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Towards an EU security industry strategy

SDA roundtable
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Towards an EU security industry strategy

The roundtable meeting looked at how Europe can tackle the problems caused by the fragmentation of Europe's security market. There was a broad welcome for new initiatives by the European Commission such as the Internal Security Strategy and the public policy consultations launched in March. Speakers also emphasized the need for closer cooperation between the private and public sector and, from the European side, the importance of including privacy requirements into the development of new technology.

Session I - Cutting through Europe's outdated national policies

Counter-terrorism technologies have made encouraging advances, so now it's the lack of more coherent EU-wide policies that is the problem. The time has come for EU member states to abandon competing national practises and devise common standards and a shared approach to research and innovation. Could public-private partnerships better develop the next generation of technologies, and if so, would that ensure that end-users get the right solutions at the right price? How can Europe foster greater interaction between technology developers and regulatory actors, and what forms of information exchange can aid this process? Is there a case for extending public research funding programmes to cover demonstration projects? Which of the various interested European Commission directorates should take the lead in determining and implementing a new EU security industry strategy?

Keynote Speaker

Włodzimierz Cimoszewicz, Member of the Foreign Affairs Committee of the Polish Senate, former Polish Prime Minister

Speakers

Bill Butler, Chief Executive, UK Security Industry Authority

Marco Malacarne, Head of Unit for Security Research and Development, Directorate General for Enterprise and Industry, European Commission

Reinhard Priebe, Director for Internal Security, Directorate General for Home Affairs, European Commission

Kevin Riordan, Technical Director for Airport and Critical Infrastructure Security Products, Smiths Detection, UK

Moderated by:

Giles Merritt, Director, Security & Defence Agenda

Session II - Devising an EU wide rulebook

Society's chief line of defence against terrorist attack is technology, but increased screening procedures of both passengers and freight cannot guarantee 100% protection. To what extent has front-line defence against terrorist attack fallen to the private sector? In the U.S., damage costs to private sector companies may yet top \$100bn, despite the protection the U.S. Safety Act offers industry. Are liability threats discouraging investment in advanced technologies, and should Europe respond by devising an EU-wide rulebook? How can the EU frame technology innovation, certification and liability rules? Can common capability requirements and criteria for the validation of security screening technologies be turned into competitive international standards? With EU member states favouring various approaches, what compromise proposal can be expected from the European Commission?

Speakers

Gérard Borel, General Counsel, Airport Council International

Allison N. Jetton, Attorney, Office of the General Counsel Science & Technology Directorate, US Department of Homeland Security

Jeffrey A. Taylor, Vice President and General Counsel, Integrated Defense Systems, Raytheon

Werner Vandenberg, Vice President, Security and Contingency, Brussels Airlines

Moderated by:

Giles Merritt, Director, Security & Defence Agenda

Towards an EU security industry strategy

Speakers



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Introduction

The global security industry is already worth over 100 billion euros and it is growing fast as governments and the private sector endeavour to develop products, procedures and technologies to cope with a seemingly ever-widening range of threats.

Some estimates suggest the market could more than double in value over the coming decade.

European companies have been at the forefront of developing key security technologies and account for over a quarter of the world market. But the lack of an effective common market within the European Union means European firms have to navigate through a complex web of competing national practices, stove-piped research and diverse standards that are holding back the European industry in its efforts to compete for a bigger slice of that lucrative market.

Worse still, the fragmentation of the market and lack of a clear common policy may be hampering the development and deployment of technology that could counter terrorist and criminal threats.

Barely 24 hours after the killing of Osama bin Laden thrust international terrorism back onto the world's front pages, a panel of high-level experts from the European Commission, businesses and national institutions from both sides of the Atlantic met for a roundtable

debate at the Security & Defence Agenda to examine the prospects for an EU security industry strategy that would enable both public authorities and the private sector to develop more effective responses to those new challenges.

Speakers stressed the need to overcome the fragmentation of the market and harmonise standards, certification procedures and regulations. There were calls for more public-private cooperation and more pan-European collaboration in areas ranging from government procurement to airport security systems.

“Without greater coordination and agreement among ourselves, we risk undermining the global competitiveness of the European industry and with the fragmented market, what chance is there of setting strategic requirements for our R&D investment?”

“Without greater coordination and agreement among ourselves, we risk undermining the global competitiveness of the European industry and with the fragmented

market, what chance is there of setting strategic requirements for our R&D investment?” asked **Kevin Riordan**, Technical Director for Airport and Critical Infrastructure Security Products at the British company Smiths Detection. “It is clear that at the moment, Europe is not competing with the United States,” he warned.

