

Intelligence Law and Policies in Europe

Dietrich / Sule

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Intelligence Law and Policies in Europe

A Handbook

edited by

Jan-Hendrik Dietrich

Satish Sule


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Preface

Intelligence Cooperation in Europe is of fundamental and growing importance in view of the various common risks and threats that the European continent and the EU, in particular, are facing. They range from threats by terrorists as well as organised crime, to espionage, sabotage and cyber-attacks by third parties and countries. Most of the latter aim at undermining the democratic systems and shared values of European societies, the European Union and its Member States.

Furthermore, the Common Foreign and Security political approach of the European Union requires a functioning cooperation between European intelligence agencies. At the same time – particularly following the Snowden revelations – European citizens expect intelligence activities to be in line with values of democracy, the rule of law and human rights.

So far, there existed no extensive, deep analysis of intelligence work encompassing Europe under these aspects. This book aims to close this gap and offer a solid background for further objective, cross border European discussions. It takes into account the various facets of intelligence activities in Europe in a problem- and task-oriented way. It, thus, spans from general operational chapters on intelligence operations to intelligence cooperation within different policies in Europe, inside the EU but also on a bigger scale (e.g. NATO), to its legal frameworks including its organisational limits as well as those drawn by competence rules and fundamental rights and to expositions of the structures of several selected national intelligence communities.

We have been fortunate to win a number of eminent experts from relevant administrations, academia and civil society as authors for different chapters of our book. We are very grateful for their preparedness to take on the research for and drafting of chapters in their field of expertise.

European citizens may expect intelligence services of Europe – and particularly within the European Union – to cooperate as much as possible and necessary, in order to counter threats that are becoming increasingly difficult to tackle for each state on her own. It would contribute to jointly defend our democracies, the rule of law and fundamental rights as achievements on which Europe is built. Hence, we submit that European intelligence plays a substantial role.

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Jan-Hendrik Dietrich
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November 2018

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Abbreviations and Acronyms

ACH	Alternative competing hypothesis
AD	Anno Domini
ADDNI	Assistant deputy director of national intelligence
AFSJ	Area of Freedom, Security and Justice
AGI	Advanced geospatial intelligence
AIPAC	American Israel Public Affairs Committee
Aman	Agaf ha-Modi'in (Directorate of Military Intelligence, Israel)
AOR	Area of responsibility
ARA	Annual Risk Assessment
ARC	Analytic Resources Catalog
ATSA	Aviation and Transportation Security Act
AWF	Analysis Work File
BC	Before Christ
BfV	Bundesamt fuer Verfassungsschutz (Federal Office for the Protection of the Constitution, Germany)
BND	Bundesnachrichtendienst (Federal Intelligence Service, Germany)
BoF	Bits of Freedom
BRIXMIS	British Commander-In-Chief 's Mission to the Soviet Forces in Germany
BW	Biological weapons
CBRN	Chemical, biological, radiological and nuclear
CBW	Chemical and biological weapons
CCA	Crisis Coordination Arrangements
CCP	Consolidated Cryptographic Program
CDA	Congressionally directed action
CEO	Chief executive officer
Cfsp	Common Foreign and Security Policy
CI	Counterintelligence
CIA	Central Intelligence Agency
CIARDS	CIA Retirement and Disability System
CIG	Central Intelligence Group
CIRAM	Common Integrated Risk Analysis Model
CIS	Custom Information System
CJEU	Court of Justice of the European Union
CMA	Community Management Account
CMC	Central Military Commission (China)
CMS	Case management system
CNA	Computer network attack
CNE	Computer network exploitation
COI	Coordinator of information
COMINT	Communications intelligence
COO	Chief operating officer
CoOL	Consular Online
COREPER	Committee of Permanent Representatives
COREU	Correspondence Européenne
COS	Chief of station
COSI	Standing Committee on Operational Cooperation on Internal Security
COSPOL	Comprehensive Operational Strategic Planning for the Police
CPC	Central Point of Contact
CRS	Congressional Research Service
CRS	Crisis Response System
CSDP	Common Security and Defence Policy
CSIS	Canada's Security Intelligence Service (Canada)
CSRS	Counter Surveillance Reconnaissance System
CW	Chemical weapons
CYBERINT	Cyber intelligence
D&D	Denial and deception

