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Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**establishing the Union support for internal security for the period from 2028 to 2034**

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE PROPOSAL**

#### **• Reasons and objectives**

In line with the Commission Political Guidelines for 2024 - 2029, the EU is committed to achieving a safer and more secure Europe. The Commission has followed up on this commitment by adopting on 1 April 2025 the Protect EU Strategy which aims at meeting citizens' expectations in the field of security, by protecting them from various crime threats which may also have their origin outside the EU. It provides a comprehensive framework to strengthen internal security, which will need to be supported with concrete actions against hybrid threats, potential disruptions to critical infrastructure, such as energy interconnectors or cross-border communication cables, and supply chains, organised crime networks, terrorist threats, extremism and radicalisation, as well as cyberattacks, and foreign manipulation of information.

For this, the Member States must be adequately supported, within a coherent yet flexible financing framework, embedding the core elements of the new approach and focusing on essential measures providing Union added value. Measures to enhance coordination and cooperation between police and judicial authorities and other competent authorities should be privileged, given their relevance in the areas of preventing and combating crime, racism and xenophobia. Cooperation with the Union agencies and bodies, especially as regards the exchange of information, is also essential to prevent and combat security-related, such as terrorism and serious and organised crime.

The EU Security threat picture is stark and has an inherent cross-border dimension. The EU is increasingly threatened by powerful organised criminal groups, nurtured online and infiltrating the legal economy using their illicit assets. Furthermore, terrorism remain a threat to the EU also fuelled by regional crisis. At the same time, hybrid threat from hostile foreign actors has shown to be an increasingly worrying phenomenon that requires a continuous effort. Finally, trafficking of vulnerable persons is an area of concern. Traffickers may also engage in cross-border crimes such as smuggling or trafficking of drugs and firearms. This requires a strong, coordinated Union response, based on a holistic approach, pooling together with relevant actors, such as the European industrial sector and civil society, and encompassing several policy areas, including the EU's external action. As set out in the ProtectEU Strategy, security considerations need to be integrated and mainstreamed across all EU legislation, policies and programmes, including EU external action. Cooperation and the funding of internal security-relevant actions in or in relation to third countries should be envisaged, while ensuring full coherence and complementarity with the activities supported under the Union's external financing instruments established in accordance with Regulation (EU) [...] [Global Europe].

The proposal aims to address the need for greater flexibility in the management of the Union support, including a stronger performance orientation, as well as enhanced simplification for all actors involved in its implementation. For this, strict complementarity is enforced with the proposal for Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security, introducing new mechanisms for the allocation and implementation of EU funding for shared, direct and indirect management. As challenges in the area of internal security are constantly evolving, there is also a need 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, in particular through an EU Facility offering flexibility in the management of the Union support.

The present proposal, together with the proposal for a Regulation (EU) [...] establishing the Union Support for asylum, migration and integration and the proposal for a Regulation (EU) [...] establishing the Union support for the Schengen area, for European integrated border management and for the common policy on visas, provide the specific legal framework for the Union action in the areas of efficient management of migration, European integrated border management at the external borders, well-functioning Schengen area and European visa policy, and internal security. These three Regulations complement each other and the proposal for Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security, through which they will be implemented.

The proposed Regulation builds on the Regulation (EU) 2021/1149<sup>1</sup> while taking into account new policy developments and the need to provide an agile response to evolving challenges concerning internal security, both within the Union and in cooperation with other countries.

- **Consistency with existing policy provisions**

The Union support for internal security will work in strict complementarity with the other policies under the scope of the proposal for Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security, thus fostering synergies between these policies. However, an intensified EU policy on internal security needs action across the full spectrum of the tools at its disposal, including activities of relevant Union decentralised agencies.

The six Home Affairs decentralised Agencies (Frontex, Europol, EUAA, eu-LISA, EUDA and Ceuol) play an important and increasing role in the implementation of the Home Affairs policies. It is essential to ensure coherence between policy strategies set out at EU level and the operational activities of the decentralised agencies, thereby also maximising the contribution to the EU policy objectives from the EU funding provided to the decentralised agencies. The operational role of the decentralised agencies may require further strengthening, accompanied by a corresponding increase of funding.

