify and analyse the main continuities and possible innovations in the future Strategy,

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how that Strategy aligns with the Guard's strategic goals and what role the latter may play in the former.

The key conclusions of this work allow us to state that the Guard may come to play a key role in the future Strategy, specifically in matters related to the environment, external border security, crisis management, and in training/research/cooperation.

**Keywords:** Strategy, Internal Security, European Union, Portugal, GNR.

## Resumo

O presente trabalho desenvolve-se em torno da problemática da futura Estratégia de Segurança Interna da União Europeia e do papel que a Guarda poderá vir a ter na mesma. Para o desenvolvimento da nossa investigação a metodologia utilizada foi feita através do recurso a análise bibliográfica, de fontes primárias e secundárias, de caráter teórico-analítico e institucional.

Através do presente estudo foi possível explicar a evolução da segurança interna da União, identificar e analisar as principais linhas de continuidade e as eventuais novidades da futura Estratégia, da ligação desta(s) com os objetivos estratégicos da Guarda e do papel que esta poderá ter no âmbito da mesma.

As principais conclusões do trabalho permitem-nos afirmar que a Guarda poderá ter um papel central no âmbito da futura Estratégia, nomeadamente no âmbito das questões ambientais, de segurança das fronteiras externas, de gestão de crises, e na componente de formação/investigação/cooperação.

**Palavras-Chave:** Estratégia, Segurança Interna, União Europeia, Portugal, GNR.

## Introduction

The Area of Freedom, Security and Justice (AFSJ) is the sectoral policy which best reflects the European integration process. It evolved through *ad hoc* agreements, informally, outside the *acquis communautaire*, on an intergovernmental cooperation basis, gradually becoming a community policy over the successive changes to Treaties from Maastricht onwards, culminating with the changes introduced in the Lisbon Treaty that created this Community Area (Hermenegildo, 2013).

Throughout the entire European integration process, this Area has proved to be a kind of "legal schizophrenia", in the words of former Commissioner for Justice and Home Affairs (JHA) António Vitorino (2005), and is now the advanced policy of the Union, having come, strictly speaking, to complete the internal market, and more than that, began to encompass and dominate it (Piçarra, 2011).

During the European integration process, Portugal has participated actively in all issues related to JHA, which is in line with Portugal's overall position since the beginning of its participation in the European Union (EU) (Hermenegildo, 2012b; 2014).

The National Republican Guard (Guarda Nacional Republicana - GNR) has followed Portugal's lead regarding European issues. On the other hand, in issues pertaining to the AFSJ and in line with the goals of the Stockholm Programme and the Internal Security Strategy (ISS), Portugal in general and the GNR in particular have participated and carried out the policies/objectives outlined in those structuring documents, partly owing to the potential/diversity of instruments at its disposal, that is, the possibility of resorting, according to context, to soft and/or hard police action components. The ISS has also served as a foundation for preparing the Activity Plans, the Budget and the "Guard Strategy 2020".

This study aims to analyse the set of issues related to the ISS and the future role of the Guard. The study of these issues is justified by the fact that the European integration process affects all of us directly as citizens and actors in the process of "producing" this security. On the other hand, the importance of European security matters to the GNR's activity and performance renders this research of particular interest.

The growing process of Europeanization<sup>1</sup>, especially in its top-down form, has influenced the internal security issues of the Member States, in particular those forming the external borders of the Union, as is the case with Portugal.

The object of this study (the set of issues) is the role of the GNR in the future ISS<sup>2</sup>. We shall attempt to explore the phenomena associated with this topic and to understand its essence in order to interpret the various aspects of the "new" ISS. Accordingly, we developed our key research question as: What is the role of the GNR in the future Internal Security Strategy for the EU?

In order to address the research question raised, the work will be developed at the descriptive and explanatory levels (Fortin, 2009). The delimitation of the object of study was made at an earlier stage, in an attempt to arrive at a possible solution and predict the role of the GNR in the future ISS. This study will indeed be relevant at two levels - the cognitive and the empirical

This paper is organized as follows: the introduction begins by outlining the topic and defining a methodology; afterwards introducing a conceptual framework component; followed by a brief description of the background of the ISS; the next paragraph lists the main topics of the ISS; afterwards, we describe which topics are likely to be strengthened and innovative in the future ISS and what role the GNR may play in the ISS; finally, we present our conclusions and a set of recommendations/proposals.

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<sup>1</sup> Europeanization comprises three dimensions: downloading/top-down (influence of the EU on the institutions, policies and internal political processes of the States), uploading/bottom-up (influence of the Member States in the policies, political processes and institutions of the EU) and cross-loading (mutual influence between states/transfer to and from other countries within the EU (Brandão, 2015, p. 49).

<sup>2</sup> See: (Hermenegildo, 2014b).

## 1. Conceptual framework<sup>3</sup>

The term Strategy, as used both in European Security Strategy (ESS) and in ISS, does not equate, strictly speaking, with the original concept of Strategy consolidated in Portuguese strategic thinking by its main contemporary thinker, Abel Cabral Couto (1988), because, as stated by Isabel Ferreira Nunes (2013, p. 170), the Union “does not identify risks and threats to international security nor can it operationalize means to contain those threats”. This reductionist view of the global role of the EU in calculating security, which results in an inability to operationalize ways of dealing with global risks and threats (Shapiro and Whitney, 2009, pp. 13-14) is also a vulnerability identified by the doctrine.