Abbreviations and Acronyms

DARP	Defence Airborne Reconnaissance Program
DC	Deputies Committee (NSC)
DCI	Director of central intelligence
DCIA	Director of the Central Intelligence Agency
DCP	Defence Cryptologic Program
DDNI	Deputy director of national intelligence
DEFCON	Defence Condition
DG	Directorate-General
DGIAP	Defense General Intelligence and Applications Program
DGSE	Direction Générale de la Sécurité Extérieure, French Foreign Intelligence Service
DHI	Defense human intelligence
DHS	Department of Homeland Security
DI	Directorate of Intelligence
DIA	Defense Intelligence Agency
DICP	Defense Intelligence Counterdrug Program
DIS	Defence Intelligence Staff (Britain)
DISTP	Defense Intelligence Special Technologies Program
DITP	Defense Intelligence Tactical Program
DNI	Director of national intelligence
DO	Directorate of Operations (CIA)
DOD	Department of Defense
DOE	Department of Energy
DPSD	Directoire de la Protection et de la Sécurité de la Défense (Directorate for Defense Protection and Security, France)
DRM	Directoire du Renseignement Militaire (Directorate of Military Intelligence, France)
DS&T	Directorate of Science and Technology (CIA)
DST	Direction de la surveillance du territoire (Directorate of Territorial Surveillance, France)
EC	European Community
EC3	European Cybercrime Centre
ECHO	European Community Humanitarian Office
ECHR	European Convention on Human Rights
ECIM	European Criminal Intelligence Model
ECTC	European Counter Terrorism Center
ECtHR	European Court of Human Rights
EDA	European Defence Agency
EDSP	European Defense and Security Policy
EEAS	European External Action Service
EEC	European Economic Community
EIN	European Intelligence Communication Network
EJN	European Judicial Network
ELINT	Electronic intelligence
ENISA	European Union Agency for Network and Information Security
EO	Electro-optical; Executive order
EOD	Entry on duty
EPC	European Political Cooperation
ESDP	European Security and Defence Policy
ESS	European Security Strategy
ETA	Euskadi Ta Askatasuna (Basque terrorist organisation)
EU INTCEN	European Union Intelligence and Situation Centre
EU SITCEN	European Union Situation Centre
EU	European Union
EUMS INT	Intelligence Directorate of the EU Military Staff
EUMS	European Union Military Staff
EUROPOL	European Agency for Law Enforcement Cooperation
EUROSUR	European Border Surveillance System
EUSR	European Union Special Representative
EXCOM	Executive Committee
FAPSI	Federalnoe Aгенstvo Pravitel'svennoi Svyazi I Informatsii (Federal Agency for Government Communications and Information, Russia)
FASP	Foreign affairs and security policy

Abbreviations and Acronyms

FBIS	Foreign Broadcast Information Service
FCIP	Foreign Counterintelligence Program (DOD)
FIA	Future Imagery Architecture
FIPR	Foundation for Information Policy Research
FISA	Foreign Intelligence Surveillance Act
FISINT	Foreign instrumentation intelligence
FRAN	Frontex Risk Analysis Network
Frontex	Frontières extérieures (European Border and Coast Guard Agency)
FSB	Federal'naya Sluzba Besnопасnoti (Federal Security Service, Russia)
FSJ	Freedom, security and justice
GAO	Government Accountability Office
GCHQ	Government Communications Headquarters (Great Britain)
GDIP	General Defense Intelligence Program
GDP	Gross domestic product
GDR	German Democratic Republic
GEOINT	geospatial intelligence
GESTAPO	Geheime Staatspolizei (Secret State Police, Nazi Germany)
GMES	Global Monitoring for Environment and Security
GNP	Gross national product
GRU	Glavnoye Razedyvatel'noye Upravlenie (Main Intelligence Directorate, Russia)
GSC	General Secretariat of the Council
HCLU	Hungarian Civil Liberties Union
HSC	Homeland Security Council
HSINT	Homeland security intelligence
HUMINT	Human intelligence
I&W	Indications and warning
IAEA	International Agency for Atomic Energy
IGO	Intergovernmental Organisation
IMINT	Imagery intelligence
INR	Bureau of Intelligence and Research (Department of State)
INTCEN	Intelligence Analysis Centre
INTDIV	Intelligence Division of the European Union Staff
INTs	Collection disciplines (HUMINT, IMINT, MASINT, OSINT, SIGINT)
IPCR	Integrated Political Crisis Response
IRA	Irish Republican Army
IRTPA	Intelligence Reform and Terrorism Prevention Act
ISAA	Integrated Situational Awareness and Analysis
ISB	Intelligence Steering Board
ISG	Iraq Survey Group
ISR	Intelligence, surveillance, and reconnaissance
ISS	Internal Security Strategy
ISTAR	Intelligence, surveillance, target acquisition and reconnaissance
IT	Information technology
IWG	Intelligence Working Group
JCS	Joint Chiefs of Staff
JHA	Justice and home affairs
JIC	Joint Intelligence Committee (Britain)
JICC	Joint Intelligence Community Council
JIOC	Joint intelligence operations center
JMIP	Joint Military Intelligence Program
JTAC	Joint Terrorism Analysis Center (Britain)
JTTF	Joint Terrorism Task Force
KGB	Komitet Gosudarstvennoi Bezopasnosti (Committee for State Security, Soviet Union)
KJs	Key Judgments
LIBE	Committee on Civil Liberties, Justice and Home Affairs
LQDN	La Quadrature du Net
MASINT	Measurement and signatures intelligence
MD	VII Department for Crisis Response and Operational Coordination
MEP	Member of European Parliament
MI5	Military Intelligence Section 5 (Security Service, Great Britain)
MI6	Military Intelligence Section 6 (Secret Intelligence Service, Great Britain)
MIC	Monitoring and Information Centre

