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**From:** General Secretariat of the Council  
**To:** Permanent Representatives Committee (Part 2)

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**Subject:** EU Lines to take on a draft resolution on "Developments in the field of information and telecommunications in the context of international security"

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1. At the meeting of the Horizontal Working Party (HWP) on Cyber Issues of 7 September 2018, delegations examined the EU Lines to take on a draft resolution on "Developments in the field of information and telecommunications in the context of international security"<sup>1</sup> as prepared by EEAS in view of the UN GGE follow-up.
2. Following this meeting and based on subsequent delegations' written comments, a revised version<sup>2</sup> was prepared by the Presidency with some adjustments to the text of the above-mentioned EU Lines to take.

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<sup>1</sup> 11783/18

<sup>2</sup> 12131/18

3. The revised text was put under silence procedure until 14 September 2018, 2:00 pm (Brussels time). Member States raised no objections which made it possible for the Presidency to successfully finalise these draft Lines to take as set out in Annex.
  4. On this basis, COREPER is invited to endorse the EU Lines to take on a draft resolution on "Developments in the field of information and telecommunications in the context of international security" as set out in Annex.
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**EU Lines to take on a draft resolution on "Developments in the field of information and telecommunications in the context of international security"**

- The EU promotes the establishment of a strategic framework for conflict prevention, cooperation and stability in cyberspace that is based on the application of existing international law, and in particular of the UN Charter in its entirety, the development and implementation of universal norms of responsible state behaviour, and regional confidence building measures between States.
- The EU recognizes the role of the United Nations in further **developing norms for responsible state behaviour in cyberspace** and recalls that the outcomes of the United Nations Group of Governmental Experts discussions have articulated a consensual set of norms and recommendations, which the General Assembly has repeatedly endorsed, and which States should take as a basis for responsible state behaviour in cyberspace.
- The EU will prioritise **a consensus resolution that refers to the consensus views** articulated by several previous Groups of Governmental Experts, such as norms, rules and principles of responsible behaviour of states, confidence building measures, international law and capacity building, as a basis for further work. The resolution should also underline the importance of respect for human rights and fundamental freedoms in cyberspace.
- The EU has a clear preference for a **short and** precise resolution that calls for the creation of the new UN Group of Governmental Experts that builds on the discussions of the previous Groups of Governmental Experts and remains **an ~~small~~-effective** and dynamic format. The mandate of the group should be focused, and guided by the previous GGE reports, including the applicability of international law in cyberspace and the 11 norms of responsible State behaviour listed in paragraph 13(a)-(k) of the UNGGE report 2015.

- The EU supports the UN GGE consensus view that **international law**, and in particular the Charter of the United Nations, is applicable **also in cyberspace** and is essential to maintaining peace and stability and promoting an open, secure, peaceful and accessible ICT environment. In line with this position, "*the EU does not call for the creation of new international legal instruments for cyber issues*"<sup>3</sup>.
- The EU ~~welcomes~~ **believes that UN member states, and in particular future GGE members, should submit** national contributions of ~~participating governmental experts~~ on the subject of how international law applies to the use of ICTs by States as it builds on the consensus view that international law applies to cyberspace and advances the global understanding on national approaches which is fundamental to maintaining long-term peace and security and reducing the risk of conflict in cyberspace. **Such contributions could be annexed to the report.**
- The EU **supports the continuation of the process** to discuss norms for responsible state behaviour, confidence building measures, and international law under the UN First Committee, and the establishment of a new GGE. The expert group should not exceed **20 or 25** experts in order to keep the dynamism and the ability to deliver detailed results within a year. It would help the process if the composition of the group would be chosen among the states with the most developed cyber capabilities **expertise, and taking into account regional representation.**

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<sup>3</sup> *Council conclusions on the Commission and the High Representative of the European Union for Foreign Affairs and Security Policy Joint Communication on the Cybersecurity Strategy of the European Union: An Open, Safe and Secure Cyberspace, 11357/13, 2013.*

- The EU recognizes that the interconnected and complex nature of cyberspace requires joint efforts by governments, private sector, civil society, technical community, users and academia to address the challenges faced and calls on these stakeholders to recognize and take their specific responsibilities to maintain an open, free, secure and stable cyberspace. The EU considers the aspect of consulting the wider UN membership as well as other stakeholders as an important element in the mandate, **and the group shall hold repeated, open-ended, inter-sessional consultations with the wider UN membership and interested stakeholders.** ~~The open-ended information consultations organized by the Fissile Material Cut-Off Treaty (FMCT) group of high level experts provides an example we could build on.~~

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**UN General Assembly 73 – First Committee**

Four UN Groups of Governmental Experts on "Developments in the Field of Information and Telecommunications in the Context of International Security" gathered since 2009, and reported to the UNGA 1st Committee. Three reports have been issued during this period – in 2010, 2013 and 2015. The UNGGE 2016-2017 concluded its work without consensual report, and UNGA72 postponed substantial decisions to UNGA73.

The 1<sup>st</sup> Committee of the UN General Assembly this year could adopt a resolution to establish another UNGGE in order to continue the discussions on norms, rules and principles, of responsible behaviour of states, confidence building measures, international law and capacity building in the context of international security.

As stated in the 20 November 2017 Council Conclusions, the Council "*CALLS UPON the EU and its Member States to promote the establishment of a strategic framework for conflict prevention, cooperation and stability in cyberspace that is based on the application of existing international law, and in particular of the UN Charter in its entirety, the development and implementation of universal norms of responsible state behaviour, and regional confidence building measures between States;*

*RECOGNISES the role of the United Nations in further developing norms for responsible state behaviour in cyberspace and recalls that the outcomes of the United Nations Group of Governmental Experts [UNGGE] discussions over the years have articulated a consensual set of norms and recommendations, which the General Assembly has repeatedly endorsed, and which States should take as a basis for responsible state behaviour in cyberspace;"*