In that sense, we understand that “strategy is the science/art of generating, structuring and using tangible and intangible assets, so that an organization may achieve its goals, which cause or might cause hostility from another organizational will/structure” (Dias 2012, p. 278).

However, the term is not always used in this sense throughout the work, nor by the authors of these documents (EU), since they use it at their discretion and at times without any specific criteria. But the present study does not further nor addresses this conceptual issue, although it seems useful to draw attention to this point. We are in fact required to use the term “strategy”, as this is how the document is entitled, and how it is also used by different authors/documents<sup>4</sup>.

As for the term “internal security”, it is generally considered a set of activities, within a sovereign State, to maintain order and public peace and to ensure compliance with and respect for the laws within that State, the safeguard of the democratic legal system and the free exercise of functions of the democratic institutions. Considering how this term relates to sovereign and Weberian concerns, its use at a European level indicates that we may be moving towards a federation, which is understandable, given the level of communitarisation processed in these AFSJ issues. This is how we may better understand the concept of an evolution and communitarisation which is already a reality.

On the other hand, according to António Horta Fernandes (2014), strategy is the use of coercion by an actor against another(s) who oppose (or threaten) the fulfilment of their objectives. The use of force within a unitary State is called, then, internal security, and it is not a strategic issue as it does not fall under the context of preparation and conduct of hostilities.

As for security, in the words of António Horta Fernandes (2011, p. 71) “it could be defined, in the context of a hostile conflict, as a happening/making (making because it is dynamic and happening because it is subject to the pathos of those involved in situations of risk), which allows the conduct of strategic manoeuvres by a given actor or political entity (and possibly, although probably not in the field of strategy, by those of a different nature), while being aware of the constraints of the strategic environment (threats and risks). Security is then not

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<sup>3</sup> See, for a longer and updated version of this topic: (Hermenegildo, in press).

<sup>4</sup> See, on the theoretical foundation of the Strategy: (Dias e Sequeira, 2015).

only a negative dimension, but also a positive dimension, a dimension to carry out political and strategic objectives”.

Therefore, the concept of internal security comes in the guise of a “happening-making, and not solely as a state or condition” (Fernandes, 2011, p. 71). António Horta Fernandes (2011) supports this position on the basis that an actor is safe while achieving the goals proposed in the desired way, whatever these goals may be, and not only when these goals have already been achieved.

In short, the document entitled by the Union brings together, from the outset and strictly speaking, diametrically opposed concepts. Therefore, we can only understand the designation as a framework for action, one commonly used in public (security) policies, in particular by the “Grenoble School” and by its main authors, Pierre Muller and Bruno Jobert. On the other hand, the “beauty” of the term may justify its usage, and we can also appreciate that, while it distorts the classical concepts, it also enriches them and does not “wound” them, as Adriano Moreira often mentions.

The Union’s lack of rigor is evident in this field, which can be seen in the multiple documents entitled “Strategy”, without any criterion delimiting the cause est cur. However, if the EU’s comparative advantage in terms of security is to be acknowledged, as Isabel Ferreira Nunes stresses (2013, p. 175), it “will have to develop the ability to respond in a context of multiple threats involving several security providers”. These documents are an attempt at discursive construction of reality within the current European context, where the EU as a “civil power” (Duchêne, 1972) seeks to add security and strategy to its “normative power” (Manners, 2002).

From a normative point of view, the EU has shared competence with the AFSJ Member States, in accordance with point j), paragraph 2 of Article 4 of the Treaty on the Functioning of the EU. It is up to the European Council to set the strategic guidelines for legislative and operational planning within the AFSJ. In turn, in accordance with Article 71 of the Treaty on the Functioning of the European Union, it is up to the Council, through the Standing Committee on Operational Cooperation on Internal Security (COSI), to ensure the promotion and enhancement of operational cooperation on internal security within the Union. In policy-making, all measures, actions and policies are generally subject to the community method, not least because this method is based on a «rationale of defence of common “values”» (Rodrigues, 2005, p. 193), an essential quality given the nature of these issues.

This area confirms the dual legal basis on which it is founded and originates from opposing rationales: on the one hand, from the supranational or community rationale, under the Treaty of Rome, for border, visa, asylum and immigration policies (Title IV of Part III); on the other hand, from the intergovernmental rationale defined in the Treaty on European Union (TEU) (Title VI) on law enforcement and judicial cooperation in criminal matters and the harmonization of the laws of the Member States (Piçarra, 2007, p. 320), the AFSJ being one of twelve areas of shared competence.

The European Council (and the Council) is responsible for defining the ISS at the policy level. At the strategic level, the Commission is responsible for adopting the ISS Action Plan. At the operational level, the Standing Committee on Operational Cooperation on Internal Security (COSI) is responsible for the management of the Policy Cycle. The tactical level is the responsibility of all agencies involved in internal security matters (Pascouau, 2014, pp. 28-29).

## **2. European Agenda on Security: origin, objectives and metamorphoses<sup>5</sup>**

In 2003, the European Security Strategy, as well as its 2008 review, lent important impetus to the enhancement of the Union's internal security, which lacked new measures and instruments, not only because of the importance accorded to "new" threats, owing much to the terrorist attacks of September 11, 2001 (New York), of March 11, 2004 (Madrid), and of July 5, 2005 (London), but also as a result of the gradual extinction of border controls between Member States, given the integration of the Schengen acquis by the Treaty of Amsterdam in the normative block of the EU (Hermenegildo, 2012a).

