

## Vienna Lecture on the European Union

### The EU's role in Cyber Security

(Abstract overleaf)

**18 November 2019, 5:00 pm**

Centre for European Integration Research (EIF)

Apostelgasse 23, 1030 Vienna

*(ten minutes walk from U3 stop Kardinal Nagl-Platz)*

**Lecture:** **Elaine Fahey**, Professor of Law and Associate Dean (Research) at the Institute for the Study of European Law (ISEL), the City Law School, City, University of London

**Comments:** **Johann Čas**, Institute of Technology Assessment, Austrian Academy of Sciences, Vienna

**Patrick Müller**, Professor for European Studies, Centre for European Integration Research (EIF), University of Vienna, and Vienna School for International Studies

**Moderation:** **Gerda Falkner**, Head, Centre for European Integration Research (EIF), IPW, University of Vienna

This lecture will be held in English, questions can also be asked in German. The event will be followed by a small reception.

Registered and unregistered participants are welcome but we kindly ask for your registration at [eif@univie.ac.at](mailto:eif@univie.ac.at) or +43 1 4277 49456.

## Abstract

The EU has undertaken considerable efforts at cyber law-making over the course of two decades. It has sought to transparently define, regulate and govern some of the most complex challenges of our times. As a legal exercise it is probably unparalleled. Its main characteristics are a rather separate development of cybercrime and cyber security, a complex institutionalisation with both top-down and bottom-up processes, and an important role for private actors. EU cyber action exposes – next to some internal successes – a partially institutionalized field of incomplete and awkwardly non-intersecting competences. The EU even harbours multiple conflicting definitions of cybercrime and multiple working definitions of cyber security.

The EU as a global cyber actor risks becoming an inadequate international partner and particularly an inadequate defence partner. The EU's mandate to act on cyber issues in international contexts appears increasingly problematic, inconsistent with its own non-intersecting policies and at times strangely ill-thought out (e.g. the Budapest Convention amendment strategy).

The paper focusses upon exposing the dynamics of the imbalances of the external and internal EU cyber action. It argues that cyber law-making must become a holistic and joined-up matter of law. It needs to traverse the internal and external of EU law more explicitly and transparently. Many of the challenges affecting EU law-making in the cyber domain are, however, equally evident at international level. In other words, EU inactions, omissions or regulatory challenges are mirrored similarly at international law level.