

Cybersecurity Strategy for the European Union

An Open, Safe and Secure Cyberspace¹

Remarks from CECUA

The strategy uses down to earth terminology: online or offline. Those are terms everybody can understand. Furthermore, it aligns the online and the offline: same fundamental rights, democracy and rule of law. And the online has jurisdiction over the offline. Same laws apply. And no new laws are needed.

This is good news. Gone are the days of a virtual world, some sort of an escape from the real world, abstract term few people understand and has caused lots of misunderstanding and confusion. Further indication of the online and offline alignment is that the new online Police unit is attached to Europol. The extended Europol now covers both online and offline.

Those are all issues CECUA has long fought for. A crime is a crime regardless where it is perpetrated. But there are still many outstanding questions. Who has the jurisdiction? The country where the online crime occurred or the country where the guilty person lives or resides? The criminal can only be apprehended in the country where he or she resides, or in simple terms the hacker has to be apprehended at home. But the investigation lies with the country where the crime was committed or in simple terms where the hacking was done. Recent cases from Romania show that cross border cooperation is needed for success. The crimes were perpetrated on innocent German citizens who used the web to buy various goods which never arrived. They paid for the goods that never arrived up front. Their money was gone but no goods ever arrived. Only by cooperation between the two countries the criminals finally were brought to justice in Romania. The politicians have to pave the ground for fundamental principles that the jurisdiction is speaking the same language in the different nations, because up till now much different meanings are taking care of the same fact of the case.

This case is probably an exception rather than the rule. Recent reports on network break in at EADS in France and Germany allegedly by perpetrators in China illustrate the point. But China denies its involvement. That means a stalemate. Only by cooperation between the country of the perpetrator and

the country where the crime was committed is there chance of success. This is not a national issue, not an EU issue, not EU/USA issue. No, this is a global issue as CECUA has long maintained. Resolving this issue is fast becoming a key issue for free global trade. Without it there is danger that nations will move back to nationalism if they could. But it is probably too late. Global trade is here to stay. Therefore the EU should be a bit more ambitious and use its influence to put this issue on the table at a higher level, e.g. the G8 and G20 agenda. That is the platform where this issue clearly belongs.

It will take a while for this strategy to sink in. It gets away with the romantic/naive notion that Cyberspace is a new virtual world where nothing will or can go wrong and people work in peace and harmony. We have examples in abundance of the contrary. Internet crimes have become more profitable than drugs or prostitution. Measured in financial terms the occurred losses go into billions of euros. Not to mention the sufferings and agony of the people and businesses whose fundamental rights have been violated. Those sufferings are hard to put an euro number on.

Strategy is one thing, implementation of the strategy is another thing. One stumbling block will be the police which has to reinvent itself. Besides dealing with traffic violations and all kinds of domestic problems the police now have to investigate online problems/crimes. Probably this will take a new generation of policemen and women who feel at home as well in online as in offline. But the European Police Conference being held in Berlin has put Cybercrime as a key issue on the agenda². That is a good start. But it will take a while for all stakeholders to wake up. Much is up to the Commission how it implements the strategy. It needs the cooperation of the Member States and the World. Budget cuts by EU itself and the Member States makes it no easier. But if this situation is not brought under control and soon all hell will break loose and the global economy will suffer. That reminds of an old English proverb: The way to hell is paved with good intentions. Let us hope for the best.

¹ <http://ec.europa.eu/digital-agenda/en/news/eu-cybersecurity-plan-protect-open-internet-and-online-freedom-and-opportunity-cyber-security>

² <http://www.heise.de/newsticker/meldung/Europaeischer-Polizeikongress-setzt-Schwerpunkt-auf-Cybercrime-1804774.html>
