

# 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 Such tools are often considered to be outdated, slow and burdensome – especially when faced with modern day challenges associated with the cloud.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.

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## [Don't mention the 'i' word – Sturgeon at risk of becoming 'laughing stock' over indyref ban](#)

- [Home](#)
- [All News](#)
- Don't mention the 'i' word – Sturgeon at risk of becoming 'laughing stock' over indyref ban

25 Apr 2017



Nicola Sturgeon risks becoming a “laughing stock” after she claimed her election campaign has nothing to do with independence, the Scottish Conservatives said today.

The First Minister's claim was made yesterday as polls today show a further slump in support both for independence and a second referendum.

Today, the Scottish Conservatives are publishing quotes from the SNP in recent elections where – as the First Minister did yesterday – the party has tried to argue that its campaign was not about its unpopular plan for independence.

Yet, after each result, the SNP has then gone on to use any gains made to push the case for separation – culminating in Nicola Sturgeon's demand for a second divisive referendum in March.

### **Scottish Conservative leader Ruth Davidson said:**

“The First Minister risks turning herself into a laughing stock here.

“For the last few months, everyone in Scotland has seen her do nothing else but campaign for an unwanted second independence referendum.

“Yet now there's an election on, she suddenly tells people independence isn't the issue for her and orders her troops – don't mention the 'i' word.

“After the last few months of talking about nothing else, who does she think she's kidding?□

"We've heard it all before. At every election, the SNP says the vote has nothing to do with independence. Afterwards, it claims that separation is ever closer.

"More and more people in Scotland have wised up to these nationalist games.

"And more and more of them know that only the Scottish Conservatives have what it takes to stop the SNP in its tracks and say no to its plans to split our country in two.

"This time round, she won't get away with it."

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### **The SNP *always* says elections aren't about independence...**

- 2016 EU referendum, Nicola Sturgeon: 'I support an independent Scotland...However, this vote is not about independence' (Herald Scotland, 12 June 2016, [link](#)).

- 2016 Holyrood election, Nicola Sturgeon: 'To propose another referendum in the next parliament without strong evidence that a significant number of those who voted No have changed their minds would be wrong and we won't do it. It would not be respecting the decision that people made' (Nicola Sturgeon Speech to SNP Conference 2015, 15 October 2015, [link](#)).

- 2016 Holyrood Election, Nicola Sturgeon: 'If I, the SNP, those who believe in independence, can't shift opinion from September 2014, we won't earn the right to ask the question again' (STV Face to Face, 29 April 2016, [link](#)).

- 2015 General election, Nicola Sturgeon: 'As I have made very clear, this election is not about independence or about another referendum' (*The Scotsman*, 29 April 2015, [link](#))

- 2015 General election, Nicola Sturgeon writing for The National: 'As I have made very clear, this election is not about independence or another referendum, no matter how many SNP MPs may be elected today' (*The National*, 7 May 2015).

- 2015 General Election, Nicola Sturgeon writing for The Scotsman: This election is not about independence or another referendum (*The Scotsman*, 2 May 2015, [link](#)).

- 2015 General Election, Alex Salmond: "This election is not about independence or a referendum on independence" (Daily Telegraph, 7 May 2015)

- 2012 council elections, Nicola Sturgeon: "The SNP believe in independence... but the election here is not about independence (*Daily Record*, 13 April 2012).

- 2011 Holyrood elections, Alex Salmond "I think the people who vote SNP may or may not be supporters of independence...In an election people will

have all sorts of reasons for voting for you or against you but we wouldn't decide a constitutional issue on the basis of an election victory" (*Daily Telegraph*, 2 May 2011, [link](#)).□

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## 'Different tone, same Brexit' says Caroline Lucas on Labour



# Green Party

25 April 2017

Caroline Lucas, Green Party co-leader, has responded to Keir Starmer's interview on the Today programme today [1].

She said:

"Though Labour's position on the EU has improved since their Article 50 capitulation it still simply isn't strong enough. It's a different tone, but looks like the same Brexit.

