

EUISS Task Force on Restrictive Measures Related to Malicious Activities in Cyberspace

(EUISS Task Force on Cyber Sanctions)

Concept note

Rationale

The European Union Cyber Diplomacy Toolbox mentions the possibility of adopting restrictive measures against actors engaged in malicious cyber activities against interests of the EU and its member states. Recent developments and the intensification of the work on the EU's cyber sanctions regime in the Council make this initiative particularly timely and provide a great opportunity to feed into the policymaking process.

Main Objectives

Objective 1: Mapping and comparative analysis of sanction regimes developed to date by other countries and organisations

Which countries or actors have already implemented cyber sanctions regimes and what are their main characteristics? What are the lessons that we can draw for the European Union from those processes?

Objective 2: Define what constitutes a 'malicious activity' and 'internationally wrongful act' in cyberspace

What type of actions could trigger adoption of the restrictive measures? What have been the measures adopted so far? What does the international law say about a) malicious activities and b) possible responses to those?

Objective 3: Define the scope and elements of a potential EU sanctions regime

What could the cyber sanctions regime look like? What are the different aspects of the sanctions regime targeting states and non-state actors/individuals?

Objective 4: Define the 'effectiveness' of restrictive measures in cyberspace

What are the conditions for ensuring the effectiveness of the sanction regime? How would the judicial overview of the sanctions regime look like? How important is the issue of attribution in cyberspace? What are the key principles that guide any sanctions regime, including necessity and proportionality?

Permanent Members of the Task Force

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Timeline

- > **Workshop I:** Identification of the main issues and finalisation of the work plan (December 2018)
- > **Workshop II:** Discussion of draft papers (February 2019)
- > **Workshop III:** Presentation of the final publication (April/May 2019)