

# Ethics Summary Report

<b>Call Reference</b>	H2020-SU-SEC-2019
<b>Proposal Number</b>	883359
<b>Acronym</b>	

## Ethics Issues

### Humans

<b>Does this research involve human participants?</b>	<b>Yes</b>
<b>Are they volunteers for social or human sciences research?</b>	<b>Yes</b>
<b>Are they persons unable to give informed consent?</b>	<b>Yes</b>
<b>Are they vulnerable individuals or groups?</b>	<b>Yes</b>
<b>Are they children/minors?</b>	<b>Yes</b>
<p><b>Comments</b></p> <p>Details on how the consortium (hereinafter, "applicant") will address all ethics issues concerning humans are not clearly provided. The project involves human participants, including volunteers participating in training activities (i.e. coast guard training) and workshops through surveys and interviews. In addition, the project will be tested in large-scale demonstrations through a mix of simulation activities and experimental setups in operational settings in 4 separate scenarios concerning: drug trafficking, maritime rescue, terrorist operations, and surveillance in a complex natural environment.</p> <p>The project includes activities that may involve vulnerable groups such as refugees and asylum seekers, including minors. Information on the involvement of these individuals/groups is not clearly provided. As refugees and asylum seekers may be involved in the research activities, they may not be able to give informed consent.</p> <p>The proposal does not clarify how the potential tracking of humans from the systematic monitoring of vehicle activities will be addressed.</p>	

### Protection of personal data

<b>Does this research involve personal data collection and/or processing?</b>	<b>Yes</b>
<b>Does it involve tracking or observation of participants?</b>	<b>Yes</b>
<b>Does this research involve further processing of previously collected personal data (secondary use)?</b>	<b>Yes</b>

### Comments

The project includes the collection, processing, storage, retention, and transfer of personal data (i.e. maritime data fusion, tracking, location positioning), including data supplied by in-situ monitoring systems combined with other relevant data sources, such as satellites [REDACTED]. This data collection will also include new real-time data collected through various new techniques [REDACTED]. The project data is collected, processed, and filtered by the sensors of monitoring systems and sent to a data management hub with a highly responsive web portal [REDACTED]. The project is based on profiling threat perceptions via surveillance and monitoring activities, including processing on a large scale of data that are largely personal data.

The project involves different research methodologies such as interviews, surveys, workshops, and demonstrations that will utilise new technologies, including AI modules, UAVs and UUVs, and multimedia applications. The collected personal data is aimed to be combined with other relevant existing data sources such as satellites (i.e. Copernicus Earth Observation Programme, GEOSS and Automatic Identification System – AIS data) and social networks.

While the proposal makes reference to tracking, it appears to be the case that only sea vessels will be tracked (no individuals will be tracked); however, this may still constitute personal data processing for small individual vessels. While the secondary use of previously collected personal data is only mentioned in a generic way [REDACTED]), the details are not discussed elsewhere in the proposal. Hence, it is unclear what types of data are to be processed. It seems highly likely that such data would indeed be needed in order to achieve the goals of the project (for instance, a register of information regarding sea vessels and their owners).

In general, the ethics issues concerning data management, including personal data, are addressed in the project only in a general way.

### Third countries

<b>In case non-EU countries are involved, do the research related activities undertaken in these countries raise potential ethics issues?</b>	<b>Yes</b>
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#### Specify the countries involved:

[REDACTED] is member of the [REDACTED] consortium.

<b>Is it planned to import any material – including personal data – from non-EU countries into the EU?</b>	<b>Yes</b>
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#### Specify material and countries involved

Personal data, surveillance data, as well as data concerning security missions and technologies, will be imported from [REDACTED].

<b>Is it planned to export any material – including personal data – from the EU to non-EU countries?</b>	<b>Yes</b>
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#### Specify material and countries involved

Personal data, surveillance data, as well as data concerning security missions and technologies, will be exported from the EU to [REDACTED].

<b>Could the situation in the country put the individuals taking part in the research at risk?</b>	<b>Yes</b>
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### Comments

The project involves training and demonstrations that will be organised in live situations in higher security risk environments, including outside the EU. Those activities have the potential to put participants and bystanders (e.g. refugees and asylum seekers) at risk.

