

Report on Cybercrime Challenges



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European Law Forum: Prevention • Investigation • Prosecution

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News

Eurojust and Europol published a [joint report on common challenges when combating cybercrime](#). The challenges are analysed from two perspectives: law enforcement and the judicial.

The report analyses five main areas:

- Loss of data;
- Loss of location;
- Challenges associated with national legal frameworks;
- Obstacles to international cooperation;
- Challenges of public-private partnerships.

For each of these areas, the report also discusses ongoing activities and open issues.

Open issues identified in the report with regard to *loss of data* include, for instance, the need for a new legislative framework regulating data retention for law enforcement purposes at the EU level. Furthermore, law enforcement no longer has access to non-public information from WHOIS (a database of registration and contact information on the owners of domain names) due to a new GDPR compliance model. Other open issues are the need to identify solutions for crypto-currency investigations and to provide law enforcement with adequate tools, techniques, and expertise in order to counter the criminal abuse of encryption.

With regard to *loss of location*, the report emphasises the need for an international legal framework for direct cross-border access to data. In order to overcome the *challenges associated with national legal frameworks*, the report recommends developing an EU-wide legal framework within which to conduct online investigations, specifically in the Deep Web and Dark Web. To improve *international cooperation*, the international legal framework should be rounded out to allow for consistent and efficient cross-border cooperation.

Finally, legislative measures to improve *public-private partnerships* are needed to facilitate cooperation with private partners and to balance privacy-related needs with the need to support law enforcement in the fight against cybercrime. The report also calls for clear and transparent rules on the involvement of private parties in the gathering of evidence.



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