The second session emphasised the need for Europe to consider a US-style limited liability arrangement that would protect innovative companies from the risk of law suits should terrorists manage to breach their technology.



Risks and opportunities of the Arab Spring

Putting the debate in context, former Polish Prime Minister **Włodzimierz Cimoszewicz** used his keynote address to highlight the risks and opportunities emerging from the ongoing unrest in the Arab world and its potential consequences for security in Europe.

He called the events of the so-called Arab Spring a “satisfying failure” of the EU's Neighbourhood Policy, because the popular democratic movements which have sprung up in North Africa and the Middle East did so in spite of European policies which have backed authoritarian regimes in the name of stability.

“Major goals of stability have not been achieved, but if I say that paradoxically we may be satisfied with this, it is because in this region, in this part of the world we face not only potential troubles but also potential new chances and opportunities,” said Cimoszewicz, who is currently a member of the Foreign Affairs Committee of the Polish Senate. “There is a chance of democratizing at least some of those countries, creating regimes which are closer to the people and in this way they may become more stable.”

Cimoszewicz stressed that the changes in the region showed that: “there is an urgent need to review elements of Europe's foreign policy, especially Neighbour-

hood Policy.” Poland is likely to make such a review a priority of its presidency of the EU during the second half of 2011, he said, with a focus on economic and financial security, energy security, food security, border security and neighbourhood security. Full use should be made of the new foreign and security policy tools created within the Lisbon Treaty to strengthen the EU's Neighbourhood Policy and make sure that the EU is better equipped to respond to unexpected events, he added.

The EU has to be aware of the potential risks that could emerge from the Arab regional unrest including disruption of energy supplies and the prospect of Islamic fundamentalists expanding their sphere of influence. He said the EU had to use its influence in the region to counter such risks and encourage democracy without appearing offensive or paternalist.

For example, he said, Poland and some other EU nations could build on their experiences after 1989 to offer valued advice on building democratic infrastructure, political parties and independent media.

“The situation needs an urgent reaction, a wise reaction based on a deep knowledge of those countries and those people, and I think that it is not only a risk but also an opportunity,” Cimoszewicz concluded.

The curse of fragmentation

The opening session of the debate focused on “cutting through Europe's outdated national policies.” The aim

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was to examine how more coherent EU-wide policies could be developed to support advances in counter-terrorism made by industry. There were calls for more common standards and shared research, and discussion of public-private partnerships and the role of regulators in encouraging innovation. A recurring theme was the need to overcome the fragmentation of the European market and create a harmonized regulatory framework that would allow innovation to flourish and help European companies to better compete in global markets.

“The greatest challenge toward a European approach to security industry policy is the fragmentation of the market, which it is primarily institutional,” said **Marco Malacarne**, Head of Unit for Security Research and Development at the European Commission's Directorate General for Enterprise and Industry. “The main issues seem to us to be the absence of an EU-wide certification mechanism for security products and technologies.”

From the private sector, those concerns were picked up by Riordan from Smiths Detection, a British-based company that is a global leader in threat detection and screening technologies for the military, transportation and homeland security sectors, employing 22,000 people around the world and with global sales last year of 574 million.

Riordan said the EU needed a long-term policy direction

to maximise the opportunities created by public sector funding for research and development; the European Commission should provide a level playing field for European manufacturers and overcome the fragmentation of the market with more harmonized regulations and EU-wide standards.

“Even allowing for the very real differences between our regulatory and procurement models, it is clear that at the moment, Europe is not competing with the United States,” he said.

“The greatest challenge toward a European approach to security industry policy is the fragmentation of the market, which it is primarily institutional”

Riordan and others from the private sector welcomed new initiatives from the

European Commission such as the Internal Security Strategy announced in late 2010 and the public policy consultations on the issue launched in March.

Bill Butler, Chief Executive of the UK Security Industry Authority, agreed that there is “no consistent regulatory model” in Europe and cautioned that there is a “regulatory lag” which means the regulators are not keeping up with technology and other new developments. He stressed the need for the industry and regulators to maintain public confidence and trust in the development of new security technologies. “We need to be clear where modern regulation, new regulation, needs to focus in an industry context and I think what's important is that it needs to combine an industry partnership and public trust if it is to succeed.”

The need to maintain public support through allaying

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concerns that the increasing use of security technologies is infringing upon privacy was taken up by the Director for Internal Security at the European Commission's Directorate General for Home Affairs, **Reinhard Priebe**. "Any approach on security policy-making and especially when we get to regulations has to bear in mind the dimension of fundamental rights and data protection. I think that is what is the ambition of EU security policy making, that we build into our policy instruments these very important aspects." He also noted that the creation of a true common market for security technologies and services requires more political coordination and harmonisation in the EU. The recently launched Internal Security Strategy will help here in many ways. It puts forward a shared agenda for all stakeholders in the security sector and asks for a common assessment of risks and threats which is a prerequisite for common technical solutions.

