

EN

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Answer given by Ms Johansson
on behalf of the European Commission
(9.7.2021)

Encryption is essential to the digital world, securing digital systems and transactions and protecting fundamental rights. However, if used for criminal purposes, it masks the identity of criminals and hides the content of their communications. The Commission proposed in 2017¹ measures to support law enforcement and the judiciary when they encounter encryption of data stored on devices, without prohibiting, limiting or weakening encryption.

As announced in the Organised Crime Strategy², the Commission will steer the process to analyse with the relevant stakeholders the existing capabilities and approaches for lawful and targeted access to encrypted information in the context of criminal investigations and prosecutions. These approaches should not result in a general weakening of encryption or in indiscriminate surveillance. Based on this process, the Commission will suggest a way forward in 2022 to address the issue of lawful access to encrypted information in the context of criminal investigations and prosecutions.

The referred document dated 14 December 2020 has not been formally published by the World Trade Organization and therefore the Commission is not in a position to comment on it. As a general rule, the EU position in trade negotiations is always formed in line with the EU's *acquis* and policies.

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52017DC0608>

² <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX%3A52021DC0170>