- **Consistency with other Union policies**

Internal security relies on the synergies and coherence with relevant EU policies such as migration and border management, justice, and the Union external policies supporting third countries, especially under Regulation (EU) [Global Europe], which cover a wide range of areas with important links to internal policies, including internal security. Union support for the external dimension of internal security should first and foremost be provided by Global Europe. To support the competitiveness agenda, investments based on innovative methods or new technologies, including measures aiming to test and validate the outcome of Union-funded research projects should also be considered.

## **2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY**

- **Legal basis**

Article 3(2) of the Treaty on European Union provides that ‘the Union shall offer its citizens an area of freedom, security and justice without internal frontiers, in which the free movement

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<sup>1</sup> Regulation (EU) 2021/1149 of the European Parliament and of the Council of 7 July 2021 establishing the Internal Security Fund (OJ 251, 15.07.2021, p.194).

of persons is ensured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime’.

Union action is justified on the grounds of the objectives referred to in Article 67 of the Treaty on the Functioning of the European Union (TFEU), which sets out the means to constitute an area of freedom, security and justice. Attention is also drawn to Article 80 of the TFEU, which underlines that the Union policies and their implementation are to be governed by the principle of solidarity and the fair sharing of responsibility, including its financial implications, between the Member States.

This Regulation is based on Articles 82(1), 84 and 87(2) TFEU, which constitute compatible legal bases in the light of the specific rules that apply to decision-making under Title V of Part Three of TFEU.

- **Variable geometry**

This Regulation is based on legal bases under Title V of Part Three TFEU, concerning the area of freedom, security and justice. As a consequence, the application of the Regulation to Denmark and Ireland is subject to special provisions laid down in Protocol No 21 and Protocol No 22 annexed to the TEU and the TFEU.

In accordance with Articles 1 and 2 of Protocol No 22, Denmark does not take part in the adoption by the Council of measures proposed pursuant to Title V of Part Three TFEU, and such measures are not binding upon or applicable in Denmark.

In accordance with Articles 1 and 2 of Protocol No 21, Ireland does not take part in the adoption by the Council of measures proposed pursuant to Title V of Part Three TFEU, and such measures are not binding on or applicable in Ireland. However, Ireland may choose to take part in the adoption and application of any such proposed measure. In addition, anytime after the adoption of such a measure, Ireland may accept the measure, subject to the completion of procedures referred to in Article 4 of Protocol No 21.

- **Subsidiarity (for non-exclusive competence)**

The objectives of the proposal cannot be achieved by Member States acting alone, as the challenges are of a cross-border nature, and not limited to single Member States or to a subset of Member States. Union support creates added value by promoting a common approach across Member States when implementing EU *acquis* and standards and fostering collaboration and timely exchange of information between Member States on transnational issues.

- **Proportionality**

The proposal does not go beyond what is necessary to achieve the objectives mentioned under section 1. It falls within the scope for action in the area of freedom, security and justice, as defined in Title V of the TFEU. The objectives and corresponding Union support are proportional to what the Union support aims to achieve.

- **Choice of the instrument**

The most appropriate instrument for operating the current proposal is a Regulation of the European Parliament and of the Council establishing the Union support for internal security for the period from 1 January 2028 to 31 December 2034 and complementing the proposal for Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security.

### **3. RESULTS OF RETROSPECTIVE EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS**

- **Retrospective evaluations/fitness checks of existing legislation**

The preliminary outcomes of the ongoing ex-post evaluation of the Internal Security Fund-Police (ISF-P) for the 2014-2020 programming period confirm that the ISF-P contributed both to enhancing Member States' capabilities to combat cross-border, serious and organised crime, including terrorism, and to enhance Member States' capacity to manage security-related risks and crises. The ISF-P has proven to be efficient and demonstrated effective management and control mechanisms to safeguard the EU's financial interests. The ISF-P introduced several changes aimed at simplifying the ISF-P management and reducing administrative burden. The evaluation preliminary concludes that despite some progress, further steps are needed to enhance efficiency and ensure administrative processes are proportionate to the funding provided.

