

EU developments

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European Commission

Directorate-General Justice, Freedom and Security



1. New EU Treaty (Lisbon Treaty)

- From 1 Dec 2009
- Treaty on European Union (TEU), Treaty on the Functioning of the EU (TFEU, former TEC) – equal legal value.
- ‘Computer crime’ one of ‘Eurocrimes’ mentioned in the Treaty (art 83)
- **No pillar structure**, but COMM and a quarter of MSs (now 7) share the right of initiative in the JHA area:
 - ✓ Qualified majority voting (QMV) with the European Parliament
 - ✓ Directives (no Framework Decisions used previously)

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1. New EU Treaty (Lisbon Treaty)

- **Emergency break and enhanced cooperation**
 - ✓ To protect MSs' interests – possibility of referral to the European Council for unanimous decision
 - ✓ If still disagreement – enhanced cooperation (minimum 9 MSs)
- **Opt-outs / opt-ins**
 - ✓ Concerns the UK, DK and IRL
 - ✓ Issue of continuity in JHA area

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1. New EU Treaty (Lisbon Treaty)

- **The Court of Justice and the transitional period**
 - ✓ The Court now fully competent in JHA (except police operations and maintaining law and order)
 - ✓ Infringements and penalties for non-communication of implementation of EU legislation
 - ✓ but not before 2015 (transitional period)
- **National parliaments**
 - ✓ 8 weeks to scrutinize subsidiarity and proportionality

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2. International Cooperation

- **EU-US expert meeting on cybercrime**
 - ✓ Establish a trusted, secure **platform** for exchanging information and establishing contact between public & private sectors
 - ✓ Joint effort to strengthen the voice of law enforcement in **Internet governance** (ICANN/RIPE)
- **Safer Internet Conference in Moscow**
 - ✓ Raised awareness about reporting and fighting child abuse images (Hotlines)

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3. New multiannual JHA programme – Stockholm programme 2010-2014

- **Sexual exploitation of children and child pornography**
 - ✓ new **legislation** on combating sexual abuse, sexual exploitation of children and child pornography
 - ✓ promote **partnerships** with the private sector, including the financial sector in order to disrupt the money transfers related to websites with child abuse content (European Fin. Coalition)
- **Cyber crime**
 - ✓ promote **legislation** that ensures a very high level of network security and allows faster reactions in the event of cyber-attacks (Directive on attacks against information systems - 2010)

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3. New multiannual JHA programme – Stockholm programme 2010-2014

- ✓ As soon as possible, Member States should ratify the 2001 **Council of Europe Cybercrime Convention**. This Convention should become the legal framework of reference for fighting cyber crime at global level
- ✓ Europol to play a role in **European alert platform** on Internet-related offences
- ✓ Europol to set up **strategic analysis** on cyber crime
- ✓ Union should also clarify the rules on **jurisdiction** and the legal framework applicable to cyberspace within the Union, including how to obtain evidence in order to promote cross-border investigations.

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Thank you



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