Malacarne said the Commission was considering factoring privacy aspects into any future European certification system for security technologies, but contended that the industry should see Europe's concerns with privacy as a potential boost for competitiveness, rather than an additional burden.

"Public acceptance of new security technologies can, in our view, only be ensured if the societal dimension is taken on board from the start," he said, drawing an analogy with environmental concerns which turned out to provide European companies with a competitive

advantage in areas such as low-emission cars and wind technology. "If we can achieve the same in the security area, whereby European technology becomes a trademark for privacy-by-design, perhaps European industry may find new opportunities around the globe."

The question-and-answer session focused very much on the issue of Europe's competitiveness in global markets, with private sector representatives repeatedly arguing that Europe's lack of an integrated approach is holding the industry back.

"Any approach on security policy ... has to bear in mind the dimension of fundamental rights and privacy data protection."

Bill Giles, Director General Europe at BAE systems, focused on the issue of procurement and said European rules have to simplify and speed up procedures. "If we have too complex or too long a process the time from research through to final procurement risks being very long and we will be slow to market, we will be overtaken by American technology."

Giles pointed to the new EU Defence and Security Procurement Directive due to come into force in August which could allow member states, if not the Commission, to use more compact procedures. "If the European system is to work, we have to find methods at a European level that will allow the development of technologies, the development of products and the certification process to happen at a satisfactory speed. If we don't, it will fail to meet, most importantly, users' and customers' requirements, but it will also hinder and prevent industry from addressing the global market."

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The fact that airport metal detectors have such varied settings so that in some places a single coin will set off an alarm, whereas in others a pocket full of change will pass through without detection was used by **Jacques Cipriano**, Safran Group's Vice President for European Affairs, to illustrate the lack of coherent standards in Europe. "The problem is that it is so decentralised in Europe, not even at the national level but down to the local level, which can adjust the level of control to a local level of threat which is left to almost anyone to decide. You can combine this with the fact that the equipment used, the machinery used, is not standardized."

Private sector speakers also stressed the need for greater openness from their public authority counterparts to help them identify potential threats from terrorists or organized crime and prepare counter-measures. The complaint is that governments are increasingly demanding information from business, such as banking details or passenger data records, but that the authorities are often reluctant to share sensitive information with the security industry, even when that could speed up the development of new anti-terrorism technology. "What we require are clear standards. We also need help with testing," said Riordan. "We don't know if we can detect the list of threat materials that are usually classified. We need access to this information. We need to be on the inside of the tent. We need to know what

intelligence tells people, what the likely threat of choice or material of choice or vector of choice will be in the future."

That issue was taken up in the second session by **Werner Vandenberg**, Vice President for Security and Contingency at Brussels Airlines. He said that type of two-way exchange was happening more in the United States than in Europe. "We are talking a lot about public authorities and private entities working together. I'm looking forward to the day when that will really

"We are talking a lot about public authorities and private entities working together. I'm looking forward to the day when that will really happen, because we are still far away from that in Europe."

happen, because we are still far away from that in Europe. As I see it, the cooperation between the two means the private sector is giving information to the authorities and there, most of the time, the cooperation ends."

Wrapping up the first session, moderator **Giles Merritt**, Director of the SDA, asked whether the European security industry risked following the defence industry in slipping far behind the United States on world markets.

Answers from the panel were mixed, but most were optimistic. Butler said the industry was at, "a point of opportunity and my hope would be that we move forward and take that opportunity." Priebe said recent efforts to intensify the dialogue between public security authorities and the security industry at a European level were a step in the right direction and much appreciated by the private sector.

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“Fragmentation is an obstacle to progress,” said Malcarne. “But I’ve worked at the Commission for 25 years and I’ve always heard rumours that we’re not competitive in the world market. If those trends were true over 25 years, we should be out of the market, but we are still there. There are issues to take into account, but there are also activities and plenty of good ideas, let’s be optimistic and show that we can do it.”

Riordan, however sounded a note of caution, warning that there was a real risk of European industry slipping behind unless there are significant changes in policy. “That is precisely the risk we are trying to avoid,” he said. **“Fragmentation is an obstacle to progress”** “Being fragmented and having individual nation states quite properly looking after their interests means there won’t be an EU force or an EU market to compete globally and we’ll be doing it individually, as inefficiently as we do it today. That is the risk, and if you ask me, it looks highly probable that unless something changes fundamentally, that risk will be realised.”

