

The move to Hollywood

Washington, 11 March 2008

Agreement between the Government of the Federal Republic of Germany and the Government of the United States of America On enhancing cooperation in preventing and combating serious crime

(signed but still not ratified)

Contexts: transition periods?

_2005: Constitutional Treaty (referenda)

_2007: Treaty of Lisbon

_2008: US-EU agreement(s) on data protection / bilateral diplomacy / VWP

Memberships & Actors

	Prüm Treaty	Prüm Decision	US-DE Agreement
Membership	DE-AT-BE-NE-LUX-ES-FR + IT-FN-SL-PT-HU-RO-BG-...	27 EU MSs	US & DE + HU/LT/LV/SK/ET/CS/??
Actors	Ministries of Justice/Home/FA EU institutions National Parliaments DPAs	EU MSs (COREPER) EU institutions National Parliaments DPAs	US & DE DHS German Ministries Interior & Justice German Parliament DE trade unions DE DPAs DE civil society
Legal frame	International Treaty	EU legal framework: Third pillar Consultation	International Treaty

_a semi-open configuration of relations among actors and fields, originally build in order to leave to some actors a major capacity to decide how and when open the structure, or resist to external pressures

Core Contents: Which Core? Which Provisions?

	DNA	FP	Vehicle registration	Major events	Supply of data	Police cooperation	Air marshals	Measures in event of imminent danger	Immigration & document	Ad hoc data protection frame
Prüm Treaty	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Prüm Decision	✓	✓	✓	✓	✓	✓	✗	✗	✗	✓
US-DE Agreement	✓	✓	✗	✗	↑	✗	✗	✗	✗	↓

Divergences & Resistances

↑ supply of personal and other data in order to prevent terrorist offenses

↑ transmission of Special Categories of Personal Data

↓ data subject's rights

↓ role of data protection authorities

_increase in powers of states' & law enforcement agencies

_decrease of citizens' rights & DPA's powers

_resistances coming from several actors

Final considerations

_new configurations of power relations can ultimately risk creating **distortions** detrimental to the values and the forms of European integration

_take care of the different stages of security policies definition:

- ↑ the initial definition of threats and instruments (behind closed doors)
- ↓ the public debate (limited and influenced by symbolic struggles)
- ? the real implementation (*out of sight, out of mind*)

_”ping-pong” extra-territorialization as a challenge to resistances:

is it possible to avoid the geographical trap?