The preliminary outcomes of the mid-term evaluation of the Internal Security Fund (ISF) for the 2021-2027 programming period confirm that the monitoring and evaluation framework for the ISF has seen significant improvements compared to the 2014-2020 period. Member States continue to report a high administrative burden. Simplified cost options have contributed to reducing administrative burden, yet their implementation is not systematically applied to optimise spending. The ISF's architecture was considered fit for purpose, as it has enhanced internal coherence by fostering complementarity across components. The ISF was also considered coherent with the Asylum Migration and Integration Fund (AMIF) and the Border Management and Visa Instrument (BMVI) under the Home Affairs Funds, other EU Funds, particularly Horizon Europe, the European Social Fund Plus (ESF+) and the Justice Programme as well as with other programmes applicable to relevant European industrial sectors and civil society such as the Single Market Programme, Digital Europe Programme. The evaluation concludes that the ISF has addressed the needs it was meant to address and has been able to respond to new challenges and developments in the policy area. The ISF has fostered a unified framework for addressing cross-border internal security challenges, and encouraged knowledge exchange, and the promotion of best practices. Actions supported through the ISF Thematic Facility have generated high EU added value advance operational cooperation between law enforcement and judicial authorities, cooperation with third countries and international organisations, as well stakeholders from the private sector and civil society sector. As in the case of BMVI, evaluation concludes that there is room for going further in simplifying the delivery of funding, and explaining better to Managing Authorities how the performance framework can contribute to the efficient management of the programmes.

- **Stakeholder consultations**

The Commission actively engaged with the stakeholders in the process of the initiative, notably through dedicated events and public consultation activities, as detailed in the corresponding chapter of the explanatory memorandum of the proposal for Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security.

- **External expertise**

Information about the Commission's use of external expertise is provided in the corresponding chapter of the explanatory memorandum of the proposal for Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security.

- **Impact assessment**

Information about the Commission's Impact Assessment is provided in the corresponding chapter of the explanatory memorandum of the proposal for Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security.

- **Simplification**

The initiative is expected to contribute to a significant reduction of administrative burden and costs, as well as improved efficiency in the implementation of Union support, see also the corresponding chapter of the explanatory memorandum of the proposal for Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security.

- **Fundamental rights**

The Union support will be implemented in compliance with the Charter of Fundamental Rights of the European Union and the principle of the rule of law, as set out in Article 2(a) of Regulation (EU, Euratom) 2020/2092, see also the corresponding section in the Explanatory Memorandum accompanying the Commission proposal for the proposal for Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security.

#### **4. BUDGETARY IMPLICATIONS**

The indicative financial envelope for the implementation of the objectives under the Union support is set at EUR 6 843 331 500 for the period from 2028 to 2034 in current prices. It shall be implemented in compliance with the horizontal rules for the National and Regional Partnership Plans laid down in Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security.

#### **5. OTHER ELEMENTS**

- **Implementation plans and monitoring, evaluation and reporting arrangements**

The Union support under this proposal will be implemented through shared management by the Member States and direct and indirect management by the Commission. The implementation of the Union support will be monitored through the performance framework applicable for the 2028-2034 multiannual financial framework set out in the proposal for Regulation (EU) [...] establishing a budget expenditure tracking and performance framework and other horizontal rules of the Union programmes and activities.

- **Detailed explanation of the specific provisions of the proposal**

The proposed Regulation defines in Article 1 the scope of the Union support for internal security for the period from 1 January 2028 to 31 December 2034. For this, essential definitions are given in Article 2, and four objectives are set out in Article 3, which will be achieved through Union support provided under the horizontal rules of the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security established by Regulation (EU) [...]. These objectives refer to the areas of Union and Member States capabilities for preventing and combating of serious and

organised crime; Member States' resilience against hybrid threats and other hostile acts; exchange of information among relevant actors; operational law enforcement cooperation.

In Article 4 the proposal lays down provisions for the financing of the Union support.

Article 5 lays down transitional provisions. The date of the entry into force of the proposed Regulation is set in Article 6, which also stipulated that the Regulation will be binding in its entirety and directly applicable in all Member States in accordance with the Treaties from 1 January 2028.