### Environmental protection and safety

<b>Does this research involve the use of elements that may cause harm to the environment, to animals or plants?</b>	<b>Yes</b>
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<b>Does this research involve the use of elements that may cause harm to humans, including research staff?</b>	<b>Yes</b>
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### Comments

The project aims to develop and use a versatile and powerful maritime patrol platform consisting of unmanned aerial vehicles (UAVs) and unmanned underwater vehicles (UUVs). However, consequent potential risks to humans and the environment are not discussed in sufficient detail. Also, only limited details are provided on the measures taken to mitigate these risks.

### Dual use

<b>Does this research have the potential for military applications?</b>	<b>Yes</b>
<p><b>Comments</b></p> <p>The project aims to improve the competitiveness of Europe's defence industry by developing dual-use technology. Very often, this is stressed in the language used in the proposal. For instance, the proposal refers to military language in several occasions, e.g. [REDACTED] "The platform will significantly enhance maritime situational awareness and sharing, decision making and operations management in the maritime domain both at the strategic level and at the tactical level [REDACTED] The applicant refers to possible issues of dual use [REDACTED] but does not clarify which items are involved.</p> <p>The applicant has provided responses to the two rounds of requests for additional information on the potential dual use implications of the project, but did not clarify which items are covered under Annex 1 of Regulation 428/2009 and did not satisfactorily address the implications of dual use items.</p>	

<b>Exclusive Use on Civil Applications</b>	
<b>Could this research raise concerns regarding the exclusive focus on civil applications?</b>	<b>Yes</b>
<p><b>Comments</b></p> <p>The project claims that the enhancement of [REDACTED] are major objectives of the proposal. The proposal involves defence industry end-users. The proposal also aims to improve the competitiveness of Europe's defence industry by developing dual use technology. The project raises serious concerns regarding its objectives, scope, and exploitation strategy, in addition to end-users being from the defence sector.</p> <p>In its response letter to the Additional Ethics Info Report dated 11 November 2019, the applicant did not sufficiently clarify how the exclusive focus of the project is on civil applications as required within the Horizon 2020 programme. The possibility that the project is not focusing exclusively on use in civil applications is reflected in several parts of the proposal and not only in the quoted phrases in the response letter. Very often, this is stressed in the language used throughout the proposal, e.g. [REDACTED]; "The platform will significantly enhance maritime situational awareness and sharing, decision making and operations management in the maritime domain both at the strategic level and at the tactical level; [REDACTED]</p> <p>Additional information was requested on this issue. In its response letter to the second Additional Ethics Info Report dated 8 January 2020, the applicant provided additional information on the potential use of non-civil (i.e. military) applications. It states that [REDACTED] However, the applicant has failed to demonstrate the ways in which the project will have an exclusive focus on civil applications. The duality of the military performing civilian activities by its very nature demonstrates the impossibility of an exclusive focus that is fully motivated by and limited to civil applications and non-military activities. Moreover, the exploitation strategy as indicated in the Description of Action clearly indicates the defence market as primary target end-users. For example, in [REDACTED] the proposal states: [REDACTED]</p> <p>[REDACTED]</p> <p>In addition, on [REDACTED] is stated: [REDACTED]</p>	

<b>Misuse</b>	
<b>Does this research have the potential for malevolent/criminal/terrorist abuse?</b>	<b>Yes</b>

## Comments

The project involves developing security-sensitive materials, methods, and technologies that can be used by unauthorised parties. For instance, the methods and specifications of the system may become available to potential criminals or terrorist groups. In addition, and for example, if surveillance data collected within the project or technologies and vessels developed by the applicant (UAV, UUV, platform) were exposed to unauthorised access, this would bring about serious danger, in particular threats concerning terrorist attacks, drug trafficking, and other illicit acts concerned with borders and maritime security.

## Identified Ethics Issues

The project raises a large number of complex ethics issues, including research involving human participants, personal data processing, safety concerns for research staff and participants, dual use implications, potential for misuse of research results, and most importantly, research that may not have an exclusive use on civil applications.