More recently, the Treaty of Lisbon has expanded the field of action of the AFSJ, thus creating new law enforcement and judicial tools and cooperation mechanisms to address common threats to States and to the EU. The impetus the Treaty of Lisbon has lent to this issue may also be seen in the creation of COSI and in the changes imposed on the various agencies and on the Schengen area. Thus, the "scale of the changes signified by the construction" of the AFSJ "is inescapable" (Rodrigues, 2005, p. 192) 6.

At the same time, these changes in the legal and political framework of the EU paralleled a set of documents/decisions pointing towards further European development of JHA issues, in particular the decisions of the Tampere European Council (1999), of the Hague Programme (2004), culminating in the Stockholm Programme (2009), which created a new multi-annual framework (2010-2014) for the creation of an AFSJ, the priorities therein listed having been revisited in the ISS.

From a policy and security perspective, it was necessary to complete the ESS and to link it to the internal dimension in order to tackle certain risks and threats resulting from the impact of illegal immigration, as well as to respond to the security void created by the Schengen Area, with its blurring of borders. On the other hand, in the words of Maria Militão Pereira (2009), the ISS sought to balance the AFSJ's attributes "Justice" and "Freedom" with a more enhanced dimension of "Security", as the European law enforcement area tended to present as securitarian (Rodrigues, 2008).

The security of the Union's external borders is still carried out by the law enforcement forces of the respective Member States. However, the need for strengthening the common external border and the claim that this responsibility should not be left solely to States has

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<sup>5</sup> See, for a longer and updated version of this topic: (Hermenegildo, in press).

<sup>6</sup> See also: (Piçarra, 2013; Hermenegildo, 2013).

led the EU to advocate the creation of “Border Guards” to carry out that task (Piçarra 2007; Hermenegildo, 2010; European Council, 2014; European Commission, 2014).

This issue has gained importance in the most recent documents of European institutions such as the European Commission (2015a) and the European Council (2015). The current Luxembourg Presidency of the Council of the European Union (2015) has also lent impetus to these matters, despite the political constraints of a rotating Presidency and the European political-economic context.

This is an example of the paradigm evolution in European security, of the complexity of the institutional system, with its “contradictions and ambiguities”, of its sui generis nature, which constitutes a redefinition and transformation of the classical functions of the State, the increasing role played by the Union as a European and international security actor, and the emergence of new national actors, particularly law enforcement, with new security attributions in new areas (Rodrigues, 2005; Teixeira, 2006; Piçarra, 2007; Hermenegildo 2013).

These changes culminated in the proposal by the Commission, on 23 February 2010, of an «Internal Security Strategy for the European Union: “Towards a European Security Model”», adopted by the Council for JHA of February 25-26 and approved in the European Council on March 25-26, 2010.

The origins of the ISS can be understood by viewing it against the EU guidelines post-Treaty of Lisbon and the Stockholm Programme (2009). This programme included the participation of various bodies and agencies, reflecting “different sensitivities and representing a balance between the security concerns of citizens and the assurance of their rights and fundamental freedoms” (MNE, 2009, p. 219).

The Stockholm Programme introduced a new multi-annual framework (2010-2014) for the creation of an AFSJ, with the priorities therein listed having been restated in the ISS, also foreseeing an Action Plan with specific measures and their respective time frame. Portugal has had an active participation in this issue, having placed particular value on the inclusion of the external dimension of JHA and on a close coordination with EU foreign policy (MNE, 2009, pp. 220-221).

In 2010, the Stockholm Programme was implemented and the Treaty of Lisbon came into force. For Portugal, the start of COSI’s<sup>7</sup> activities proved instrumental in developing these issues throughout that year and the country has welcomed the ISS, having participated actively in the definition of that policy, hailing all other initiatives on internal security (MNE, 2010, p. 170).

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<sup>7</sup> Portugal appointed the Secretary-General of the Internal Security System as national representative at COSI.

The strategy approved during the Spanish Presidency of the EU (2010)<sup>8</sup> defines 10 strategic guidelines for EU action<sup>9</sup>. Finally, on November 22, the Commission adopted a Communication entitled “The EU Internal Security Strategy in Action: Five steps towards a more secure Europe”. This document should be seen as the culmination of the steps and actions previously undertaken by the Union in these matters and interconnected with the ESS (“Solana Document”) of 2003, updated in 2008.

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Member countries, when taking on the office of the Presidency, seek to transpose into the European plane issues related to their domestic policies. Hence, Spain had an interest in this topic gaining a European dimension, which led to it playing a key role in the adoption of this strategy (Hermenegildo, 2014).

The Union created the ISS<sup>12</sup> “towards a European security model”, which stated that “A concept of internal security cannot exist without an external dimension, since internal security increasingly depends to a large extent on external security” (Council of the European Union, 2010, p. 16). Indeed, this concept “must be understood as a wide and comprehensive concept which straddles multiple sectors in order to address these major threats” (Council of the European Union, 2010, p. 2).

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<sup>8</sup> The trio of Presidencies (Spain, Belgium, Hungary) issued a report (M.A.D.R.I.D – Main Assessment and Description Report for Internal Debate) based on reports from Europol, Eurojust and Frontex, describing the current situation with regard to major threats to internal security (such as terrorism, organized crime and cybercrime) along with the risks and threats related to border control and civil protection. Based on that document, a number of considerations were put forth on combatting threats to internal security (MNE, 2010, p. 172).