Abbreviations and Acronyms

MIP	Military intelligence program
MMT	Mission monitoring team
Mossad	Ha-Mossad Le-Modin Ule Tafkidim Meyuhadim (Institute for Intelligence and Special Tasks, Israel)
MS	Member State
NAC	North Atlantic Council
NATO	North Atlantic Treaty Organisation
NCC	National Coordination Centre
NCIX	National Counterintelligence Executive
NCPC	National Counterproliferation Center
NCS	National Clandestine Service
NCTC	National Counterterrorism Center
NFIP	National Foreign Intelligence Program
NGA	National Geospatial-Intelligence Agency
NGO	Non-Governmental Organisation
NHAI	National High Authority of Intelligence
NIC	National Intelligence Cell; National Intelligence Council
NIE	National intelligence estimate
NILO	National Intelligence Liaison Officer
NIM	National Intelligence Manager
NIMA	National Imagery and Mapping Agency
NIO	National intelligence officer
NIP	National Intelligence Program
NIPF	National Intelligence Priorities Framework
NKVD	People's Commissariat for Internal Affairs
NOC	Nonofficial cover
NRO	National Reconnaissance Office
NRP	National Reconnaissance Program
NSA	National Security Agency
NSC	National Security Council
NSL	National security letters
NSPD	National security policy directive
NTA	New Transatlantic Agenda
NTM	National technical means
OCTA	Organised Crime Threat Assessment
ODNI	Office of the Director of National Intelligence
OLAF	European Anti-Fraud Office
OPHQ	Operational Headquarters
OPS WAN	Operations Wide Area Network
ORCON	Origination controlled
OSC	Open Source Center
OSCE	Organisation for Security and Co-operation in Europe
OSD	Office of the Secretary of Defense
OSINT	Open-source intelligence
OSS	Office of Strategic Services
P&E	Processing and exploitation
PC	Principals Committee (NSC)
PDB	President's daily brief
PFIAB	President's Foreign Intelligence Advisory Board
PHOTINT	Photo intelligence
PIAB	President's Intelligence Advisory Board
PIOB	President's Intelligence Oversight Board
PIR	Prioritised intelligence requirements
PLO	Palestine Liberation Organization
PNR	Passenger name record
PPEWU	Policy Planning and Early Warning Unit
PROTINT	Protected information intelligence
PSC	Political and Security Committee
QFR	Question for the record
RAU	Risk Analysis Unit
RELEX	External Relations
RESINT	Research-originating intelligence
RIPA	Regulation of Investigatory Powers Act

Abbreviations and Acronyms

RG	Resignements Generaux (Central Directorate of General Intelligence, France)
RUSI	Royal United Services Institute
RMA	Revolution in Military Affairs
SALT	Strategic Arms Limitation Talks
SAR	Synthetic aperture radar
SAS	Special Air Service
SATCEN	EU Satellite Centre
SBSS	Space-based surveillance satellite
SCAN	Scanning, analysis and notification
SCUD	Soviet-made ballistic missile
SGAC	Senate Governmental Affairs Committee
SGHR	Secretary General/High Representative of the EU
SHAPE	Supreme Headquarters Allied Forces in Europe (NATO)
Shin Bet	Sherut ha-Bitachon ha-Klali (General Security Service, Israel)
SIAC	Single Intelligence Analysis Capacity
SIGINT	Signals intelligence
SIOP	Select Intelligence Oversight Panel
SIS	Secret Intelligence Service (Great Britain); Schengen Information System
SITCEN	Situation Centre
SITINT	Situational intelligence
SitRoom	EU Situation Room
SNIE	Special national intelligence estimate
SNV	Stiftung Neue Verantwortung
SOCINT	Socio-cultural intelligence
SOCMINT	Social media intelligence
SOCTA	Serious and Organised Crime Threat Assessment
SOE	Special Operations Executive
SOF	Special Operations Forces
SPA	Special political action
SSCI	Senate Select Committee on Intelligence
START	Strategic Arms Reduction Treaty
STASI	Staatssicherheit (Ministry for State Security, German Democratic Republic)
SVR	Sluzhba Vneshnei Razvedki (Foreign Intelligence Service, Russia)
SWIFT	Society for Worldwide Interbank Financial Telecommunication
TECHINT	Technical intelligence
TEK	Hungarian Anti-Terrorism Task Force
TELINT	Telemetry intelligence
TE-SAT	Terrorism Situation and Trend Report
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
TFTP	Terrorist Finance Tracking Program
TIARA	Tactical Intelligence and Related Activities
TOR	Terms of reference
TWP	Terrorism Working Party
U2	US built spy plane
UAV	Unmanned Aerial Vehicle
UK	United Kingdom
UN	United Nations
UNSCOM	United Nations Special Commission
USA	United States of America
USDI	Undersecretary of defense for intelligence
VIH	Virtual intelligence hub
VIS	Visa Information System
VoIP	Voice-over-Internet Protocol
WAAS	Wide area airborne surveillance
WEU	Western European Union
WKC	Watch-Keeping Capability
WMD	Weapon of mass destruction
WWII	Second World War

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