REF2021

Institution: Aston University
Unit of Assessment: 25 Area Studies
Title of case study: European and UK Internal Security Governance post-Brexit
Period when the underpinning research was undertaken: April 2016 to March 2019
Details of staff conducting the underpinning research from the submitting unit:

Name(s):	Role(s) (e.g. job title):	Period(s) employed by submitting HEI:
Dr Helena Farrand-Carrapico	Senior Lecturer	September 2014 to March 2019

Period when the claimed impact occurred: 2016 to 2019
Is this case study continued from a case study submitted in 2014? No

1. Summary of the impact

This case study reports impact on the governance of internal security policies at a time of political uncertainty:

1. At UK national level, Aston research underlined the numerous obstacles to the continued fight against organised crime and terrorism in a post-Brexit UK, contributing to making UK Civil Service departments and the UK Parliament aware of Brexit's consequences.

2. At the European level the case was made that the current European Union cyber security structure was not adequate to face cybercrime and other forms of digital insecurity, influencing the European Commission and the European Parliament's positions regarding the expansion of the EU Cyber Security Agency.

2. Underpinning research

Aston research has enabled a better understanding of how different forms of Brexit might impact UK-EU police and judicial cooperation, one of the cornerstones of Britain's internal security.

To address transnational security threats (e.g. organised crime, terrorism), the UK has since the early 1990s participated in EU judicial and police cooperation instruments. The latter supported the exchange of data and intelligence between Member States that has been crucial in ensuring that escaped suspects are returned to requesting countries for trial, among other benefits. Depending on what form Brexit takes (hard Brexit versus Prime Minister May's deal), UK access to these instruments will come to an end.

Dr Helena Farrand-Carrapico's research has explored the consequences of a non-agreement (hard Brexit), or of different forms of agreements (soft Brexit: EEA, bilateral, bilateral sectoral, and Comprehensive agreement) on the functioning of the UK's law enforcement and judicial system (**R1**). This is particularly relevant as the European Union has emphasized that any future security agreement will never be as beneficial as the UK's current membership and that the UK will not be able to replicate the depth of the current instruments. As there is no template for the level of cooperation that the UK would like, and that a number of these instruments are not open to non-EU and non-Schengen countries, there's a clear risk that cooperation with the EU will decline in the future, with negative consequences for the security of the UK. Funding from the ESRC, British Academy and the Home Office (**G1**, **G2**) enabled the collection of data, the writing of a number of dissemination pieces (including policy pieces), and engagement events to disseminate the findings.

At the European level, Dr Farrand-Carrapico's research on EU cyber security from April to September 2016 was funded by the Aston Centre for Europe and by the European Commission (**G3**). EU cyber security policy is structured along three pillars: 1) cyber crime and law enforcement, 2) critical information infrastructures and 3) defense. Despite being a very recent overall policy field, its sub-areas were developed at different times in the recent history of the EU and by diverse actors/approaches. As a result, it does not behave like the coherent and unified policy field that the EU describes it to be. Rather, it is characterized by considerable

communication and cooperation problems, preventing it from being efficient (**R2**). By discussing these problems and highlighting the role of the recent EU cybersecurity agency (ENISA), this work has contributed to the re-definition of this agency's role and mandate. The article published in the Journal of Common Market Studies (**R3**) argued that this field's lack of coherence is preventing the EU from developing a properly functioning policy and adequately addressing cyber insecurity. This arose through the co-existence of a large number of EU institutions and bodies working in this policy field that fail to coordinate their activities and understandings of security threats. It was suggested that EU cybersecurity policy could become more effective and internationally recognised were there an effort to speak with one voice in this area together with a centralisation of EU activities under a larger cybersecurity body. This work has influenced the positions of the European Commission and of the European Parliament, as detailed in Section 4.

3. References to the research

R1 Carrapico, H. et Al. (2018) *Brexit and Internal Security- Political and Legal Concerns in the context of the Future UK-EU Relationship*. Palgrave Pivot.
https://www.palgrave.com/gb/book/9783030041939 ; DOI https://doi.org/10.1007/978-3-030-04194-6

R2 Carrapico, H. and B. Farrand (2016) "*Dialogue, partnership and empowerment for network and information security*", *Crime, Law and Social Change*, Vol. 67 (3): 245- 263. DOI
https://doi.org/10.1007/s10611-016-9652-4

R3 Carrapico, H. and A. Barrinha (2017) "The EU as a coherent actor in the field of cyber security", Journal of Common Market Studies. Vol. 55 (6): 1254- 1272. DOI
https://doi.org/10.1111/jcms.12575

Research Funding
G1 Project 'The Impact of a possible Brexit on the UK's Internal Security', funded by the ESRC's UK in a Changing Europe Programme, individual application (£9,900).

G2 British Academy Rising Star Engagement Award, individual application (£14,900)

G3 SMART 2016/0077- Study on the Evaluation of the European Union Agency for Network and Information Security Agency.