<sup>9</sup> “A comprehensive approach to internal security; democratic and judicial supervision of security activities; forecasting and anticipation; developing a comprehensive policy of information sharing; operational cooperation; synergies with judicial cooperation in criminal matters; integrated border control; innovation and training; strengthening the external dimension and flexibility and adaptation to emerging challenges” (MFA, 2010, p. 172).

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<sup>12</sup> See: (Hermenegildo, 2012a).

Thus, the merger of internal and external security is not caused by the emergence of a global threat, or at least that is not its sole cause, but also depends on the structural evolution of the different security-related institutions and their relations with political actors (Bigo, 2006). It is also along these lines of the “Paris School” that the evolution of internal security in the EU must be understood.

Also this year, a series of decisions were taken in the JHA Council in April related to law enforcement cooperation that have contributed to the development of EU internal security, such as the coming into effect of Europol as a Community agency from January 1, 2010<sup>13</sup> and the expansion of its area of responsibility. On the other hand, in the September JHA Council, cross-border cooperation was furthered; the Commission began preparing the then new regulation, Frontex, to be presented in early 2010. At the JHA Council in November, an information management strategy was adopted for internal security in the EU. On the other hand, works were developed to create a EURODAC system, measures were enhanced related to legal and illegal immigration and the fight against drug trafficking, the Schengen Agreement was reinforced and the external dimension of the JHA took on greater importance. Nevertheless, the development of these measures was in line with the principles of the Fundamental Rights Agency, created in 2007 (MNE, 2009, pp. 222-283).

In 2011, the implementation of the ISS also proceeded, with the adoption by the Council of a set of conclusions linked with the Commission’s proposal to stimulate the aforementioned strategy, proposing five strategic objectives (corresponding to forty one actions to be performed over four years) for a safer Europe (MNE, 2011, pp. 209-234).

In relation to these issues, Portugal “approves of the horizontal character of the document as well as of the role proposed for the COSI, highlighting the inclusion of drug trafficking and road accidents in the catalogue of main threats to EU internal security” (MNE 2011, p. 262).

In 2012, during the EU Cypriot Presidency, a mid-term review of the Stockholm Programme was performed, noting the progress made, and an invitation was addressed to the Commission to present the proposals still lacking by 2014 (MNE, 2012, pp. . 101-138).

In this context, Portugal supported the development of the JHA external agenda, actively participating in well-identified initiatives, as the implementation of this program is “a strategic priority for the EU and for Portugal.” During the present year, the specific work developed by Portugal has focused in the area of (im)migration (MNE, 2012, p 157;. SSI, 2012, pp. 270-290.).

The European Commission (2015a, 2015b) has developed two documents that have contributed to the discussion and definition of the future ISS, including the European Agenda on Security and the European Agenda on Migration.

However, these documents (and in particular the European Agenda on Security) ended up having little influence on the European Council in June 2015, contrary to expectations.

<sup>13</sup> Decision 2009/371/JHA of April 6, 2009, under which Europol would become a Community agency as of January 1, 2010, a decision which sought to improve the operational and administrative functioning of the Europol (MNE, 2009, p. 253).

As Reinaldo Saraiva Hermenegildo (in press) has stressed in previous studies, in a way that seems more assertive, the new European Commission documents (2015a, 2015b), entitled respectively European Agenda on Security and European Agenda on Migration, appear to be more in line with the theoretical *acquis*, from a conceptual point of view. Nevertheless, it is understandable why the documents emerge with these designations, as they are the work of the Commission responsible for being the Union's driving force for legislative initiative and policy regarding these matters, and that is also their objective: to place a public problem (security/migration) in the decision-making agenda of the Union.

As can be seen in the European Commission document (2015b), the answer is divided into two sections, one immediate and the other subsequent, with operational and political measures. And as a rule, the former are the easiest and first to be fulfilled, partly also for the reactive nature of the Union.

It is however of particular importance and even exceptional to find the following objective in EU documents: "to conduct operations in the Mediterranean under the Common Security and Defence Policy (CSDP) in order to capture and destroy vessels." The Commission therefore encourages Member States to intervene under the CSDP, which is not without interest, in that it is the Commission seeking to drive forward this policy, which has few statutory duties. On the other hand, the use of the term "destroy"<sup>14</sup>, in addition to being a loaded word, largely military in nature, implies a will and a need by the EU to observe and apply a more muscular defence policy.

Both in the current and in the future Internal Security Strategy (European Commission, 2014) and in the European Agenda on Security (European Commission, 2015th) there is a clear emphasis placed on this confluence of internal/external security which finds its empirical field not only in the traditional examples of terrorism, but expands to other areas, such as transnational organized crime, cybercrime and the issue of migration, an issue with specific, long-foreseen problems, which the recent events in the Mediterranean brought to the front of the agenda.

The European Council (2015) took on the problem of the migration phenomenon and of its ramifications/reflections, although it has done so because of the immediate situation in the Mediterranean and not due to a real migration policy.

In that same European Council (2015, pp. 5-6) the decision was also made to entrust/task the High Representative of the Union with presenting a proposal for a new EU Global Strategy for foreign and security policy, to be presented to the European Council by June, 2016. The EU seeks then to articulate three key areas, albeit still scattered over different documents: European Agenda on Security, Foreign and Security Policy, and Defence Policy, pledging to regularly bring the latter to the front of the agenda.

