EU developments

Jakub Boratyński
Head of Unit F2 - Fight against Organised Crime
Directorate-General Justice, Freedom and Security (DG JLS)
European Commission
jls-cybercrime@ec.europa.eu



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)



1. New EU Treaty (Lisbon Treaty)

- Emergency break and enhanced cooperation
 - ✓ To protect MSs' interests possibility of referal 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



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







2. International Cooperation

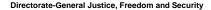
EU-US expert meeting on cybercrime

- 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)







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)

Living in an area of freedom, security and justice

Directorate-General Justice, Freedom and Security











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 Internetrelated 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.