Evidence of research quality are that research outcomes have been published in peer-reviewed journals and, in monograph-form, by established academic press imprints (Palgrave) and by securing competitively-awarded research funding from established UK and EU bodies.

4. Details of the impact

Impacts on UK policy debate
Aston research has informed the views of the House of Lords by making them aware of the consequences that different forms of Brexit could have for the UK's internal security. Dr Farrand-Carrapico gave oral evidence to The House of Lords sub-Committee on EU Home Affairs, on the 21st of March 2018, during their inquiry on the future UK-EU security agreement (**S1**). The oral evidence was published on the House of Lords' website and has been integrated into an official House of Lords report aimed at informing the UK Government with her evidence cited four times throughout the report (**S2, citations highlighted within**). The research underpinning the evidence is reported in the *Brexit and Internal Security* book (**R4**), which has been reviewed and endorsed by Lord Jay of Ewelme, Chairman of the House of Lords European Union Home Affairs Sub-Committee. On the back cover (**S3**), he states '*The potential impact of Brexit on the United Kingdom's internal security is huge – and often misunderstood. This book looks at the issues coolly and clearly and proposes sensible ways forward. It is essential reading for practitioners and academics – whatever their views on Brexit'*.

Impacts on EU policy debate
At the European Union-level, the research (**R1**, **R2**, **R3**) was disseminated through policy workshops that were attended by several European institutions and agencies as well as direct meetings with the European Commission.

This form of dissemination led to an invitation to integrate the project SMART 2016/0077- Study on the Evaluation of the European Union Agency for Network and Information Security Agency (ENISA) (**G3**). The resulting '*Study on the Evaluation of the European Union Agency for Network and Information Security'*(**S4**) was published as a Commission report in September 2017. It proposes the increase of the EU Cybersecurity Agency's mandate and its competences, and makes direct reference to Dr Farrand-Carrapico's research (**S4**).

The study (**S4**) served as a basis for:

1) the European Commission's Proposal for a Regulation of the European Parliament and of the Council on ENISA;

2) the EU Cyber security Agency;

3) repealing Regulation 526/2013, and

4) on Information and Communication Technology Cybersecurity Certification, also known as the Cybersecurity Act (referenced on pg 18 of **S5**).

The latter includes the suggested changes to ENISA's mandate and competences (**S5**), agreed on by the Commission, the European Parliament and the Council in December 2018 (**S6**). The impact of the study (**S4**, **annex 5**) on the creation of the proposal is quite clear (**S5**) given that the proposal was published by the European Commission with the study as an attached impact assessment.

Additionally, Dr Farrand-Carrapico's *Journal of Common market Studies* article (**R3**) on the topic is referred in a European Parliament study entitled '*Achieving Sovereign and Trustworthy ICT Industry in the EU*' from December 2017 (**S7**), underlying the need to create coherence in EU cyber security.

5. Sources to corroborate the impact

S1 Transcript, oral evidence provided to the House of Lords, 18 March 2018: http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/eu-home-affairs-subcommittee/brexit-the-proposed-ukeu-security-treaty/oral/81352.html

S2 House of Lords' report on Brexit and Internal Security (Dr Farrand-Carrapico's evidence referenced in paras 68, 71, 120, 140): House of Lords Report - https://publications.parliament.uk/pa/ld201719/ldselect/ldeucom/164/164.pdf

S3 Back cover of the book Brexit and Internal security with endorsement by Lord Jay of Ewelme: https ://www.palgrave.com/gp/book/9783030041939#reviews

S4 Study on the Evaluation of the European Union Agency for Network and Information Security: https://ec.europa.eu/transparency/regdoc/rep/10102/2017/EN/SWD-2017-500-F1-EN-MAIN-PART-2.PDF; Study by Ramboll, contributions from Dr Helena Farrand-Carrapico; references to Dr Farrand-Carrapico research highlighted on pp 105, Appendix 2, pp 4– Bibliography, Appendix 5, pp 4, pp 7 – Comprehensive SWOT analysis

S5 Proposal for a Regulation of the European Parliament and of the Council on ENISA, the 'EU Cybersecurity Agency', and repealing Regulation EU 526/2013 https://eur-lex.europa.eu/resource.html?uri=cellar:1985b4b4-985e-11e7-b92d-01aa75ed71a1.0001.02/DOC_4&format=PDF - *reference to S4 highlighted on pp 18*

S6 Web-clip dated 11 December 2018: European Commission News reporting that the Cybersecurity Act (S5 above) was agreed by the European Parliament on 10 December 2018

S7 European Parliament study 'Achieving Sovereign and Trustworthy ICT Industry in the EU http://www.europarl.europa.eu/RegData/etudes/STUD/2017/614531/EPRS_STU(2017)614531_EN.pdf; R3 referenced on pp 105, 1st paragraph in 4.3.1