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<sup>14</sup> In military doctrine, at the tactical level, it means destroying the will of the opponent.

### 3. The future Internal Security Strategy (2015-2020) and the role of the GNR

Portugal has considered that the future JHA program must be “brief and strategic”, focusing on consolidating the progress to date and the effective application of EU standards. On the other hand, Portugal has also agreed to further the operational competencies of the COSI, as long as it does not go against the policymaking of other policies (SSI, 2012, pp. 295-299).

In 2013, talks were initiated with a view to defining guidelines for the future development of the AFSJ to ensure the continuity of the current Stockholm Programme. In this regard, Portugal “considers this activity to be of great importance,” restating “the concepts of continuity, simplification, consolidation and effective implementation, coherence and quality of legislation and of European policies, of Justice and of Security, promoting economic growth, of the importance of the external dimension of the JHA area, of citizens and of respect for the principles of subsidiarity, proportionality and necessity” (MNE, 2013, p. 107).

As for the future of the ISS, “the five strategic objectives that shaped it are thought to remain valid and must therefore be included in the future revised Internal Security Strategy (2015-2020), and it is expected that special attention be given to reviewing the actions for each objective and identifying new response actions to emerging threats and future challenges” (MAI, 2014).

During the Informal JHA Council of July 8 and 9, 2014, the majority of Member States agreed that the ISS should be reviewed to take into account new challenges, such as cyber security, new forms of organized crime and the modus operandi of smuggling of migrants and trafficking of human beings (MAI, 2014).

The European Council of June 26-27, 2014 defined the guidelines for the ISS 2015-2020, the overall priority being to transpose coherently and to effectively implement and consolidate the legal instruments and measures. The attention of the European Council (2014) focused on a first point, the management of external borders and the link to migration phenomena. A second point connected with the above focused on strengthening law enforcement cooperation and on preventing and combatting serious and organized crime, including trafficking of human beings and smuggling, and corruption; as well as issues of cybercrime and cybersecurity.

The direction followed by the future “Strategy is aimed at identifying the challenges to the EU internal security [and] common principles and guidelines - fully respecting fundamental rights - underpinning a European Security Model, and aimed at further developing common tools and policies by using a more integrated approach” (European Commission, 2014, p. 2).

The communication by the Commission entitled “The EU Internal Security Strategy in Action” identified five key strategic objectives for the EU and its Member States to pursue in order to increase effectiveness in combatting and preventing serious and organized crime, terrorism and cybercrime, to enhance the management of our external borders and to foster resilience to natural and man-made disasters (European Commission, 2014, p. 2).

Thus, a number of areas were identified as gap areas in need of reinforcing and a list was made with the five objectives (European Commission, 2014, pp. 3-4) described below, which may be of direct interest to the GNR and in which the GNR may play a role<sup>15</sup>.

Objective 1 - dismantling international crime networks - is worth highlighting for its interest to the GNR, in particular regarding the risks of counterfeit goods (including tobacco smuggling) or of non-compliance with the standards by the GNR, which requires the adoption of a series of measures. As part of the "Guard Strategy 2020"<sup>16/17</sup>, this falls under Strategic Objectives (SO) 8 and 21, and can be developed especially by the Coastal Control Unit (CCU [UCC]), the Fiscal Action Unit (FAU [UAF]) and by the GNR Direction of Criminal Research (DCR [DIC]).

From Objective 2 – preventing terrorism and addressing radicalization and recruitment – those points of greater interest to the GNR, in particular one of its key actions, are worth highlighting – the protection of transportation, the issue of dangerous cargo such as explosives and Chemical, Biological, Radioactive and Nuclear agents - Explosives (CBRN-E), and operational response. This objective may be pursued by the Intervention Unit (IU [UI]), this being one of the areas where the GNR is a regular presence at European level. As part of the "Guard Strategy 2020", it falls indirectly under SO 1, 6 and 15.

In Objective 3 – enhancing the level of security of citizens and businesses in cyberspace, regarding the duty of observing one of the key actions – improving responsiveness to cyber-attacks and collaborating in the fight against those crimes -, the GNR may play a role important in the future, although it must develop skills in that area. As part of the "Guard Strategy 2020", this falls under SO 10, 12 and 14, and can be developed by creating technological and prevention structures in that area.

This objective gained special importance in the European Agenda on Security of the European Commission (2015a), having become one of the three priorities listed by that institution along with organized crime and terrorism.

As for objective 4 - border management - the GNR may take advantage of and draw on all the actions listed above, specifically through the capabilities of the European Border Surveillance System, the Visa Information System and the "smart borders" package. This is the objective that can most enhance the GNR, and that can most be enhanced by that institution. As part of the "Strategy of the Guard 2020", this falls under SO 8, 10, 14-16 and 19. This will be a key area for the development of GNR, especially the CCU, which must happen due to European policies<sup>18</sup>.

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<sup>15</sup> From a methodological perspective, we sought to link the objectives of the present European Commission document to the "strategic objectives" of the GNR reflected in the "Guard Strategy 2020", an element from which the role of the GNR in the ISS may be inferred. We mainly sought to list the areas where the GNR could play a role, leaving a more complete and integrated synthesis and details of the contribution of the GNR to the conclusions.

