Criminal Regulations by the European Union – New Threats or New Opportunities?

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Five Types of EU Criminal Governance:

- Harmonization
- Convergence (Open Method of Coordination)
- Cooperation
- Coordination
- European Investigations and Criminal Proceedings
Existing Legal Framework

- Council Framework Decision attacks against information systems
- Council conclusions on a concerted work strategy and practical measures against cybercrime
- “2000 MLA convention”
- European Arrest Warrant, European Freezing Order, European Evidence Warrant
- Europol, Eurojust
Three Cornerstones

- Fundamental Rights, Proportionality and Right on Privacy
- Mutual Recognition requires Mutual Trust
- Primacy of Prevention
Patches in the Queue 1 – Criminal Law

- Proposal for a Directive on the fight against cybercrime
Patches in the Queue 2 – Criminal Procedure

- Roadmap / Step-by-Step Approach on Procedural Rights
- Investigation Techniques?
Patches in the Queue 3 – Cooperation & al.

- European Investigation Order / European Evidence Warrant II
- External Dimension: SWIFT agreement, MLA agreements
- Eurojust, European Public Prosecutor
Consequences for Open Source Software?

- Protection of Intellectual Property?
- Primacy of Prevention
- Awareness
Thank You!

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