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**establishing the Union support for internal security for the period from 2028 to 2034**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 82(1), 84 and 87(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>2</sup>,

Having regard to the opinion of the Committee of the Regions<sup>3</sup>,

Acting in accordance with the ordinary legislative procedure<sup>4</sup>,

Whereas:

- (1) Internal security is fundamental to ensuring citizens' safety, protecting their fundamental rights, and fostering the strength of, and the trust in, our economies, societies and democracies. While national security remains a competence of Member States, protecting it requires cooperation and coordination at Union level. The Union's objective of ensuring a high level of security within an area of freedom, security and justice pursuant to Article 67(3) of the Treaty on the Functioning of the European Union (TFEU) should be achieved through measures aiming at preventing and combating crime, racism and xenophobia, and through measures for coordination and cooperation between police and judicial authorities and other competent authorities.
- (2) Internal security is a shared endeavour to which the Union institutions, relevant Union agencies and Member States should jointly contribute. To contribute to the development and implementation of an effective and genuine Security Union, Member States should be provided with adequate financial resources. This Union support will be provided under the horizontal rules of the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security established by Regulation (EU) [...].
- (3) This Regulation lays down the objectives of the Union support. In order that a high level of security throughout the Union can be achieved in the best possible way, Member States should ensure that their National and Regional Partnership Plans address each of the objectives set out by this Regulation.
- (4) The amounts to be allocated per Member State should be set out by the Commission in accordance with the allocation methodology laid down in Regulation (EU) [...]

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<sup>2</sup> OJ C , , p. .

<sup>3</sup> OJ C , , p. .

<sup>4</sup> Position of the European Parliament of [...] and position of the Council of [...].



establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security through a single implementing decision. That decision should as a rule also cover the amounts under the Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security, the Regulation (EU) [...] establishing the Union Support for asylum, migration and integration and the Regulation (EU) [...] establishing the Union support for the Schengen area, for European integrated border management and for the common policy on visas.

- (5) The Union support should build on the results and investments in the area of internal security from the previous programming periods: the Prevention of and Fight Against Crime (ISEC) programme, the Prevention, Preparedness and Consequence Management of Terrorism and other Security-related risks (CIPS) programme for the period 2007-2013, and the instrument for police cooperation, preventing and combating crime, and crisis management as part of the Internal Security Fund for the period 2014-2020, established by Regulation (EU) No 513/2014 of the European Parliament and of the Council<sup>5</sup>, and the Internal Security Fund for the period 2021-2027, established by Regulation (EU) 2021/1149 of the European Parliament and the Council<sup>6</sup>.
- (6) In a rapidly evolving security threat and geopolitical landscape, the Commission defined the common priorities for a safer and more secure Europe in the ‘ProtectEU Strategy’<sup>7</sup>. The geopolitical context in Europe has significantly changed, and it has profoundly affected the interconnectedness of the EU’s internal and external security. Security threats are increasingly global and complex, stemming from criminals’ ability to operate across borders, exploit social and economic disparities, and navigate between the physical and digital worlds. At the same time, new digital technologies and artificial intelligence offer significant opportunities to enhance law enforcement and judicial capabilities and address these evolving threats effectively.
- (7) The Union support should concentrate on actions for which Union intervention can bring greater added value compared with action by Member States alone. Security has an inherently cross-border dimension and therefore a strong, coordinated Union response is required. Therefore, the Member States National and Regional Partnership Plans should contribute to effectively addressing the challenges identified in the context of the ‘ProtectEU Strategy’. In line with the shared priorities identified at Union level to ensure a high level of security in the Union, the Union support should concern measures aimed at addressing the main security threats and, in particular, at preventing and combating serious and organised crime, including terrorism, violent extremism, and cybercrime.

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<sup>5</sup> Regulation (EU) No 513/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for police cooperation, preventing and combating crime, and crisis management and repealing Council Decision 2007/125/JHA (OJ L 150, 20.5.2014, p. 93, ELI: <http://data.europa.eu/eli/reg/2014/513/oj>)).

<sup>6</sup> Regulation (EU) 2021/1149 of the European Parliament and of the Council of 7 July 2021 establishing the Internal Security Fund (OJ 251, 15.07.2021, p.194, ELI: <http://data.europa.eu/eli/reg/2021/1149/oj>).

<sup>7</sup> Communication COM(2025) 148 final of 1.4.2025 from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on ProtectEU: a European Internal Security Strategy.

