

Speech by Commissioner Jourová on Law Enforcement Challenges in the Online Context – University of Luxemburg

Dear Koen, Dear Katalin, Ladies and gentlemen,

Talking about the challenges that law enforcement authorities face in obtaining quickly e-evidence in the context of criminal investigations is crucial.

It is key to efficiently fight cybercrime, to fight also terrorism and to solve all kinds of criminal investigations.

This is the reason why it is a priority under the European Agenda for Security that the Commission adopted

Our traditional investigation tools are not always fit for the fast pace of the digital world we live in. Such tools are often considered to be outdated, slow and burdensome – especially when faced with modern day challenges associated with the cloud. And the cloud is the paradigm shift in today's data economy.

[Assessing current investigation tools]

The tools, which are currently available to the authorities, must be checked against the needs of an effective criminal justice system in the digital age.

This requires striking a careful balance between three key aspects:

- first, the need of and effective criminal investigation,
- second, the importance of the digital economy and the cloud, and
- third, the respect of fundamental rights of citizens, such as data protection rights.

This is why last July we launched an expert consultation to look into ways of addressing the major issues, namely:

- making mutual legal assistance and mutual recognition more efficient,
- improving cooperation with service providers, and
- ensuring enforcement of laws in cyberspace.

To address these issues, we have to consider both practical measures within the existing set of rules, and also legislative proposals to improve the existing legal framework.

[Mutual legal assistance and European Investigation Order]

Let me start with the first issue of making mutual legal assistance more efficient.

Cross-border access to e-evidence is granted on the basis of the principle of mutual legal assistance, both within and outside the EU.

Our current procedures ensure that appropriate safeguards are taken.

However, they are also regarded as too lengthy and as taking up too many resources.

The good news is that this is about to change: within a month from now, the European Investigation Order will be up and running.

This tool, based on mutual recognition, is expected to significantly improve cross-border cooperation between competent authorities within the EU.

This is why we have made its full and timely implementation a top priority.

Practical improvements to speed up the exchange of digital evidence are also underway.

Not only are we working with the Member States to set up a platform for online exchange of e-evidence within the EU, we are also developing an interactive online form for the practitioners.

This traditional form of cooperation is and will remain valuable to secure evidence in court.

However, we wonder whether this should be the only means of improving access to e-evidence in cross-border cases.

[Direct cooperation between law enforcement authorities and private sector service providers]

Indeed, direct cooperation between law enforcement authorities and service providers already exists, but it can and should be improved.

When Member States submit direct requests to service providers for access to data, they all do it in their own way.

And the same applies for service providers! In short, there are as many policies on granting access to e-evidence as there are service providers. This situation is undesirable, as it causes problems in practice for both law enforcement authorities and the service providers.

In order to move towards more legal certainty and greater transparency into the process, we should work with service providers to come to an alignment of their policies.

We can also explore other practical measures such as:

- setting up an online platform to exchange data,

- standardising forms used by law enforcement, as well as
- developing and promoting training courses on how to make direct requests for access to e-evidence.

This is all very well, but we all know that practical measures alone will not solve all the issues we are facing.

[Enforcing laws in cyberspace]

This is why we are looking into the conditions under which national authorities could request e-evidence from a service provider within the EU, for instance by compelling them to produce evidence using a production order.

As for providers with headquarters in non-EU countries, we could “domesticate” the problem, for instance by obliging service providers to appoint a legal representative in the EU.

In this context, we have also engaged in a dialogue with the US Department of Justice.

As the challenges the EU and the US are facing are quite similar, it is in our mutual interest to cooperate even further.

We have agreed to continue our dialogue and to work on practical aspects, such as training courses for Member States’ practitioners.

We have also agreed to discuss all possible options on both sides, with the aim to explore a common approach and avoid conflicts of law.

The next step for us at the Commission is to produce a report in June with options – both non legislative and legislative options to the Council. We hope to provide a common EU approach to simplify the lives of law enforcement authorities, who have difficulties in practice in accessing e-evidence from service providers in a timely fashion and to increase the legal security for service providers.

It is crucial for authorities to have access to e-evidence to effectively conduct criminal investigations. We see an opportunity for legislation in the context of direct cooperation of law enforcement authorities and the service providers.

Ladies and Gentlemen,

The digital revolution presents us with many challenges in different areas of law.

Not only do we have to keep our citizens safe and safeguard their rights, we also have to equip competent authorities with adequate and modern investigation tools.

