

EU CTC: Influence of 5G Technology on Law Enforcement



Thomas Wahl

News

At the [JHA Council meeting of 7 June 2019](#), the EU Counter Terrorism Co-ordinator (EU CTC) updated ministers on the implications of the new generation of wireless technology 5G on law enforcement and judicial operations. In a paper [drafted on 6 May 2019](#), the EU CTC highlighted that 5G is not a simple evolution of the previous 4G standard but it will change the telecommunications landscape and the life of citizens considerably (e.g., in view of interconnected or autonomous driving, telemedicine, smart cities, etc.). In addition to competitiveness, cybersecurity, technology, economic and geopolitical issues, law enforcement, and judicial concerns must also be brought into the debate.

The EU CTC lists a number of challenges in connection with the 5G standard for law enforcement and judicial authorities, e.g.:

- Lawful interceptions of telecommunications will become more difficult, due to 5G's high security standards and a fragmented and virtualised architecture;
- Difficulties for the judiciary in establishing the authenticity of the evidence and distinguishing fake from real evidence, because multiple actors are involved in providing the 5G networks;
- Availability of the 5G-based networks in crisis situations.

The EU CTC also stressed that lawful interception in a 5G environment must be maintained, which necessitates urgent action, *inter alia*:

- Taking law enforcement concerns seriously, so that standardisation processes must be influenced by this perspective;
- Entering into dialogue with operators, so that configurations of the network can be designed specifically for law enforcement purposes;
- Member States and potentially the EU must reflect on appropriate legislation addressing the above-mentioned concerns.

Regarding the latter point, the EU CTC recommends, in particular, thinking of EU legislation to deal with cross-border aspects of lawful/real-time interception within the EU, because the new technology will increase the cross-border dimension of interception.

Ultimately, the EU CTC reflects on steps to be taken by the EU institutions, agencies, and bodies. He considers it important that heads of telecommunications interception units continue to meet regularly at Europol to exchange views on the law enforcement challenges related to 5G and to develop suggestions for solutions. National operators may be associated with this working group. In addition, law enforcement and

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judicial authorities must communicate with authorities responsible for cybersecurity, because their respective interests may be in conflict with each other. This could be accomplished within the framework of the meetings of the Heads of the Cyber Security Authorities of the Member States. The Commission could be invited to develop guidelines and explore legislative measures in order to avoid fragmentation.

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