



# The role of encryption in criminal investigations

CEPS meeting  
26 October 2017

# Introduction of the policy process

JHA Council 8 December 2016 called on the Commission to reflect on

- The role of encryption in criminal investigations
- Possible solutions on EU level

# **Launch of an expert process early 2017**

## **in order to**

- Engage with all relevant stakeholders
- Learn about legal and technical problems
- Identify all relevant policy aspects
- Assess options for possible solutions on EU level

# Engagement with stakeholders

> 50 experts from

- EU agencies (Europol, ENISA, Eurojust, FRA)
- Member States' authorities (ministries, law enforcement, the judiciary)
- Industry
- NGOs

## Main findings

- Increasing dependency of law enforcement on electronic evidence
- Increasing use of encryption – cybersecurity aspects
- Little, rather fragmented national legislation specifically on encryption
- Evolving significance of investigation measures
- Fundamental rights -> careful balance required

# **Proposals in the 18 October 2017 11th Security Union Progress Report**

- Strengthen Europol`s technical capabilities
- Establish a network of centres of expertise
- Create a toolbox of legal and technical instruments
- Provide training for law enforcement and judiciary
- Establish an observatory for future developments
- Implement further structured dialogues with the private sector

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# **Establish a network of centres of expertise**



# **Create a toolbox of legal and technical instruments**

# **Provide training for law enforcement and the judiciary**

# **Establish an observatory for future developments**

# **Implement further structured dialogues with the private sector**

**Thank you!**

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