"Labour's hollow words on access to the single market simply doesn't stack up. Either they want Britain to remain a member of the Single Market or they don't. And Labour's reluctance to give British people a final say on the terms of any deal shows an utter disregard for democracy. If they trust MPs to have vote on the deal, then why not give people the choice in a ratification referendum?"

**Notes:**

1.  
<https://www.theguardian.com/politics/live/2017/apr/25/general-election-2017-labour-pledge-to-wipe-brexit-slate-clean-politics-live>

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## Keir Starmer speech on Labour's approach to Brexit

\*\*\*CHECK AGAINST DELIVERY\*\*\*

Keir

Starmer MP, Labour's Shadow Secretary of State for Exiting the European Union, setting out

Labour's approach to Brexit, will say:

At

this election there will be a very clear choice on the ballot paper.

A

choice of two visions of Brexit.

Labour's

approach to Brexit will be based on our values: internationalist. Outward looking. A belief that we achieve more together than we do alone.

We

accept that outside the EU our relationship with Europe must change.

But

we do not accept that Brexit has to mean whatever Theresa May says it means.

We

do not accept that there has to be a reckless Tory Brexit. We do not believe that if you're a citizen of the world, you're a citizen of nowhere.

We

recognise that immigration rules will have to change as we exit the EU, but we

do not believe that immigration should be the overarching priority. We do not believe that leaving the EU means severing our ties with Europe. We do not believe that Brexit means weakening workers' rights and environmental protections or slashing corporate tax rates.

Labour

believe in a very different vision of how Brexit can work for Britain and the EU.

We

believe in building a new relationship with the EU – not as members but as partners. Where jobs, the economy and retaining the benefits of the Single Market and the Customs Union are our priority. Where hard-fought workplace rights and the environment are protected. Where we are an open, outward looking

country. Where EU nationals living here are guaranteed their rights and can live in certainty that Brexit will not affect them.

A Brexit that brings the country together, radically devolves power and supports all regions and nations of the UK.

That's the approach to Brexit I will set out today.

A Labour Government would reset the Tories failing approach to Brexit.

We will scrap the Government's Brexit White Paper and replace it with fresh negotiating priorities that reflect Labour values and our six tests.

Labour's White Paper will have a strong emphasis on retaining the benefits of the Single Market and the Customs Union as we know that is vital to protecting jobs and the economy.

Our White Paper will make clear that jobs and the economy are Labour's priority throughout – whereas the Conservatives are willing to put this at risk.

That means we will seek: continued tariff-free trade between the UK and the EU, no new non-tariff burdens for business, regulatory alignment and continued competitiveness for goods and services.

Whether this is best achieved through reformed membership of the Single Market and the Customs Union or via a bespoke trading arrangement is secondary to the outcome. What matters for jobs, the economy and living standards is that we retain the benefits of the Single Market and the Customs Union.

And rather than focusing on hypothetical new trade deals with other countries, Labour will focus above all else on securing strong trading arrangements with the EU. After all, the EU accounts for 44 percent of our exports and is by far and away our most important trading partner.

It is extraordinary that we have a Prime Minister who has given up on the Single Market and the Customs Union even before negotiations have begun, but is so willing to talk up the chance of there being no deal reached.

Theresa May has said that no deal is better than a bad deal. Boris Johnson has said no deal is no problem. Labour are very clear that no deal is the worst possible deal.



It would cause huge damage to British businesses and trade, including likely tariffs of 30-40 percent on dairy and meat producers, 10 percent tariffs on cars and a loss of passporting rights for financial services. No wonder the CBI have called it a 'recipe for chaos'.

A Labour approach to Brexit means ending this reckless approach.

It means making clear to our EU partners that we will seek to negotiate strong transitional arrangements as we leave the EU and to ensure there is no cliff-edge for the UK economy.

It means rejecting no deal as a viable option – a move that will give greater certainty for investors, workers and businesses.