- (8) The Union support should finance measures of Member States in the field of crime prevention, joint training of staff and police cooperation, as well as judicial cooperation in criminal matters involving Member States' competent authorities and Union agencies and bodies, especially as regards the exchange of information, increased operational cooperation and support for necessary efforts to strengthen capabilities to prevent and combat terrorism and serious and organised crime. The Union support should not cover operating costs and activities related to the essential functions of the Member States concerning the maintenance of law and order and the safeguarding of internal and national security.
- (9) Security is the bedrock upon which all our freedoms are built and that Member States ability to guarantee security for the citizens is contingent on a unified European approach. As set out in the ProtectEU Strategy, security considerations need to be integrated and mainstreamed across all EU legislation, policies and programmes, including EU external action. The Union support under this Regulation should contribute to address these considerations.
- (10) In its conclusions of 26 June 2025<sup>8</sup>, the European Council recalled that serious and organised crime, terrorism, radicalization and violent extremism, both online and offline, represent a major threat to European citizens and the security of Member States. The European Council also underlined the threat posed by the criminal infiltration of legal business structures that has a detrimental impact on public finances and the Single Market. The European Council called the Union Institutions and the Member States to mobilise all available resources at national and EU level and to take further action to strengthen law enforcement and judicial cooperation, including on effective access to data for law enforcement purposes and by ensuring information exchange, and through cooperation with third countries.
- (11) To prevent and combat internal security threats, the Union support should strengthen Member States' capabilities to prevent and combat serious and organised crime, terrorism, violent extremism and radicalisation, child sexual abuse and exploitation, cybercrime and actions addressing digital and technological security challenges, the resilience of critical infrastructure online threats, security threats in the maritime domain, trafficking in human beings, migrants smuggling, illicit drugs trafficking, illicit arms trafficking, money laundering, asset recovery and financial crime, environmental crime, counterfeiting of means of payment and crimes affecting the Union's financial interests, assisting and protecting victims of crime, protecting public spaces, and addressing CBRN-E related security threats and managing incidents, including through increased cooperation and information exchange between public authorities, relevant Union bodies, offices or agencies, civil society and private partners in different Member States. The Union support should also contribute to Member States' acquisition and implementation of innovative methods and technologies in the field of internal security, in particular those supported by Regulation (EU) [...] establishing the European Competitiveness Fund and Regulation (EU) [...] establishing the EU Framework Programme for Research. In addition, in a changing global political landscape, the external dimension of the area of freedom, security and justice is of key importance. Therefore, the Union support should also contribute to the strengthening of cooperation and partnership with third countries, serving the interests of internal Union policies.

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<sup>8</sup> Council conclusions, EUCO 12/25 of 26 June 2025.

- (12) The Union support should contribute to ensuring consistency, coherence, synergies and complementarities between the Union's internal and external policies, in line with the mainstreaming of security. In that context, the Union support under this Regulation should in particular, contribute to combating and preventing serious and organised crime, including drug trafficking, trafficking in human beings, and cross-border criminal smuggling networks. Union support under this Regulation may also include support to the relevant resources of the EU delegations in duly justified cases, and be coordinated between the Member States and the Commission in programming and implementation stages.
- (13) As challenges in the area of security are constantly evolving, there is a need to adapt the allocation of Union support under this Regulation to changes in internal and external security threats and a need to steer funding towards the priorities with the highest Union added value. To respond to pressing needs and to changes in policy and Union priorities, and to steer funding towards actions with a high level of Union added value, part of the Union support under this Regulation should be implemented in direct, shared and indirect management via the EU Facility established pursuant to Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security. The EU Facility offers flexibility in the management of the Union support, and, for shared management, it should be implemented through the Member States' National and Regional Partnership Plans.
- (14) The Commission and the Member States should ensure that the knowledge, expertise and experience of relevant Union bodies, offices and agencies are taken into account in the development of Member States' National and Regional Plans and when implementing measures or addressing challenges in relation to internal security. Where appropriate, the Commission should also be able to involve the relevant Union bodies, offices and agencies in activities aiming to ensure that the measures supported by the Union support comply with the relevant Union acquis and agreed Union priorities.
- (15) There is a need to maximise the impact of Union funding by mobilising, pooling and leveraging public and private financial resources. The Union support should promote a whole of society approach, encouraging the active and meaningful involvement of the European industrial sector, as well as civil society, including non-governmental organisations, in the development and implementation of security policy, where relevant with the involvement of other relevant actors, Union bodies, Union agencies and international organisations in relation to the objectives of the Union support. However, it should be ensured that the Union support is not used to delegate statutory or public tasks to private actors.
- (16) Europe must protect its security interest against suppliers which could represent a persistent security risk due to the potential interference from third countries as well as their cybersecurity practices. It is therefore necessary to reduce the risk of persisting dependency on high-risk suppliers in the internal market, as they could have potentially serious negative impacts on security for users, companies and authorities across the EU and the EU's critical infrastructure in terms of the integrity of data and services as well as the availability of service. This exclusion should be based on a proportionate risk assessment and associated mitigation measures as defined in the Union policies and laws.
- (17) The Member States may build on the principle of partnership in the implementation of the Union support to ensure continuity in the governance approach.

