

Avenues for Working Group 1 to explore

At the second Plenary Meeting of the High-Level Group on 21 November there was broad agreement that robustness and security of encryption are key tenets of modern society, and that pathways to enable law enforcement to lawfully access devices must be present. In addition, the EU also has an obligation to provide a cybersecure environment for the public and private sector, and society at large, including within communications, while protecting fundamental rights, including data protection and privacy.

The following table presents the range of possible solutions that were set out by various participants which shall be developed upon in future Working Group 1 meetings according to the three main solution areas that were discussed:

Solution area	Potential avenues to explore
Digital forensic cooperation and capacity building	<ul style="list-style-type: none">• Increasing investment in research and development at the EU level to improve the capacity of digital forensic departments and decrease vendor lock dependency.• Maintaining and improving existing networks which foster cooperation between Member State digital forensic departments as well as with Europol.• Establishment of a harmonised certification system for digital forensic tools to ensure that tools comply with accountability and forensic standards within the Union.
Engagement and cooperation with industry	<ul style="list-style-type: none">• Reinforce cooperation with industry to develop lawful access pathways to devices and applications for law enforcement authorities.• Sustained, long-term engagement with standardisation bodies to ensure that lawful access protocols are built into devices and applications before they enter the market.
Legislative approach	<ul style="list-style-type: none">• Legislation (and/or guidelines and recommendations) for tackling the use of encryption devices which are proven to solely be used for the purpose of communication between criminal actors.• Legislation (and/or guidelines and recommendations) for industry and/or individuals to enable lawful access for law enforcement to data at rest in devices and applications.