



2026/1347

19.6.2026

COUNCIL DECISION (EU) 2026/1347

of 4 June 2026

on the conclusion, on behalf of the European Union, of the United Nations Convention against Cybercrime; Strengthening International Cooperation for Combating Certain Crimes Committed by Means of Information and Communications Technology Systems and for the Sharing of Evidence in Electronic Form of Serious Crimes

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 82(1) and (2), Article 83(1) and Article 87(2) in conjunction with Article 218(6) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament ⁽¹⁾,

Whereas:

- (1) In accordance with Council Decision (EU) 2025/2307 ⁽²⁾ the United Nations Convention against Cybercrime; Strengthening International Cooperation for Combating Certain Crimes Committed by Means of Information and Communications Technology Systems and for the Sharing of Evidence in Electronic Form of Serious Crimes (the 'Convention') was signed, on behalf of the Union, in Hanoi, Viet Nam, on 25 October 2025, subject to the conclusion of the said Convention.
- (2) The Convention is in conformity with the security objectives of the Union as referred to in Article 67(3) of the Treaty on the Functioning of the European Union (TFEU), namely ensuring a high level of security through measures to prevent and combat crime and through measures for coordination and cooperation between police and judicial authorities and other competent authorities, as well as through the approximation of criminal laws.
- (3) The Convention applies to specific criminal investigations or proceedings concerning criminal offences established in accordance with the Convention as well as to the exchange of evidence in electronic form concerning serious crimes (offences punishable by a maximum deprivation of liberty of at least four years or a more serious penalty) and only allows for the exchange of information for such purposes.
- (4) The Convention harmonises a limited set of clearly defined offences while allowing the necessary flexibility for States Parties to avoid criminalisation of legitimate conduct.
- (5) The Convention establishes only minimum rules on the liability of legal persons for participation in the offences established in accordance with the Convention. It does not require States Parties to adopt such measures as may be necessary to establish liability of legal persons in a manner that would be inconsistent with their legal principles.

⁽¹⁾ Consent of 20 May 2026 (not yet published in the Official Journal).

⁽²⁾ Council Decision (EU) 2025/2307 of 13 October 2025 on the signing, on behalf of the European Union, of the United Nations Convention against Cybercrime; Strengthening International Cooperation for Combating Certain Crimes Committed by Means of Information and Communications Technology Systems and for the Sharing of Evidence in Electronic Form of Serious Crimes (OJ L 2025/2307, 11.11.2025, ELI: <http://data.europa.eu/eli/dec/2025/2307/oj>).

- (6) The Convention is also in conformity with the personal data, privacy and fundamental rights protection objectives of the Union, in line with Article 16 TFEU and the Charter of Fundamental Rights of the European Union (the 'Charter').
- (7) The Convention provides for robust human rights conditions and safeguards, which are part of the object and purpose of the Convention and are inextricably linked to the powers and procedures provided for by the Convention. As such, those conditions and safeguards cannot be subject to reservations. The Convention excludes any interpretation that would lead to suppressing human rights or fundamental freedoms, in particular the freedoms of expression, conscience, opinion, religion or belief, peaceful assembly and association. These safeguards also ensure that international cooperation can be refused if that international cooperation would be contrary to States Parties' domestic laws or if such refusal would be necessary to avoid any form of discrimination.
- (8) Concerning the powers and procedures both at domestic and international levels, the Convention provides for horizontal conditions and safeguards ensuring the protection of human rights, in accordance with States Parties' obligations under international human rights law. States Parties are to also incorporate the principle of proportionality into their domestic law. Such conditions and safeguards are to include, inter alia, judicial or other independent review, the right to an effective remedy, grounds justifying application and limitation of the scope and the duration of such powers and procedures.
- (9) The Convention includes a dedicated provision on the protection of personal data, which ensures that important data protection principles, including purpose limitation, data minimisation, proportionality and necessity are applied, in accordance with the Charter, before any personal data can be provided to another State Party.
- (10) With its participation in the negotiations, on behalf of the Union, the Commission ensured compatibility of the Convention with relevant Union rules.
- (11) A number of reservations are relevant to ensure compatibility of the Convention with Union law and policies, as well as the uniform application of the Convention amongst Member States in their relations with non-EU State Parties, and the effective application of the Convention.
- (12) The reservations are without prejudice to any other reservations that Member States might wish to make individually where permissible.
- (13) Given that the Convention provides for procedures that improve cross-border access to evidence in electronic form and a high level of safeguards, becoming a party to the Convention will promote consistency in the Union's efforts in combatting cybercrime and other forms of crime at global level. It will facilitate cooperation between the EU States Parties and the non-EU States Parties while ensuring a high level of protection of individuals.
- (14) Swift conclusion of the Convention by the Union will furthermore ensure that the Union has a meaningful voice early in the implementation of this new global framework for the fight against cybercrime.
- (15) Pursuant to its Article 64(3), the Convention is subject to ratification, acceptance or approval by States and regional economic integration organisations, such as the Union.
- (16) The Union should become a party to the Convention alongside its Member States, since the Union and its Member States have competences in the areas covered by the Convention. The conclusion of the Convention by the Union is without prejudice to the competence of the Member States as regards the ratification, acceptance or approval of the Convention, in accordance with their internal procedures. The Convention should be concluded on behalf of the Union as regards matters falling within the competence of the Union insofar as the Convention may affect common rules or alter their scope. In the area of shared competences, the Member States retain their competence insofar as the Convention does not affect common rules or alter their scope.