I am now looking forward to hearing your views on how to improve access to e-evidence in criminal proceedings, whilst ensuring full respect of fundamental

rights.

Thank you.

Press release – EU plan to tackle root causes of migration should focus on the poor, MEPs say – Committee on Foreign Affairs – Committee on Development – Committee on Budgets

An EU scheme to mobilise €44 billion in private sector investment in Africa and the EU's neighbourhood should focus on the poor, said committee MEPs on Monday.

The MEPs, on the Foreign Affairs, Development and Budget committees, suggested changes to draft operating rules for the European Fund for Sustainable Development (EFSD).

As part of the [European External Investment Plan](#), the EFSD would encourage €44 billion in private investments in fragile states by offering a combination of grants, loans and financial guarantees worth of €3.3 billion to boost jobs, growth and stability, thus addressing the root causes of migration.

Key points

MEPs propose, inter alia that:

- the EFSD should focus on reducing poverty and supporting micro-, small and medium-sized companies as well as climate change efforts and strengthening the rule of law and human rights,

Quotes

“The EFSD should be an innovative financial instrument that attracts investments into the private sector in least developed countries. I hope this would bring growth and stimulate further development of these countries”, said co-rapporteur Eduard Kukan (EPP, SK).

“We need ensure that the EFSD really improves the lives of people in the least developed countries and helps achieve the Sustainable Development

Goals. It must help to create decent jobs, and provide additional finance for local companies”, said Doru-Claudian Frunzulica (S&D, RO).

“I believe we can create a powerful tool that helps the poorest and proves that the private sector is a key partner in development”, said co-rapporteur Eider Rubial Gardiazabal (S&D, ES).

The changes to the draft operating rules were backed by 75 votes to 9 with 5 abstentions.

Next steps

Since the Council agreed its negotiating position in December 2016, Parliament will start talks with it on the final shape of the scheme if there is no objection at the April plenary session in Brussels.

Note to editors

EFSD resources come from the mid-term review of the MFF 2014-2020 and the European Development Fund (EDF) reserve. The new fund will be composed of two regional platforms: one for Africa and the other for the EU Neighbourhood (south and east). It will function as a “one stop shop”, offering access to existing EU blending facilities, coupled with a new, additional guarantee for public and private investors. The EFSD Guarantee is expected to have a cash provision of €750 million including €350 million from the EU budget and €400 million from the EDF. The EFSD will also combine resources from two existing blending facilities – €2.6 billion from the Neighbourhood Investment Facility and Africa Investment Facility.

Background – House of European History

Why set up a House of European History?

The decades-long process that has created the European Union has had a profound impact on the way European countries organise and govern themselves, but until now there has been no museum which places this process within a wider historical context, bringing together and juxtaposing the contrasting experiences of different European countries and peoples.

The generation of people who experienced the tragedies of the 20th century and went on to build the European Communities is disappearing. Now is the time, therefore, to present the development of European integration in a comprehensible way for a broader public. And to explain its main historical developments, motivating forces and aims, so as to enable future generations to understand how and why today’s Union developed as and when it did. In times of crisis, it is particularly important to develop and sharpen consciousness of cultural heritage and to remember that peaceful cooperation

cannot be taken for granted.

The European Parliament has therefore set up the House of European History, which will give citizens an opportunity to reflect on this historical process and on what it means for the present. Parliament believes that the museum can be a place of debate and understanding about contemporary situations from the perspective of their historical roots and in the light of historical experiences.

What are the principles governing the project?

From the outset, the project has been driven by a desire to promote knowledge of Europe's history and to raise awareness of the diversity of memories within Europe in an open and inspiring fashion. The academic independence and international composition of the project team were preconditions and a team of historians and museum professionals from all over Europe were recruited specifically for the project. They have worked to develop the exhibitions, ensuring that the diversity of European history – and of its interpretations – is fairly represented.

A high-level advisory board (Academic Committee) composed of internationally-renowned historians and museologists ensures the academic accuracy and relevance of the content of the exhibitions.

Where is it?

The House of European History is located in the Eastman building in the Parc Léopold, close to the European institutions. The Eastman building was built in 1935 to house a dental clinic for disadvantaged children, financed by a donation from the US businessman George Eastman, the inventor of the Kodak camera. With a view to transforming this building into a building for exhibition purposes, an architectural competition was held, which was won by a group composed of the architects Chaix & Morel et associés from France, JSWD Architekten from Germany, and TPF from Belgium. Their plans included the renovation of the façades – maintaining the historic aesthetic of the building – as well as adding a modern extension in the original building's courtyard and on its roof.