<sup>16</sup> See: (GNR, 2004 and Annex A).

<sup>17</sup> See, for a better understanding of the connection between the SO and the future ISS: (Appendix A).

<sup>18</sup> The recent migration phenomena in the EU has highlighted how important and necessary it is for the GNR, specifically the CCU, to work on this objective.

As for Objective 5 - reinforcing Europe's resilience to crises and disasters -, the Council's adoption of the new EU Civil Protection Mechanism and the respect for fundamental rights in the implementation of the ISS, one of the "cornerstones of the Strategy", are both worth highlighting. This is an area where the GNR has the capacity and potential to operate under the future ISS, especially given the multiple skills it possesses, particularly in the subunits of the IU. As part of the "Guard Strategy 2020", this falls under SO 9, 10, 14 to 16, and 20.

In the future, the Union will face its next challenges and priorities (European Commission, 2014, pp. 12-13): implementing the legislation and consolidating these achievements, as well enhancing practical cooperation; increased and effective information sharing; a citizen-centred approach; serious and organized crime, the illicit economy, economic crime, and the other types of associated trafficking (drugs, human beings; child sexual abuse online). The GNR may draw on these challenges and priorities of the EU. And in some of these challenges/priorities, should the GNR fail to play a pro-active role, it would still be obliged to take them on by political imposition. As part of the "Guard Strategy 2020", these fall under SO 2, 4, 10 to 12, 14, 17 and 21. This is a set of cross-cutting areas where the GNR, in its various components, should seek to participate.

In the Serious and Organised Crime Threat Assessment of 2013, the European Police Office identified two new threats to be followed-up in the years to come: crimes against the environment and energy fraud, particularly associated with trafficking of illicit waste, exploitation of the electricity/gas and alternative energies (wind/solar) markets by organized crime groups (European Commission, 2014, p. 13). These are two areas where the GNR could potentially create new developments – with regard to fundraising, to any conferral of new duties, and to its public image. As part of the "Guard Strategy 2020", these fall under SO 1, 6 (indirectly) and 21 (directly), and can be developed mainly by the Nature and Environment Protection Service.

Terrorism, radicalisation and crisis management will be areas of increased interest for the Union, which may have to: respond to terrorist attacks, including a possible need for common equipment; implementing the new approach to risk detection and mitigation of CBRN-E risks at EU level; implementing the new approach to the Programme for Critical Infrastructure Protection; support preparedness capacity, by establishing a modular crisis management exercises programme (European Commission, 2014, p. 16). As above, in Objective 2, these areas can bring a new field of action to the GNR, should it integrate its components in these European actions/components, with particular emphasis on the Centre for Bomb Disposal and Subsurface Safety (*Centro de Inativação de Explosivos e Segurança em Subsolo* - CIESS) and other IU subunits.

Another core objective of the EU which directly affects the GNR is to "strengthen border security", which falls under the above SO. Thus, the European Commission (2014, p.16) will continue to work in cooperation with all relevant actors to: support the adoption of the proposed EU Smart Borders Package; continue its support of an effective operation of the Schengen Information System (SIS) II, together with the European Agency for operational

management of large-scale IT systems in the AFSJ (EU-LISA); and finally to explore the feasibility of establishing a European System of Border Guards. These elements must be interconnected with the above mentioned in Objective 4.

The cross-cutting objectives include: strengthening the link between EU internal and external security, for example, by strengthening law enforcement skills by offering training to, or sharing knowledge and good practice with third countries; the execution of a Law Enforcement Training Scheme in the Common Security and Defence Policy missions; fundamental rights must form an integral part of internal security policies; enhancing the role of research, funding and training, including combining technological developments, security policies, fundamental rights and research; supporting various programs/initiatives/needs through the Internal Security Fund, in priority areas (European Commission, 2014, pp. 17-19). As part of the “Guard Strategy 2020”, this falls under SO 2, 4, 15, 16 and 20. These areas may be explored by the Guard, given the diversity and complementarity of the instruments at its disposal for law enforcement action.

EU level training is essential to achieve these goals and will contribute to strengthen and perfect the quality and standards of law enforcement. The European Law Enforcement Training Scheme (LETS) should be fully implemented in the coming years, to the benefit of a high number of officials of all ranks, from law enforcement to border guards and customs officers (European Commission, 2014, p. 19). The GNR must seek to draw on and integrate this program in order to take advantage of it, and to enhance/develop other ISS measures. As part of the “Guard Strategy 2020”, this falls under SO 17 to 19, which should be further developed, as it is the platform for developing the remaining areas.

We believe that the future European Security Training Centre, in cooperation with the European Police College (CEPOL), and the sharing of investments and joint training at the European level (European Commission, 2015th, p. 12), will contribute to partially address this vulnerability, and it is necessary to begin building, at the national level, joint partnerships and synergies for projects, training, sharing of human resources, both through projects financed by the European Internal Security Fund (ISF) and others.

The European Commission (2014, p. 19) believes the five strategic objectives chosen for the ISS 2010-14 will remain valid and should, therefore, be confirmed for the renewed ISS, so focus should be placed on reviewing the actions under each objective for 2015-2020 and on identifying new actions to address emerging threats and evolving challenges.

In short, “the new ISS should reinforce the integration of fundamental rights within internal security and make the link between internal and external security even more operational. It should also consolidate and encourage more synergies between Home Affairs and other policy areas related to internal security” (European Commission, 2014, p. 19).