- (17) In accordance with the Convention, the Union is, in its instrument of ratification, acceptance, approval or accession, to declare the extent of its competence with respect to the matters governed by the Convention. The Union defined the extent of its competence with respect to the matters governed by the Convention in the Declaration of competence of the European Union made in accordance with Article 64(3) and (4) of the United Nations Convention against Cybercrime; Strengthening International Cooperation for Combating Certain Crimes Committed by Means of Information and Communications Technology Systems and for the Sharing of Evidence in Electronic Form of Serious Crimes (the 'Declaration of competence').
- (18) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council ⁽³⁾ and delivered an opinion on 4 September 2025.
- (19) In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union (TEU) and to the TFEU, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (20) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (21) The Convention, the attached reservations and the Declaration of competence should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The United Nations Convention against Cybercrime; Strengthening International Cooperation for Combating Certain Crimes Committed by Means of Information and Communications Technology Systems and for the Sharing of Evidence in Electronic Form of Serious Crimes ⁽⁴⁾ (the 'Convention') is hereby approved on behalf of the European Union.

Article 2

The Declaration of competence made in accordance with Article 64(3) and (4) of the Convention is hereby approved on behalf of the European Union.

Article 3

The reservations are hereby approved on behalf of the European Union.

Article 4

This Decision shall enter into force on the date of its adoption ⁽⁵⁾.

Done at Luxembourg, 4 June 2026.

For the Council

The President

C. FITIRIS

⁽³⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: <http://data.europa.eu/eli/reg/2018/1725/oj>).

⁽⁴⁾ OJ L, 2026/1348, 19.6.2026, ELI: <http://data.europa.eu/eli/convention/2026/1348/oj>.

⁽⁵⁾ The date of entry into force of the Convention will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

Reservations

1. The Union and its Member States shall act in accordance with the following indications when it comes to reservations as regards the United Nations Convention against Cybercrime; Strengthening International Cooperation for Combating Certain Crimes Committed by Means of Information and Communications Technology Systems and for the Sharing of Evidence in Electronic Form of Serious Crimes (the 'Convention').
2. The Convention does not have a dedicated provision on reservations. Rather, it explicitly allows a State Party to declare that it avails itself of a reservation provided in some of the Articles of the Convention: Article 11(3); Article 23(3), point (a); Article 23(3), point (b), second subparagraph; Article 42(5); Article 63(3) and (4). The Convention also implicitly allows other reservations provided that those reservations are in accordance with Article 19, subparagraph (c), of the Vienna Convention on the Law of Treaties done at Vienna on 23 May 1969 and with customary international law and are not incompatible with the object and purpose of the Convention.
3. The Union shall make a reservation based on Article 63(3) indicating that it does not consider itself bound by Article 63(2) regarding the settlement of disputes concerning matters falling into the competence of the Union or regarding the settlement of disputes between the Member States or between the Union and a Member State.
4. When Member States consider making their own reservations, they shall inform the Commission in advance.
5. The human rights conditions and safeguards recognised and provided for in the Convention, including those in Article 6, Article 21(4), Article 24, Article 36, Article 37(15), and Article 40(22), are part of the object and purpose of the Convention. Therefore the Union and its Member States shall not formulate reservations on those Articles. Any such reservation by non-EU State Parties to the Convention deemed to be incompatible with the object and purpose of the Convention should be objected to by the Union, without prejudice to the possibility for Member States to make the same objection in a coordinated manner.