- (18) All actions supported in accordance with the Union support under this Regulation should be implemented in compliance with the rights and principles enshrined in the Union *acquis* and the Charter of Fundamental Rights of the European Union and should be in line with the international obligations of the Union and the Member States arising from the international instruments to which they are party.
- (19) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union (TEU) and to the TFEU, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.
- (20) [In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union (TEU) and the TFEU, Ireland has notified [, *by letter of ...*,] its wish to take part in the adoption and application of this Regulation.

OR

In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty of the European Union (TEU) and to the TFEU, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application],

HAVE ADOPTED THIS REGULATION:

#### *Article 1*

##### ***Subject matter***

This Regulation lays down the objectives and financing of the Union support for internal security for the period from 1 January 2028 to 31 December 2034. This Union support shall be provided under the horizontal rules of the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security established by Regulation (EU) [...].

#### *Article 2*

##### ***Definitions***

For the purposes of this Regulation, the following definitions apply:

- (1) ‘competent authorities’ means the Member State authorities responsible for the prevention, detection and investigation of criminal offences, as referred to in Article 87(1) TFEU, including police, customs and other specialised law enforcement services;

- (2) ‘prevention’, in relation to crime, means all measures that are intended to reduce or otherwise contribute to reducing crime and citizens’ feeling of insecurity, as referred to in Article 2(2) of Council Decision 2009/902/JHA<sup>9</sup>;
- (3) ‘exchange of information’ means the secure collection, storage, processing, analysis and transfer of, and access to, information relevant to the authorities referred to in Article 87 of the TFEU as well as to Europol, and other relevant Union agencies and bodies in relation to the prevention, detection, investigation and prosecution of criminal offences, in particular cross-border serious and organised crime, including cybercrime and terrorism;
- (4) ‘organised crime’ means punishable conduct relating to participation in a criminal organisation, as defined in Article 1, point (1) of Council Framework Decision 2008/841/JHA<sup>10</sup>;
- (5) ‘terrorism’ means any of the intentional acts and offences referred to in Directive (EU) 2017/541 of the European Parliament and of the Council<sup>11</sup>;
- (6) ‘radicalisation’ means a phased and complex process leading to violent extremism and terrorism and in which an individual or a group of individuals embraces a radical ideology or belief that accepts, uses or condones violence, including acts of terrorism, to reach a specific political, religious or ideological goal;
- (7) ‘cybercrime’ means either crimes whose commission necessarily involves information and communications technology systems (ICT systems), which are the tools for committing those crime or their primary targets (cyber-dependent crimes), or traditional crimes which can be increased in scale or reach by the use of computers, computer networks or other ICT systems (cyber-enabled crimes);
- (8) ‘operational law enforcement cooperation’ means the operational cooperation between the authorities of two or more of the Member States referred to in Article 87(3) TFEU or the operation of the competent authorities of one Member State in the territory of another Member State, as referred to in Article 89 TFEU;
- (9) ‘hybrid threat’ means all harmful activities, including information manipulation, cyberattacks and instrumentalization of migrants, that are planned and carried out with malign intent in a coordinated manner with the aim of undermining a Member State or any of its institutions.

