

Cybercrime – Council conclusions (JHA Council, October 2008)

The Council adopted the following conclusions:

"The Council, recalling that:

1. one of the objectives of the European Union is the progressive establishment of an area of justice, freedom and security by developing common action among the Member States in the field of police and judicial cooperation in criminal matters;
2. to attain that objective, a single communications network needs to be created to improve the circulation of information on cybercrime. Europol is the body best placed to promote closer cooperation between Member States in order to guard against this form of international crime and combat it more effectively;
3. within the general framework of exchange of information and the application of the principle of availability between Member States law enforcement authorities, the aim is to promote common practices with regard to the tracing, acquisition, compilation and storage of data, search and seizure of computer data;
4. similarly, it is becoming a matter of urgency to coordinate the action taken against cybercrime and to set up joint structures to deal with this type of crime;
5. the rules on personal data protection set out in Chapter V of the Decision establishing the European Police Office (Europol)^[1] will apply to exchanges carried out within this framework.

Footnote 1 This Decision is expected to be adopted before the end of 2008. The data protection provisions are based mainly on the principles of the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data of 28 January 1981 and of Recommendation No R (87) 15 of the Committee of Ministers of the Council of Europe of 17 September 1987.

invites the Member States to:

1. take the necessary steps where no platforms currently exist to set up a national alert platform or an alert platform common to several Member States, or one or several central national points where several platforms exist, to be managed by public and/or private bodies, for the purpose of centralising alerts on offences noted on the Internet;
2. embed in the national alert platform or the central national point an appropriate technical solution that will ensure that the reported information can be transmitted to the European alert platform;
3. equip the national platform or the central national point with the possibility for the public to report illicit contents, preferably by a public internet site.
4. foster partnership between public and private players working to combat cybercrime;
5. compile statistics on alerts, showing the development of cybercrime at national level;
6. take appropriate action on reported information.

invites Europol to:

1. establish and host a European platform which will be the point of convergence of national platforms and will have as its purpose to:
 - (a) collect and centralise information about offences noted on the Internet, supplied by national platforms and first analysed by them to determine whether the offences are European or extra-national in nature and hence need to be notified to the European platform [1];

Footnote 1 National platforms will keep data of a strictly national nature which are likely to be requested by the European platform.

- (b) send the information concerning them back to national platforms and ensure ongoing mutual information;
 - (c) set up a European information website on cybercrime and disseminate information about the existence of national platforms;
 - (d) draw up regular operational and statistical reports on the information collected;
2. report to the Council on the implementing measures taken pursuant to these conclusions, in particular by drawing up an appropriate impact assessment.

invites the Commission to:

1. consider financial support for related national and transnational projects."