



**European Union**  
**EU Statement on**  
**Agenda item 5: General Provisions**

**Second negotiating session of the Ad-hoc Committee set up to elaborate a  
'UN Convention on countering the use of information  
and communications technologies for criminal purposes'  
United Nations Office on Crimes and Drugs (UNODC)**

**Vienna, 2 June 2022**

Madam Chair, Excellencies, Distinguished Delegates,

I have the honour to speak on behalf of the European Union and its Member States. The following countries align themselves with this statement: the Republic of North Macedonia\*, Montenegro\*, Serbia\*, Albania\*, Bosnia and Herzegovina\*, Iceland\*, Liechtenstein\*, Norway\*, Ukraine, the Republic of Moldova, Georgia and Andorra.

As proposed in the written contribution submitted on 6 April 2022, the European Union and its Member States are of the view that the purpose of the future Convention should be limited and precisely circumscribed to:

- the prevention, investigation and prosecution of cybercrime,
- the promotion and facilitation of international cooperation,

These should be subject to strong conditions and safeguards that ensure the highest possible protection of human rights and fundamental freedoms.

The convention should also ensure a high level of protection of victims' rights, and support for capacity building and technical assistance in the fight against cybercrime.

We should avoid regulating matters relating to cybersecurity in general, rules on internet governance, and matters related to or regulating national security or state behaviour or to international diplomatic or economic sanctions.

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\* Candidate Countries the Republic of North Macedonia, Montenegro, Serbia and Albania as well as potential Candidate Country Bosnia and Herzegovina continue to be part of the Stabilisation and Association Process.

\* Iceland, Liechtenstein and Norway are members of the EFTA and of the European Economic Area.

The future convention should be clear and precise and, in the interest of time, focus only on the essential elements of criminal justice and associated mechanisms for cooperation.

In line with this approach, in its contribution, the European Union and its Member States proposed a narrow scope for the convention in order to ensure that the discussions have a sharp focus that would foster reaching consensus within the very tight timeframe of the Ad Hoc Committee.

Regarding the effects of the future convention, the European Union and its Member States consider that we should already pursue the inclusion of a provision in this first chapter. This is too important to leave to the final provisions only. The provision on the effects of the future convention should preserve the application of other tried and tested international instruments as much as possible.

We have looked attentively at the contributions that other UN Member States have submitted and noted a strong interest to include a provision on human rights and fundamental freedoms. Depending on the concrete formulations, we would be in favour of such a provision.

We also note that there is an interest in extending the scope of application of the convention with regard to the collection of electronic-evidence also for crimes not defined in the convention in order to promote international cooperation under the future Convention.

As set out in the chapeau of the contribution from the European Union and its Member States, we remain open to discuss such an extended scope of application of the future Convention.

However, if we agree on such an extension it is crucial for us that the future Convention will provide strong safeguards to ensure an appropriate protection of human rights and freedoms.

We also noted there have been proposals to include various definitions in the future Convention. We would prefer to discuss the definitions only after substantive articles to which they would relate are settled. In any case, we insist that definitions should be precise, technology neutral and as far as possible based on concepts already agreed in existing international and regional instruments in the field of cybercrime and, where appropriate, of organised crime. These may include, for instance, definitions set out in the written contribution submitted on behalf of the European Union and its Member States.

The EU and its Member States call for using the term 'cybercrime' in the future convention.

In line with other United Nations Conventions such as the United Nations Convention against Transnational Organised Crime, the future Convention should also provide for a definition of regional economic integration organisations to allow such organisations to accede to the future Convention.

Thank you, Madam Chair.