

Legal provisions on cybercrime in the European Union

Abstract

This thesis deals with a complex phenomenon of cybercrime from the perspective of legal provisions of the European Union. Therefore, the thesis presents the fundamental features of cybercrime and presents the fundamental typology of this crime, which is supplemented by examples of the most common crimes. This general framework describing cybercrime is followed by an analysis of the legal provisions of the international law and Union law.

Within the framework of the international legal provisions the thesis presents the activities of the universal organizations, in particular the Council of Europe, whose international convention on cybercrime is also subject to the analysis, and of the regional organizations. The legal regulation of cybercrime in the European Union is examined from the point of view of both primary and secondary law, outlining the fundamental orientation of the Union's policies concerning information technology. Following the clarification of the EU legal provisions on cybercrime, the thesis also presents the legal framework of such area within the Canadian law. Canada has been chosen in view of the fact that belongs between signatories to the Council of Europe Convention on Cybercrime and is actively involved in cyber security.

The aim of this thesis is therefore to summarize the fundamental legal framework of the supranational environment, especially with regard to the fact that in cyberspace cross-border cooperation and prosecution of cybercrime is highly desirable. From the legal framework thus defined, fundamental knowledge concerning the scope of the legal provisions and its focus is subsequently derived. The intention is therefore to cover the framework of legal provisions relating to cybercrime, in relations to specific computer crimes. At the same time, the thesis assesses whether the distinction of categories of cybercrime as those that can be committed only in cyberspace, and those that are a classic form of crime in the ordinary physical world and in this context have only added element of information technology, can be considered as effective.

The analysis of legal provisions is supplemented by graphical overviews which are created by the author of the thesis and which should emphasize the key point of legal regulation of cybercrime and help to better orient in legal norms. The thesis also presents considerations *de lege ferenda* in the area of the fight against cybercriminals, both from the perspective of

international law and the activities of international organizations, and from the perspective of the European Union law.