On the other hand, “to support such a multidisciplinary and integrated approach, an EU Internal Security Consultative Forum animated by the Commission together with Member States, European Parliament, EU agencies, representatives of civil society, academia and of the private sector could be considered” (European Commission, 2014, p.19). This type

of mechanism may be important for the affirmation of GNR at European level, either by practicing/achieving ISS objectives, either by exploring their added value externally.

## Conclusions

Despite the constraints related to the ISS being under review, according to the methodological procedure followed, we were able to meet our initial goals and to answer the initial question.

The ISS is primarily a document of guidelines, principles, challenges and a list of threats/risks, rather than a real strategy. On the other hand, it is an attempt by the EU to bring together a set of more inclusive policies based on mutual trust to address fundamental rights, and which must be as comprehensive and cross-sectoral as possible.

The objective of the strategy is to identify common threats, stressing the importance of joint action by EU Member States and institutions in combatting such threats. To this end, strategic guidelines were defined for EU action, with special attention given to a comprehensive approach to internal security, to operational cooperation, to exchange of information and to the reinforcement of the external dimension in order to address/decrease the Union inability to respond to a broad range of threats.

An analysis of the previous sections of this study allows us to say that the ISS has contributed to the reinforcement of the capacities of the EU and of its Member States with regard to operational cooperation, and to a cross-cutting approach, by linking its external dimension to the ISS. As previously stated, the GNR has the potential to develop under the ISS, as the "Guard Strategy 2020" is in line with the future ISS, and to gradually incorporate soft and/or hard, law enforcement components in its actions, according to context, allowing the Institution to fulfil the desired European security model: continuity of security, cross-cutting and holistic action in these areas, and complementarity of certain blurred areas between internal/external security.

In short, the GNR could play a key role, especially in the area of external borders/coastal security, either related to migration phenomena, either combatting different types of crime; in environment and energy security, a fast-growing area at European level; in crisis management, as it is the culmination of the operationalization of the various security instruments of the GNR; and in cooperation/research/training, which are essential for the operation of all other components.

New challenges and a set of emerging threats in the European framework will necessarily mean greater vertical and horizontal cooperation between countries and between Security Forces and Services. Portugal must necessarily be at the forefront of the new ISS, mainly due to the EU's external borders. The GNR will be charged with operationalizing some of its participation, contributing to the desideratum of achieving an "open and secure Europe", while respecting the fundamental rights of citizens.

What form the participation of the GNR will take largely depends on how well the Institution understands the European political context, on how it integrates the evolution guidelines of the ISS in its “strategic” objectives, and on its ability to understand how to develop participation capacities that may contribute to increase security and to the prestige of the country, and specifically of the Guard.

Academic studies, aside from being important for scientific reflection, should be, whenever possible, pragmatic and significant - for Institutions and for citizens. Indeed, we present the following recommendations/proposals:

- to increase/request and subsequently to implement studies related to the ISS in order to better understand it, and to assess how the GNR could be enhanced and be at the forefront of EU security actions;
- to have active participation in the development and creation of coastguards, by participating in future working groups on proposals to encourage integration of the GNR “brand” in the European model;
- to develop operational capabilities, quality human resources and solid training of the elements at the forefront of developing the issues related to “border security” and control of the migration and crime phenomena;
- to develop studies, capabilities and structures within the environmental, energy security and crisis management components;
- to expand the mechanisms that enhance law enforcement cooperation in ISS matters, drawing on the international relations/experiences provided to the GNR;
- to create a “consultancy” group combining the elements related to ISS issues in order to build a “holistic GNR action” towards the ISS.

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## **Annex A – Strategic Objectives**

Strategic Objectives of the strategic plan of the National Republican Guard “Guard Strategy 2020” (GNR, 2014)

- SO 1 – Optimize apparatus
- SO 2 – Adapt territorial apparatus and personnel
- SO 3 – Improve integrated ability to command, coordinate and control
- SO 4 – Foster and promote greater Guard-Citizen interaction
- SO 5 – Reinforce community and proximity patrolling
- SO 6 – Intensify control of the main sources of danger
- SO 7 – Ensure a centralized approach to the road safety mission
- SO 8 – Promote research and monitoring in the fields of taxation and customs, and of coastline and territorial waters surveillance
- SO 9 – Implement the use of the third dimension with unmanned assets
- SO 10 – Increase performance capability in the cyber world
- SO 11 – Improve operational efficiency levels
- SO 12 – Encourage the use of new Information and Communication Technologies
- SO 13 – Promote the simplification and streamlining of procedures
- SO 14 – Ensure EU funding
- SO 15 – Increase the commitment of the Guard in the implementation of foreign policy
- SO 16 – Further cooperation with Forces and Security Services of neighbouring countries and the Community of Portuguese Language Countries
- SO 17 – Certify and standardize procedures
- SO 18 – Organize the training process according to a competence profile
- SO 19 – Further Officer training in Higher Military Studies Institutions
- SO 20 – Ensure interoperability of means for participation in national defence missions
- SO 21 – Optimize, enhance and qualify operational responses in the areas of nature and environment protection and criminal investigation.

