

## CoE CYBERCRIME CONVENTION 10<sup>TH</sup> ANNIVERSARY CONFERENCE

- The European Union is pleased to join the anniversary celebration for the 10<sup>th</sup> anniversary of the Cybercrime Convention. Our warmest congratulations to the Council of Europe.
- The Convention is the first international treaty setting out a **global framework** for harmonizing legislation against cybercrime, and promoting international cooperation. It is also the only comprehensive treaty on cybercrime that exists today.
- Ten years seem ages in cyberspace. It is however remarkable how valid the core provisions of the Convention still are up to this day, and a number countries from outside Europe either joined or are considering to do so in the future, as we heard this morning.
- It is not the moment to speculate whether the Convention is a perfect document in all its parts. It is nevertheless the most comprehensive instrument we have today, and its **ratification** well beyond the members of the Council of Europe, indeed worldwide, would bring the fight against cybercrime a significant step forward. Irrespective of formal accession we have also seen how the Convention became the guideline for a number of countries to introduce their national cybercrime legislation.
- Suggestions have been made recently that we should envisage **a new framework, a new global treaty**. We are, to say the least, sceptical on this. It seems to us that the chances of arriving at a new – and better – legal instrument at a global level are not very high, and certainly not high enough to merit opening global negotiations. Although the recent London Conference on Cyberspace highlighted again the global interest and dedication of many countries to enhanced cooperation in this area, it has also shown how difficult it would be to embark on such venture and even a non-binding code of conduct on the rules and norms of behaviour on the Internet could take considerable time to be agreed at international level. So probably the best way forward is that the Budapest Convention should remain the relevant framework. The Council of Europe should reflect on how to further develop the Convention framework in the face of new challenges.

- The European Union is very active in the fight against cybercrime, and the Commission on behalf of the European Union is taking a number of **concrete steps** to encourage the implementation and ratification of the Convention amongst all EU Member States.
- The 2010 **Stockholm programme**, entitled 'An open and secure Europe serving and protecting citizens', gives clear support to the CoE Cybercrime Convention within the EU, but also globally. As stated in this programme, "[a]s soon as possible, Member States should ratify the 2001 Council of Europe Cyber-crime Convention. This Convention should become the legal framework of reference for fighting cyber-crime at global level."
- To set the best example for others to follow, the European Union should see **nine of its Member States**, which have not yet ratified the Convention, to do so as soon as possible. To that effect, the European Commissioner Cecilia Malmstrom and the Deputy-Secretary General of the Council of Europe, Maud de Boer-Buquicchio, sent jointly **letters** last June to Foreign Affairs Ministers of the remaining EU Member States to ratify the Convention without delay.
- Ratification of the Convention is also a priority for the **EU-US Working Group** on Cyber-security and Cyber-crime and will be an item on the agenda of the upcoming EU-US Summit next week.
- We should also ensure better operational cooperation among law enforcement agencies. This is not only a desired consequence of the Convention's ratification, but it can also be a factor facilitating it. The European Commission is currently working on setting up of a **European Cybercrime Centre**, which should be operational in 2013. This centre will be the focal point for Europe's fight against cybercrime, and it will also promote operational cooperation with non-EU countries.
- Indeed we should not stop at EU borders. The European Union and the Council of Europe should further reinforce their cooperation on concrete **capacity building projects worldwide**. A number of successful examples of such projects exist already, including for example Georgia, the EU pre-accession countries in Southeast Europe, Eastern partnership countries and ASEAN countries.

- The European External Action Service and the European Commission are also currently looking into how its **Instrument for Stability** could be used from 2012-2013 to enable suitable partner countries to sign the Convention by providing financial assistance for legislation and law enforcement in the field of cybercrime and cyber-security.
- To facilitate this process, an important **event is scheduled for the 9<sup>th</sup> of December** entitled 'EU Efforts in Cyber Security Capacity Building and Enhancing Law Enforcement Capabilities in Third Countries'.
- The aim of this workshop will be to collect the views and experiences of cyber experts in the EU Member States and in international organisations with a view to designing EU external policies and EU external financial assistance that will address the growing global threat from cybercrime.
- Fight against cybercrime is one of the five overall priorities of the EU's Internal Security Strategy adopted last year. Many specific actions are being taken. This includes also the already mentioned proposal to replace the existing Framework Decision on Attacks against Information Systems with a Directive. This Directive is not intended to supplant the Budapest Convention but will complement it. I am confident that there will not be the slightest conflict between the Convention and the Directive, once it has been adopted. One of the motivations of the proposal explicitly refers to the Budapest convention.
- Having briefly outlined the EU's activities related to the fight against cybercrime I would like to commend the **excellent cooperation** between the EU and the Council of Europe in this particular area, like in many other areas. And I very much share what SG Jagland pointed out this morning, that we should all seek complementarity rather than duplication. I think on this particular subject we have succeeded in achieving this complementarity.
- Let me end by calling again on those **nine EU member states** that have not yet ratified the Convention to do so without delay. The EU should set the example for the rest of the world, and the Commission is ready to provide support to those Member States in the process.
- Thank you.