

(English version)

**Question for written answer E-000795/25
to the Commission
José Cepeda (S&D)
(20 February 2025)**

Subject: Improving judicial cooperation in the area of cybercrime

In a context of increasing digitalisation, cybercrime constitutes a serious and transnational threat requiring effective judicial cooperation between Member States. Given my role as a member of the Committee on Legal Affairs and as a result of my contacts with magistrates and judges, I have been made aware of the need to improve judicial cooperation in the field of digital, cyber, and computer-related offences. Judges in the EU need to have a common legal basis on which to work together and improve cooperation on cybercrime.

The Budapest Convention ⁽¹⁾, a voluntary framework for international cooperation, is the only instrument currently available to the EU to combat this type of crime, although not all Member States are included (Ireland has not ratified the Convention).

In light of the above:

1. What measures does the Commission intend to take to strengthen judicial cooperation in the fight against cybercrime, in particular with regard to speeding up cross-border access to electronic evidence?
2. Does the Commission consider it necessary to propose new legislation in order to deal with new forms of cybercrime?

Submitted: 20.2.2025

**Answer given by Mr Brunner on behalf of the European Commission
(12 May 2025)**

The Commission can propose legislation and take measures to enhance judicial cooperation in the fight against cybercrime under Articles 82 and 83 of the Treaty on the Functioning of the European Union.

There are applicable directives providing for measures to address cybercrime, namely cyberattacks ⁽²⁾, child sexual abuse ⁽³⁾ or non-cash means of payment fraud ⁽⁴⁾.

The Commission also proposed legislation to further enhance the fight against child sexual abuse ⁽⁵⁾ and to facilitate cross-border access to electronic evidence. The e-evidence package ⁽⁶⁾, once applicable, will significantly speed up gathering electronic evidence for criminal proceedings among the Member States. The Joint Investigation Teams collaboration platform ⁽⁷⁾ will enable secure electronic exchange of information and evidence within the members and participants of a Joint Investigation Team.

Internationally, the Commission proposed, and the Council adopted decisions authorising the Member States to sign ⁽⁸⁾ and ratify ⁽⁹⁾ the second additional protocol to the Budapest Convention, which, once applicable, will provide tools for enhanced judicial cooperation and disclosure of electronic evidence. The Commission also intends to propose Council decisions enabling the signing and ratification of the United Nations Convention against Cybercrime.

⁽¹⁾ <https://www.coe.int/en/web/cybercrime/home>.

⁽²⁾ Directive 2013/40/EU of the European Parliament and of the Council of 12 August 2013 on attacks against information systems and replacing Council Framework Decision 2005/222/JHA (OJ L 218, 14.8.2013, p. 8-14, ELI: <http://data.europa.eu/eli/dir/2013/40/oj>).

⁽³⁾ Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1-14, ELI: <http://data.europa.eu/eli/dir/2011/93/oj>).

⁽⁴⁾ Directive (EU) 2019/713 of the European Parliament and of the Council of 17 April 2019 on combating fraud and counterfeiting of non-cash means of payment and replacing Council Framework Decision 2001/413/JHA (OJ L 123, 10.5.2019, p. 18-29, ELI: <http://data.europa.eu/eli/dir/2019/713/oj>).

⁽⁵⁾ See COM/2024/60 final (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52024PC0060>) and COM/2022/209 final (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52022PC0209>).

⁽⁶⁾ Directive (EU) 2023/1544 laying down harmonised rules on the designation of designated establishments and the appointment of legal representatives for the purpose of gathering electronic evidence in criminal proceedings (OJ L 191, 28.7.2023, p. 181-190, ELI: <http://data.europa.eu/eli/dir/2023/1544/oj>) and Regulation (EU) 2023/1543 on European Production Orders and European Preservation Orders for electronic evidence in criminal proceedings and for the execution of custodial sentences following criminal proceedings (OJ L 191, 28.7.2023, p. 118-180, ELI: <http://data.europa.eu/eli/reg/2023/1543/oj>).

⁽⁷⁾ Regulation (EU) 2023/969 of the European Parliament and of the Council of 10 May 2023 establishing a collaboration platform to support the functioning of joint investigation teams and amending Regulation (EU) 2018/1726 (OJ L 132, 17.5.2023, p. 1-20, ELI: <https://eur-lex.europa.eu/eli/reg/2023/969/oj/eng>).

⁽⁸⁾ Council Decision (EU) 2022/722 of 5 April 2022 authorising Member States to sign, in the interest of the European Union, the Second Additional Protocol to the Convention on Cybercrime on enhanced cooperation and disclosure of electronic evidence (OJ L 134, 11.5.2022, p. 15-20, ELI: <http://data.europa.eu/eli/dec/2022/722/oj>).

⁽⁹⁾ Council Decision (EU) 2023/436 of 14 February 2023 authorising Member States to ratify, in the interest of the European Union, the Second Additional Protocol to the Convention on Cybercrime on enhanced cooperation and disclosure of electronic evidence (OJ L 63, 28.2.2023, p. 48-53, ELI: <http://data.europa.eu/eli/dec/2023/436/oj>).

The Commission is also actively working to strengthen judicial cooperation in the fight against cybercrime. Current measures include enhancing the capabilities of the European Union Agency for Law Enforcement Cooperation (Europol) and the European Union Agency for Criminal Justice Cooperation (Eurojust) and assessing the need to further strengthen the European Investigation Order ⁽¹⁰⁾ to facilitate cross-border access to evidence.

The Commission will continue to engage with the co-legislators and stakeholders to develop appropriate responses to enhance judicial cooperation in this area.

⁽¹⁰⁾ Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters (OJ L 130, 1.5.2014, p. 1-36, ELI: <http://data.europa.eu/eli/dir/2014/41/oj>).