## Appendix A – Summary Table

Correspondence between issue, area to be developed, GNR Unit and Strategic Objective (SO) of the “Guard Strategy 2020” (GNR, 2014)

ISSUE	AREA TO BE DEVELOPED	GNR UNIT	GUARD STRATEGY 2020
<b>CROSS-CUTTING AND GENERAL OBJECTIVES</b>			
Greater coordination between agencies and Member States	Increase cooperation (cross-cutting) at European and national levels	Political objectives (ministerial), developed by the GNR as a whole	SO 15 and 16
More inclusive policies addressing fundamental rights	Inclusion of this issue in the training areas, particularly with regard to law and the link to law enforcement action	Cross-cutting and general objectives of the GNR, in particular by increasing horizontal cooperation with other FSS and vertical cooperation with international organizations and other forums. GNR training institutions/bodies (CDF, EG, AM, IESM) and partnerships with other national and international institutions	SO 2, 4, 14, 18 and 19
Greater connection with PESC/JAIEX	Inclusion of this issue in the training areas, particularly with regard to international relations and the link to law enforcement action/GNR		SO 14 to 16, 18 and 19
Consolidation of legislation and increased practical cooperation	Inclusion of this issue in the training areas, particularly with regard to the law and the link to law enforcement action		
<b>AREAS TO BE DEVELOPED AND ENHANCED</b>			
<b>OBJECTIVE 1</b>			
International crime networks	Counterfeiting and economic crime, crime against intellectual property, tobacco smuggling	GNR, specifically DIC/CO, UCC, UAF	SO 8 and 21
<b>OBJECTIVE 2</b>			
Terrorism, radicalization and recruitment	Explosives and CBRN-E agents, protection of critical infrastructures	IU (CISS, GIPS, GIOE and GIOP) GNR, specifically the DI/CO and USHE (Security Group)	SO 1, 6 and 15
<b>OBJECTIVE 3</b>			
Security of citizens and cyberspace	Cybercrime	GNR, specifically the DI/CO and DCSI/CO	SO 10, 12 and 14
<b>OBJECTIVE 4</b>			
Strengthening border security/management	Strengthening borders; “Smart borders”; (im) migration phenomena	GNR, specifically the DPERI and UCC	SO 8, 10, 14 a 16 and 19.

**Appendix A – Summary Table (Continued)**

<b>ISSUE</b>	<b>AREA TO BE DEVELOPED</b>	<b>GNR UNIT</b>	<b>GUARD STRATEGY 2020</b>
<b>OBJECTIVE 5</b>			
Crises and disasters	EU civil protection mechanism	IU (GIPS and GIC), Clinical Centre/CARI and DIC/CO	SO 9, 10, 14 to 16, 20
<b>CROSS-CUTTING OBJECTIVE</b>			
Protection of crime victims (crime against minors, sexual crime, online crime)	Trafficking of human beings and related crimes	GNR, specifically the DIC/CO	SO 10 to 12, 14, 17 and 21
<b>CHALLENGES (POTENTIAL INNOVATIONS)</b>			
Environmental crime	Toxic waste	DSEPNA and UCC	SO 21
Energy fraud	Energy security	DSEPNA and UAF	SO 21
Cybercrime	Online crime	DCSI/CO and DIC/CO	SO 8
Child sexual abuse online	Crimes against children, with and without use of the Internet	DIC/CO	SO 8 and 21
Common response to terrorism equipment	Terrorist threat	IU (GIOE, GIPS, CIESS and GIC)	SO 1, 6 and 15
CBRN-E at European level	Terrorist, biological, chemical, radioactive, nuclear, explosives threat	IU (GIPS and CIESS)	SO 1, 6 and 15
Protection of critical infrastructures	Protection of infrastructures and sensitive points	GNR, specifically the IU (GIOE, GIOP and GIC) and USHE (Security Group)	SO 1, 6 and 15
Crisis management	Participation in international missions	GNR, specifically the IU, with the participation of components from other units, according to crisis/conflict scenario	SO 15, 16 and 20
Strengthening borders	Creating border guards / Smart Borders / EUROSUR / VIS	UCC (strong need for training in these areas)	SO 8, 12, 14 to 19
<b>CROSS-CUTTING OBJECTIVES (FUTURE)</b>			
EU internal security Consultative Forum	Vertical and horizontal law enforcement coordination	DPERI	SO 15 and 16
Integration of fundamental rights	Training/education	CDF, EG, AM and IESM	SO 15, 26 and 20

## Appendix A – Summary Table (Continued)

ISSUE	AREA TO BE DEVELOPED	GNR UNIT	GUARD STRATEGY 2020
Further operationalising the link between internal and external security	Operational cooperation link between the internal/ external dimensions	GNR, specifically the DPERI and CO	SO 15, 16 and 20
Further synergies and interactions with other actors	Cooperation, exchange of information and experiences	GNR	SO 15, 16 and 20
Increased training	Training/education	CDF, EG, AM, IESM, CEPOL	SO 15 to 20
<b>PORTUGUESE PROPOSALS</b>			
Drug trafficking	Drug trafficking	DIC/CO and UCC	SO 6, 8, 21
Road traffic accidents	Road safety	GNR, specifically DIC/CO, DTSR/DO/CO, DT/CTer and UNT	SO 7 and 9
Environmental crimes	Environmental protection	GNR, DSEPNA/CO and UCC	SO 8 and 21
Connection with PESC	International cooperation at various levels and with different authors	GNR, specifically the DPERI, UI, EG and AM	SO 15, 16 and 20