Who pays after terror attacks?

The second session asked to what extent the private sector had become the front-line of defence against terrorist attack and, given that no technology can ever provide 100 percent protection, how can private companies protect themselves against the threat of damage claims when the terrorists manage to penetrate

their defences. In the United States, the Safety Act, introduced after the 9/11 attacks of 2001, sets a cap on business liability, but despite that, damage costs to private sector companies may yet top \$100 billion. Panelists considered whether Europe should develop a similar limited liability system and if the EU should build common requirement criteria for the certification and validation of security screening technologies.

Allison N. Jetton, Attorney in the Office of the General Counsel Science & Technology Directorate of the US DHS, suggested the US Safety Act could serve as an example for Europe.

“It’s been an approach that has worked for the US and we certainly would encourage our European colleagues to consider a framework that would work for them she told the meeting. “Anything that incentivizes the development and deployment of anti-terrorism technology heightens the level of security available.”

Before the act was introduced in 2002, the risk of litigation which could wipe out some companies had held back businesses from developing cutting edge technology. Since then, the legislation has been effective in giving them the confidence to move ahead, Jetton said.

“The policy of the US government is that technology is the best line of defence against terrorism and so that support to the security industry in developing and deploying anti-terrorism technologies to improve security in the places where civilians are most vulnerable is a

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very important characteristic of all of our approaches,” she told the conference.

Although Europe does not have the same litigation culture as the United States, **Jeffrey A. Taylor**, Vice President and General Counsel, Integrated Defence Systems at the Massachusetts-based defence contractor Raytheon, argued that the Safety Act puts European companies at a disadvantage.

“I would argue that puts US companies in an advantageous position vis-a-vis their counterparts in Europe, particularly when we are talking about deploying these technologies in the US,” Taylor said. “I would argue that it is appropriate from a business perspective and from a public policy perspective for you to begin looking at policies that would protect companies and protect that partnership before those legal developments reach this part of the world. It is very difficult to put those in place once the proverbial horse is out of the barn.”

Gérard Borel, General Counsel, Airport Council International, provided an alternative view, arguing that equipment manufacturers should share the responsibility for compensation with airlines and airports in the event of terrorist attacks.

“Manufacturers today seem to be asking for a specific limited liability,” he said. “I don’t see why manufactur-

ers should have less liability than the airlines which are not at all responsible for the problem. Manufacturers are selling their machines from the point of view that they are reliable. I think that they should also assume that they should be liable for them.”

As far as the international air transport system is concerned, airlines are already submitted to international convention defining a strict but capped liability. We should avoid an interfering and more limited liability for the other stakeholders of the industry chain, including manufacturers.

“The policy of the US government is that technology is the best line of defence against terrorism and so that support to the security industry in developing and deploying anti-terrorism technologies to improve security in the places where civilians are most vulnerable is a very important characteristic of all of our approaches,”

Taylor replied however that the security sector needed special protection given that it is different from other industries who don’t have “people out there working continuously to undermine your product” the way terrorists are doing for security products. When the question was thrown out to the floor there was broad support for that view.

“I can’t for the life of me see why anybody would want to oppose liability limitation so long as it does not give security industry servers and providers anything that other industries don’t enjoy,” said **Robert Draper**, President of Aerostrategies. “They are in the front-line where no others are, so my feeling is that this industry is not asking for particular protection, it is just asking

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for a level playing field with other industries.”

Earlier in the debate however, Reinhard Priebe, from the European Commission's DG Home Affairs, explained that the EU did not have any US-style limited liability legislation in the pipeline. “I'm not aware of any concrete thinking or initiatives or discussion in the Council working on this liability issue,” he replied in response to a question from **Brooks Tigner** editor of Security Europe. “I'm quite doubtful that this would lead to an EU harmonization initiative in this field, bearing in mind that liability in general is one of the core issues of national civil law,” Priebe added.

Werner Vandenberg from Brussels Airlines was the final speaker of the day. He returned to the problem of fragmentation, arguing that it continues to be a problem even where EU-wide rules are supposed to be in place, since member states tend to apply the rules in different ways or seek exceptions.

He referred to rules obliging airlines to match passenger IDs with boarding cards which was introduced in

2002, abolished in April 2010 then re-instated by several member states. Then there was the plan to partially lift restrictions on carry-on liquids which the Commission postponed on the very day it was due to come into force. Even the Schengen agreement on passport-free travel within the EU is applied differently by different member states, he said.

“Schengen is so diverse it is very difficult to understand it,” he complained. “I can only plead for the abolition of exceptions which member states still include in security regulations.”



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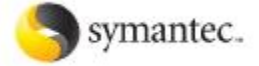
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