We will also approach negotiations in a completely different way to the Tories.

Where Theresa May wants to shut down scrutiny and challenge, Labour will welcome it. We will work with Parliament, not against it.

Because on an issue of this importance the Government can't hide from the public or Parliament.

A Labour approach to Brexit means legislating to guarantee that Parliament has a truly meaningful vote on the final Brexit deal.

It means regular reporting back to Parliament on progress in negotiations and it means working with the devolved administrations to reflect specific and particular concerns.

A Labour approach also means rebuilding relations with our EU partners, because striking a good deal for Britain relies on having alliances across Europe.

We will make clear that we will seek to build a close, collaborative future relationship with the EU.

Not as members, but as partners.

This will involve continued cooperation in a whole range of areas from counter-terrorism to higher education; culture to climate change.

So a Labour

Government will seek to remain part of the Erasmus scheme so that British students have the same cultural and educational opportunities after we leave the EU.

We will ensure

the UK maintains our leading research role by staying part of Horizon 2020 and its successor programmes, and by welcoming research staff from the EU.

We will seek to

maintain membership of or equivalent relations with European organisations which offer benefits to the UK, such as Euratom, the European Medicines Agency, Europol and Eurojust – two agencies I worked closely with as DPP.

A Labour approach

to Brexit means rejecting Theresa May's argument that as we leave the EU, we must also sever links that have served the EU and the UK well for decades.

A Labour

Government will also mean a new approach to how we treat EU nationals in the UK.

It is shameful that the Prime Minister rejected

repeated attempts by Labour to resolve this before Article 50 was triggered.

As

a result, 3 million EU nationals have suffered unnecessary uncertainty, as well

as the 1.2 million UK citizens living in the EU.

EU nationals do not just contribute to our society:

they are our society. And they should not be used as bargaining chips.

So on day one of a Labour Government we will immediately guarantee that all EU nationals currently living in

the UK will see no change in their legal status as a result of Brexit, and we will seek reciprocal measures for UK citizens in the EU.

There could be no

clearer signal that Britain is taking a new approach to Brexit than a Labour Government immediately rectifying this injustice. And there could no clearer signal that Labour want a close and collaborative future relationship with our

EU partners.

So I can assure

you today that policy will be in Labour's manifesto.

And we will also

set out in further detail how we will reset Britain's approach to Brexit and prevent a reckless Tory Brexit.

Firstly, we will drop the Tories' Great Repeal Bill.

The EU has had a huge impact in securing workplace protections and environmental safeguards. That was one of the main reasons Labour and trade unions campaigned to stay in the EU.

But we all know that for many Brexiteers in the Tory Party, this was why they wanted to Leave.

It's why Priti Patel – now in the Cabinet – spoke during the referendum of wanting to 'halve the burdens' of 'EU social and employment legislation'.

A Labour Government will never consider these rights a 'burden' or accept the weakening of worker's rights, consumer rights or environmental protections.

So instead of going ahead with the Tories' Great Repeal Bill we will introduce new legislation – an EU Rights and Protections Bill.

This will make sure that all EU-derived laws – including workplace laws, consumer rights and environmental protections – are fully protected without qualifications, limitations or sunset clauses. We will work with trade unions, businesses and stakeholders to ensure there is a consensus on this vital issue.

A Labour approach to Brexit will ensure there can be no rolling back of key rights and protections.

And we will go further, because protecting existing rights can never be the summit of our ambition. A Labour Government will work with EU partners, trade unions and businesses to ensure that, outside the EU, the UK does not lag behind Europe in workplace protections or environmental standards in future.

We will also make sure that there is rigorous and independent scrutiny of any new powers this gives to the Executive, because Brexit cannot result in a power grab by Whitehall.

This brings me to another commitment we will have in our manifesto: a presumption that any new powers that are transferred back from Brussels should go straight to the relevant devolved body.

This will apply to regional government across England, as well as to the devolved administrations in Scotland, Wales and Northern Ireland.