Declaration of competence of the European Union made in accordance with Article 64(3) and (4) of the United Nations Convention against Cybercrime; Strengthening International Cooperation for Combating Certain Crimes Committed by Means of Information and Communications Technology Systems and for the Sharing of Evidence in Electronic Form of Serious Crimes

1. The European Union (the 'Union') submits, in accordance with Article 64(3) and (4) of the United Nations Convention against Cybercrime; Strengthening International Cooperation for Combating Certain Crimes Committed by Means of Information and Communications Technology Systems and for the Sharing of Evidence in Electronic Form of Serious Crimes (the 'Convention'), the following declaration in respect of matters governed by the Convention.
2. The Member States of the Union are the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Republic of Croatia, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland and the Kingdom of Sweden.
3. Pursuant to Articles 3 and 4 of the Treaty on the Functioning of the European Union (TFEU), in some matters the Union has exclusive competence, and in other matters competence is shared between the Union and its Member States. Pursuant to Article 4(1) of the Treaty on European Union (TEU), competences not conferred upon the Union in the Treaties remain with the Member States.
4. In this regard, the Union declares, firstly, that it is competent to enter into international agreements, and to implement the obligations resulting therefrom, which are related to the area of freedom, security and justice, to which a shared competence with the Member States applies pursuant to Article 4, point (j), TFEU. This concerns namely the following areas, in accordance with Article 67(3), Article 82(1) and (2) and Articles 83(1) and 87(2) TFEU:
 - (a) ensuring a high level of security through measures to prevent and combat crime, racism and xenophobia, and through measures for coordination and cooperation between police and judicial authorities and other competent authorities, as well as through the mutual recognition of judgments in criminal matters and, if necessary, through the approximation of criminal laws;
 - (b) judicial cooperation in criminal matters in the Union based on the principle of mutual recognition of judgments and judicial decisions, including the approximation of the laws and regulations of the Member States in specific areas of procedural and substantive criminal law, including measures to:
 - (i) support the training of the judiciary and judicial staff;
 - (ii) facilitate cooperation between judicial or equivalent authorities of the Member States in relation to proceedings in criminal matters and the enforcement of decisions;
 - (c) facilitating police and judicial cooperation in criminal matters having a cross-border dimension by establishing minimum rules concerning:
 - (i) the rights of individuals in criminal procedure;
 - (ii) the rights of victims of crime;

- (d) establishing minimum rules concerning the definition of criminal offences and sanctions in areas of particularly serious crime with a cross-border dimension. These areas of crime are the following: terrorism, trafficking in human beings and sexual exploitation of women and children, illicit drug trafficking, illicit arms trafficking, money laundering, corruption, counterfeiting of means of payment, computer crime and organised crime;
 - (e) establishing police cooperation involving all the Member States' competent authorities, including police, customs and other specialised law enforcement services in relation to the prevention, detection and investigation of criminal offences; for such purposes the Union may establish measures concerning:
 - (i) the collection, storage, processing, analysis and exchange of relevant information;
 - (ii) support for the training of staff, and cooperation on the exchange of staff, on equipment and on research into crime-detection;
 - (iii) common investigative techniques in relation to the detection of serious forms of organised crime.
5. Secondly, the Union declares that in accordance with Article 16(2) TFEU, the Union is competent to lay down the rules relating to the protection of individuals with regard to the processing of personal data by Union institutions, bodies, offices and agencies, and by the Member States when carrying out activities which fall within the scope of Union law, and the rules relating to the free movement of such data.
6. In particular, this Declaration should not be interpreted as making use of the possibility for the Union to exercise its external competence with regard to areas covered by the Convention falling within the shared competence, to the extent that such competence has not yet been exercised internally by the Union. In the area of shared competence the Member States retain their competence insofar as the Convention does not affect common rules or alter the scope thereof, including their foreseeable future development. Accordingly, the extent of the competence of the Union must be assessed on the basis of a comprehensive and detailed analysis of the relationship between the Convention and the precise provisions of each measure of Union law, on a case-by-case basis. The scope and the exercise of such Union competence are, by their nature, subject to continuous development.
7. The Union and its Member States are therefore competent to conclude the Convention. The conclusion of the Convention by the Union is without prejudice to the competence of the Member States as regards the ratification, acceptance, approval of or accession to the Convention.
8. Pursuant to Article 64(3) and (4) of the Convention, the Union is to inform the depositary of any relevant modification of the extent of its competence.
-