### *Article 3*

#### ***Objectives for the Union support for internal security***

1. In order to ensure a high level of internal security in the Union, the support shall contribute to the following objectives:

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<sup>9</sup> Council Decision 2009/902/JHA of 30 November 2009 setting up a European Crime Prevention Network (EUCPN) and repealing Decision 2001/427/JHA (OJ L 321, 8.12.2009, p. 44, ELI: <http://data.europa.eu/eli/dec/2009/902/oj>).

<sup>10</sup> Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime, (OJ L 300, 11.11.2008, p. 42, ELI: [http://data.europa.eu/eli/dec\\_framw/2008/841/oj](http://data.europa.eu/eli/dec_framw/2008/841/oj)).

<sup>11</sup> Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA, (OJ L 88, 31.3.2017, p. 6, ELI: <http://data.europa.eu/eli/dir/2017/541/oj>).

- (a) strengthening the Union's and Member States' capabilities in relation to preventing and combating serious and organised crime, online and offline, including terrorism, violent extremism, cybercrime, child sexual abuse and exploitation, and hybrid threats, as well as in relation to protecting citizens and public spaces from attacks, including through innovative methods and new technologies in the area of internal security;
- (b) fostering Member States' capabilities by enhancing the resilience of critical entities against hostile acts, and managing security-related incidents, risks and crises, also by means of interoperable critical communication systems;
- (c) improving and facilitating the exchange of information between and within competent authorities and relevant Union bodies, offices and agencies and, where appropriate, with third countries, international organisations and private parties;
- (d) improving and intensifying operational law enforcement cooperation, including joint operations, between competent authorities in relation to preventing and combating serious and organised crime, online and offline, including terrorism, violent extremism, cybercrime, child sexual abuse and exploitation, hybrid threats, as well as in relation to protecting citizens and public spaces from attacks;

The Union support shall be implemented in a manner fully consistent with the objectives set out in Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security.

2. The Member States shall ensure that the priorities of their National and Regional Partnership Plans include actions to achieve each of the objectives of the Union support under this Regulation, and that the allocation of resources between objectives is proportionate to the identified challenges and needs.

#### *Article 4*

#### ***Financing***

1. The indicative financial envelope for the implementation of the objectives set out in Article 3 for the period from 2028 to 2034 is set at EUR 6 843 331 500 in current prices. It shall be implemented in compliance with the horizontal rules for the National and Regional Partnership Plans laid down in Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security.
2. The Commission shall adopt an implementing act to establish the amount per Member State by applying the allocation methodology set out in Section B, Annex I of Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security.
3. In addition, the budgetary appropriations for the objectives set out in Article 3 of this Regulation, implemented through the EU Facility under Title IV of Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security, shall be

established in the framework of the annual budgetary procedure provided for in Article 314 TFEU.

4. For measures that relate to the objectives set out in Article 3 of this Regulation, where the Commission concludes that those measures comply with the requirements laid down in this Regulation and Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security, and where the Commission proposes a Council implementing decision approving the National and Regional Partnership Plan of the concerned Member State in accordance with the procedure set out in Article 23 of Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security, it shall make a proposal for a Council implementing decision on the approval of those measures.
5. When making a proposal for a Council implementing decision on the measures that relate to the objectives set out in Article 3 of this Regulation, the Commission proposal shall lay down the elements referred to in Article 23(4) of the Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security, with regard to the objectives set out in Article 3.
6. The Council shall adopt the implementing decision referred to in paragraph 4, as a rule, within four weeks of the adoption of the Commission proposal and together with the implementing decisions referred to in Article 23, paragraph (1) [*Commission proposal and Council implementing decision*] of Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security.
7. Article 24 of the Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security on the amendment of Plans shall apply, provided that the Commission proposal and the Council Implementing Decision approving amendments of the elements listed in Article 23(4) only cover the objectives referred to in Article 3 of this Regulation.

#### *Article 5*

##### ***Transitional provisions***

This Regulation shall not affect the continuation or modification of the actions initiated under Regulation (EU) 2021/1149, which shall continue to apply to the actions concerned until their closure.

#### *Article 6*

##### ***Entry into force and application***

This Regulation shall enter into force on the [twentieth] day following that of its publication in the *Official Journal of the European Union*.

It shall apply from the date of application of Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security for the period 2028-2034.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels,

*For the European Parliament*

*For the Council*

*The President*

*The President*