## Analysis of the ethical dimension

The [redacted] project raises many ethics issues, some of which are acknowledged in the project proposal [redacted]. However, the applicant does not show full awareness of the implications and related measures to be put in place to address the ethics issues identified.

A major ethics issue that remained unclear, both from the Ethics Screening conducted in November 2019 and the first Ethics Assessment conducted in December 2019, was whether the proposal fulfils the H2020 requirement for research that has an exclusive focus on use in civil applications. The [redacted] project proposal, in the Description of Action, indicates a military focus, with potential for civil applications as well. The project claims that [redacted]

The project also involves the key players mentioned in the market report and the primary distribution partners are presented as world leaders in the defence industry. In addition, the [redacted] proposal also states [redacted]

The Additional Ethics Info Report dated 11 November 2019 stated that "Article 19 of the Regulation 1291/2013 establishing Horizon 2020, which addresses ethics, lists several requirements (i.e. compliance with ethical principles and relevant national, EU and international legislation) and limits the scope of the framework programme by excluding a number of research areas from funding. In particular, Article 19(2) stipulates: "Research and innovation activities carried out under Horizon 2020 shall have an exclusive focus on civil applications". The first Letter of Clarification (dated 20 November 2019) provided by the [redacted] Project Coordinator to the panel did not sufficiently clarify this issue of exclusive focus. The Letter of Clarification stated that the usage of the phrase "the improvement of the competitiveness of Europe's defence industry" was not the best choice of words and these words should be replaced by the phrase as follows: "the improvement of the competitiveness of Europe's providers of security technologies." However, the Letter provided a limited explanation on the main focus of the project proposal being civilian. To the contrary, the proposal clearly reflects at its core that the aim of [redacted] is to support European defence industry, cost-cutting measures within this industry, and making countries otherwise not competitive in the defence sector more competitive and able to equip themselves.

In January 2020, the applicant (through the project coordinator) provided a second Letter of Clarification to an additional Request for Information (i.e. the Additional Ethics Info Report dated 8 January 2020), which was based on the first Ethics Assessment undertaken for this proposed project in December 2019. The Request for Information asked for additional information on two aspects regarding the Horizon 2020 funding requirement for an exclusive focus on civil applications: (1) Explanation regarding the \*exclusive\* civilian focus of the research; and (2) Justification of the inclusion of military partners or military technologies (i.e. explain how they relate to civilian applications, e.g. in the context of law enforcement activities).

The panel notes that with regard to the second aspect requiring clarification - justification of the inclusion of military partners or military technologies - the response from the applicant that projects involving the defence industry or military organisations are not automatically excluded from funding, and that research on defence related subjects may still qualify for funding, as long as its aims are exclusively focused on civil applications. However, the first aspect, concerning the exclusive civil focus of the research, remains as an ethics issue and is addressed below:

Explanation regarding the \*exclusive\* civil focus of the research

In the second Letter of Clarification, the applicant states that [redacted]

[redacted] and that [redacted]

[redacted] The applicant does not deny that the findings of the project may also have a beneficial outcome for military purposes, stating: [redacted] and that: [redacted]. The applicant also acknowledges that the technologies which are in demand for civilian reasons of the research " [redacted]. The applicant states [redacted].

However, the applicant has failed to demonstrate the ways in which the project will have an exclusive focus on civil applications. The duality of the military performing civilian activities by its very nature demonstrates the impossibility of an exclusive focus that is fully motivated by and limited to civil applications and non-military activities. Moreover, the exploitation strategy as indicated in the Description of Action clearly indicates the defence market as primary target end-users. For example, in [redacted] proposal states: [redacted]

[redacted] is stated:

[redacted] In addition, on [redacted]

## Ethics recommendations

The applicant is reminded that the General Data Protection Regulation 2016/679 entered into force on 25 May 2018. Under the Regulation, the data controllers and processors are accountable for the data processing operations. Any violation of the data subject rights may lead to sanctions as described in Chapter VIII, art. 77-84.

## Ethics Opinion

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