

Executive Summary of The Cybercrime Judicial Monitor

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The European Union Agency for Criminal Justice Cooperation (Eurojust) presents this sixth issue of the *Cybercrime Judicial Monitor* (CJM). The CJM is published once per year and distributed to judicial and law enforcement authorities active in the field of combating cybercrime and cyber-enabled crime. It is produced on the basis of information provided by members of the European Judicial Cybercrime Network (EJCN). All issues of the CJM are available on the Eurojust website.

Like previous issues of the CJM, this issue contains four main sections. The first section covers legislative developments in the area of cybercrime, cyber-enabled crime and electronic evidence, or e-evidence, in 2020.

The judicial analysis section presents legal analyses of rulings rendered by courts in Member States and non-EU countries and by European courts. The courts ruled on various cyber-related matters, such as repeal of new provisions on the monitoring of encrypted messages (Austria); access to encrypted data by law enforcement authorities and the *nemo tenetur* principle (Belgium); money laundering via a cryptocurrency-exchange platform of proceeds of the Locky ransomware (France); and the search and seizure of a mobile phone containing communications pertaining to legal professional privilege (LPP) (the European Court of Human Rights). Several other national court rulings are also briefly summarised.

The next section covers developments in the European Union during the past year in relation to data retention. An overview is provided of recent national legislative and case-law developments.

Given the landmark rulings of the Court of Justice of the European Union (CJEU) of October 2020 and the seemingly increasing calls from many Member States for a harmonised legal framework at EU level on data retention, the topic of interest in this issue of the CJM provides an overview of all the main CJEU rulings so far in relation to data retention for the purpose of criminal investigations and prosecutions. Each of the six rulings is presented, including the questions referred to the CJEU for a preliminary ruling and the court's decision.