How did the project develop?

The project to create a House of European History was initiated by the then European Parliament President, Dr. Hans-Gert Pöttering, in his inaugural speech of 2007. The following year, a committee of distinguished historians and museum experts from various European countries drew up a first concept for the project, entitled the "Conceptual Basis for a House of European History", which envisaged the House of European History as a modern exhibition, documentation and information centre that would reflect the latest in museological thinking.

From January 2011 onwards, an Academic Project Team was recruited. This team, brought together from across Europe, then progressively defined the vision and mission of the new museum, developed the narrative for the permanent

exhibition and worked on different fields such as visitor policy, temporary exhibition and collecting policies. The Academic Committee advised the team in this work and agreed on the result. Parliament's Bureau (President and 14 Vice-Presidents) approved all major decisions.

What story does the museum tell?

The permanent exhibition concentrates on the main phenomena and processes which have shaped contemporary Europe throughout history, and emphasizes the diversity of experience, awareness and interpretation related to these developments.

It does not portray the individual histories of Europe's states and regions. Instead, it focuses on European phenomena. The Academic Project Team chose three criteria: the event or idea originated in Europe, expanded across Europe and continues to be relevant today. Based on these criteria, the project team distilled six themes with a large number of topics and sub-topics. Here and there, the permanent exhibition goes beyond the outer borders of the European Union.

European history might be complex, diverse and fragmented, but it has a large number of wide-ranging commonalities and widely-shared experiences; displaying some of these is the purpose of the permanent exhibition. Beginning with the ancient myth of "Europa and the Bull" and its changing interpretations, the exhibition highlights key factors of Europe's heritage, which have shaped it deeply, with effects that are still visible today.

Does the House of European History aim to create a European identity?

The notion of identity is one of the most debated in the field of cultural studies. In association with the activities of museums, it has given rise to a vast ensemble of literature and reflection. There is no commonly agreed definition of what a European identity could be. The term is too reductionist and too static to be used as a basis for the House of European History. If the House were to propose a pre-defined concept of European identity this would only hamper debate, rather than creating a many-voiced discussion on this highly interesting and topical question. Instead of giving fixed answers, the House of European History wants to stimulate public discussion of European memory and consciousness.

Will the House of European History replace national histories?

The House of European History will not be a simple sum of national histories, nor does it seek to replace them. The House of European History will be a reservoir of European memory, containing experiences and interpretations in all their diversity, contrasts and contradictions. Its presentation of history will be complex rather than uniform, more differentiated than homogeneous, critical rather than affirmative, but it will focus on the emergence of the European Community.

At what point does the narrative start?

The permanent exhibition in the House of European History, the centrepiece of the new museum, will focus on European history from the 19th century to the present day. In some parts, the presentation goes further back in history, reaching back to ancient times and the Middle Ages, in order to explain fundamental characteristics of European culture and civilisation, thus enabling visitors to gain a better understanding of the present.

The permanent exhibition starts with a presentation of the myth of Europa, the change of geographical concepts throughout history and a reflection on what European heritage might be. The exhibition concentrates on the European history of the 19th and 20th centuries, with a special focus on the history of European integration.

Is there a risk of overlapping with the Parlamentarium, which also shows the history of European Integration?

The Parlamentarium, or European Parliament's visitors' centre, deals with the role, functioning and the activities of the European Parliament. The House of European History, by contrast, is a museum on European history in a much wider sense. The subject matters of the two are different, defined by very different contexts, goals, missions and tools. The House of European History takes a much broader approach to history and – as a museum – places objects, as testimonies of history, at the centre of interest. The two projects are complementary.

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Check against delivery!

Thank you. Thank you, Sergey [Lavrov, Foreign Minister of the Russian Federation].

On my side also I found the exchanges we started this morning – and that we will continue after this press point – useful, constructive. It is always better to have a direct dialogue and, indeed, even if this is my first visit in my current capacity [as the High Representative of the European Union for Foreign Affairs and Security Policy/Vice-President of the European Commission] to Moscow, Sergey and I had several occasions to meet during these last two-and-a-half years, to work together – as well as our teams – constantly coordinated on certain issues.