This was a proposal included by the Mayor of London in his Brexit White Paper and it is one a Labour Government will take forward.

A Labour approach to Brexit will be part of a radical extension of devolution, and will help bring the country together.

A Tory Brexit will push the country further apart and lead to a concentration of power in Whitehall.

A Labour approach to Brexit will also contribute to how we rebuild a fairer, more progressive country.

The debate over Brexit is not happening in a vacuum.

It will be shaped by the approach the Government you elect takes to a whole range of wider issues – security, taxation, public services, the environment and education.

The Tories see Brexit as a way to further their wish to deregulate the economy, slash corporate taxes, water down workers' rights and remove Britain from anything and everything European. But a Labour approach to Brexit will help ensure we have a fairer society, a strong economy, robust workplace rights, action on climate change and a more international, outward looking nation.

We need a Labour Government to deliver a real living wage – giving a pay rise to over 5million people – invest in public services and tackle the crisis in housing, the NHS and our schools.

That choice is on the ballot paper at this election.

If Theresa May wins another 5 years in power, she will take it as a green light to side-line Parliament, ignore opposition and drive through a reckless Tory Brexit.

She will isolate us from our nearest partners and strike trade deals with any country that will talk to us – no matter the consequences for workers' rights, environmental protections or our place in the world

The only way to stop that and to build a fairer Britain is to elect a Labour Government.

A Labour Government who will reset our approach to Brexit, rebuild relations with the EU and make sure that jobs, the economy and rights come first.

We have 6 weeks to make that case.

Thank you.

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## [SNP's own experts blast ministers over stamp duty replacement](#)

- [Home](#)
- [All News](#)
- SNP's own experts blast ministers over stamp duty replacement

25 Apr 2017



Experts appointed by the Scottish Government have blasted its stamp duty replacement scheme, describing the modelling as “ill-suited” and “poor”.

The review of Land and Buildings Transaction Tax says the SNP's methodology isn't good enough to make proper predictions for how much revenue will be raised.

Since its introduction, ministers have consistently got it wrong when estimating how much their increases to LBTT would generate.

Earlier this year, it was revealed the scheme – which replaced stamp duty after the power was devolved to Holyrood – would generate £800 million less than originally thought.

Now, the study entitled 'A Review of Tax Revenue Forecasting Models for the

Scottish Housing Market', has been critical of the Scottish Government.

It describes the methodology used by ministers as "ill-suited for scenario analysis and fiscal impact costing".

It also ranked the model used for LBTT as "poor" for both policy application purposes and for its ability to explain underlying trends in the housing market.

When the new legislation was being debated, the Scottish Conservatives warned that the SNP was being overly-optimistic in its revenue forecasts.

**Scottish Conservative shadow finance secretary Murdo Fraser said:**

"The SNP has woefully misjudged how much it is going to receive from the LBTT changes.

"To have got this wrong to the tune of more than £800 million is nothing short of incompetent.

"Now the experts appointed by the Scottish Government to evaluate this are exposing further embarrassment.

"It's no wonder the SNP got its sums so badly wrong when the proper modelling wasn't even in place for making these forecasts.

"It's just another example of the Scottish Government completely messing up a crucial area of devolved policy."

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**To see the full report, visit:**

<http://www.gov.scot/Resource/0051/00516712.pdf>

On p19, the experts write:

*Application (policy): poor. All three methods of univariate forecasting are ill-suited for scenario analysis and fiscal impact costing, as they are not specified with explanatory variables to assess the impact of different economic assumptions and risk scenarios on the housing market.<sup>18</sup> ARIMA and GARCH models may have some limited use in risk assessments: ARIMA models can assess how exogenous shocks in one period are transmitted to future house prices and transactions in the future, and GARCH models may be able to improve upon estimates of annual revenue at risk.*

**The SNP is already badly out with its LBTT estimates:**

<http://www.scottishconservatives.com/2016/12/budget-reveals-homes-tax-will-raise-800m-less-than-planned/>