We always believe in the European Union that dialogue – constructive, open dialogue, frank dialogue – is the way. And this is true also for a relevant – not only neighbour – but a global player as the Russian Federation is.

There are some issues of disagreement. We are open and frank about that. For sure, we have a different assessment of the conflict in eastern Ukraine and the annexation of Crimea. But we have also on that crisis exchanged views on how we can move forward on an agreed roadmap, which is the full implementation of the Minsk Agreement by all sides, both on the security and on the political aspects.

We believe in the European Union that it is even more urgent to do so after the death of one of the OSCE [Organisation for Security and Co-operation in Europe's Special Monitoring Mission] monitors yesterday in the east of Ukraine. We discussed ways in which we can work together more to guarantee a full implementation of the Minsk agreements by all sides and ways to put an end to the conflict in the east of Ukraine.

We also exchanged views on something that maybe you could refer to as a “systemic disagreement” – I think you [Sergey Lavrov] mentioned it like this – which is the position of the European Union of not recognising the annexation of Crimea. This is a principled position that we are going to keep – not only the European Union, but also other partners that we have in the world.

We had a long exchange on a series of bilateral issues. On some of them we have difficulties to overcome through cooperation and dialogue. On others we have a good level of interaction and cooperation, that is mutually beneficial to our people, both Russian citizens and citizens in the European Union. And we have decided to work on these common issues – the example of the counter-terrorism dialogue that has resumed in the last months is a good one. But we also identified further areas of useful cooperation to be strengthened like cooperation in the Arctic or the Northern Dimension, or exchanges in the cultural, educational or research fields. I could continue on a long list.

We started to go through our common agenda of priorities when it comes to global and regional foreign policy issues. Starting with the situation in Syria, I thanked Foreign Minister Lavrov for the active participation of the Russian Federation in the Brussels Conference [Supporting the Future of Syria and the region] a couple of weeks ago, where we not only reaffirmed the very

sustained humanitarian support of the international community to the Syrian people, both within Syria and in the region – the European Union is and will continue to be the first humanitarian donor for Syrians – and we share the same approach that access of humanitarian aid has to be improved.

We count on Russian work, including through the Astana process, to help to move forward also in this respect. And we shared views on how to work more closely on the political solution of the war in Syria. I believe we share an interest: that of putting an end to this war, that is costing so many lives, that is causing so much pain, to Syrians first of all, but also in the broader region.

And we share the interest to guarantee that that part of our neighbourhood is finally finding peace, stability and security, defeating Da'esh and guaranteeing a democratic, inclusive, secular, united future for Syria within the framework of the relevant UN Security Council Resolutions, through intra-Syrian talks that are UN-facilitated in Geneva and on the basis of UN Security Council Resolution 2254. We exchanged views on how to follow-up our work in this respect, especially on the political side.

Other issues of common interest and concern when it comes to foreign, global and regional security include Libya; the peace process between Israel and Palestine, where the European Union and Russia work well together within the Quartet and with our Arab partners, including with the Arab Peace Initiative; the full implementation of the nuclear deal with Iran; and, in general terms, the encouragement of a more constructive approach across the Gulf and in the broader Middle East.

But we will also discuss in the continuation of our talks some other issues of mutual concern where the Russian Federation and the European Union can constructively work together, not only for the sake of European and Russian interests but also for global stability and multilateralism and respect of international law when it comes to, for instance, the issue of denuclearisation of the Korean Peninsula or the peace process in Afghanistan, and our common work on some key global issues for us, be it global responsibility-sharing when it comes to managing huge migratory flows or the work to implement the Paris Agreement on climate change or the Sustainable Development Goals.

In general terms, I believe our common work can be essential to strengthen the UN system and the multilateral approach and what we call a rules-based global order.

Again, this does not delete or overcome all the difficulties and all the disagreements we have, especially in some areas and especially on the issue of Ukraine, but there are also fields of cooperation, and we are determined to increase the level of coordination and cooperation, exploring possible ways in which Russia and the European Union can be useful to solve some of the crises we are facing in the world of today. We live in difficult times; times when not even one single inch, not one single centimetre of cooperation can be wasted or under-estimated. So, we have the responsibility to do the utmost to find common ground and common solutions.

We also have some other issues of disagreement or respective concerns that we also discussed in a friendly and open dialogue, but, as I said, overall I shared the Minister's assessment that this exchange was useful, constructive, positive and we will follow this up not only in the course of the day but also in the coming weeks and months.

Thank you.