



EUROPEAN COMMISSION

*Brussels, 18.6.2018  
C(2018) 3485 final*

*Dear President,*

*The Commission would like to thank the Camera Deputaților for its Opinion on the proposal for a Directive of the European Parliament and of the Council on combating fraud and counterfeiting of non-cash means of payment and replacing Council Framework Decision 2001/413/JHA {COM(2017) 489 final}.*

*This proposal was adopted as a part of the package of measures designed to enhance cybersecurity in the European Union, presented on 13 September 2017.*

*In proposing this initiative, the Commission is delivering on the commitment it undertook in the European Agenda on Security {COM(2015) 185 final} to review the existing European Union legal framework, which dates back to 2001, and remedy identified shortcomings.*

*The Commission welcomes the Camera Deputaților's support for this proposal whose aim is to update the European Union legal framework on cooperation in criminal matters in the area of combating fraud and counterfeiting of non-cash means of payment.*

*The Commission welcomes the analysis that the Camera Deputaților has carried out on this important subject. The Commission would like to underline that its cybersecurity approach is in line with the views outlined by the Camera Deputaților on combating cybercrime. It consists mainly in the analysis of "Internet of Things botnets", advice on new detection methods and more effective containment and mitigation of this type of fraud.*

*The Commission also welcomes other recommendations and important remarks made in the Opinion. The detailed work that the Camera Deputaților has undertaken constitutes an important contribution to the debate that is now underway.*

*Mr Liviu DRAGNEA  
President of the Camera Deputaților  
Palace of the Parliament  
Str. Izvor nr. 2-4, sector 5  
RO – 050563 BUCHAREST*

*In particular, the Commission takes note of the recommendation of the Camera Deputaţilor to broaden the meaning of the term 'payment instrument' to keep abreast of technological advancements and to define the concept of 'monetary value', to clarify whether this covers both electronic and virtual currency. The purpose of the Commission proposal is to provide an encompassing definition of 'payment instrument', ensuring that this is technologically neutral and future-proof. Hence, the Commission has proposed to modify the corresponding definition in the existing legal instrument<sup>1</sup> to remove references to specific examples and avoid that certain non-cash means of payment (in particular digital, such as virtual currencies) fall outside its scope.*

*Regarding High Performance Computers and Quantum Technologies, the Commission has recognised the possible threat of future Quantum Computers to current encryption technologies and algorithms. These issues are addressed by the Commission's Quantum Flagship<sup>2</sup>, as well as other activities, such as studies and experimental projects<sup>3</sup>. In addition, the Commission would like to note that High Performance Computers and Quantum Technologies are not only a threat but also a part of the solution, as these can help detecting suspicious behaviours (pattern detection) and develop quantum-secure communications.*

*The Opinion of the Camera Deputaţilor has been made available to the Commission's representatives in the ongoing negotiations with the European Parliament and the Council and will inform these discussions.*

*The Commission hopes that the clarifications provided in this reply address the issues raised by the Camera Deputaţilor and looks forward to continuing the political dialogue in the future.*

*Yours faithfully,*

*Frans Timmermans  
First Vice-President*

*Dimitris Avramopoulos  
Member of the Commission*

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<sup>1</sup> Article 1(a) of [Council Framework Decision 2001/413/JHA](#) of 28 May 2001 combating fraud and counterfeiting of non-cash means of payment.

<sup>2</sup> <http://ec.europa.eu/digital-single-market/en/news/quantum-flagship-high-level-expert-group-publishes-final-report>

<sup>3</sup> For example:  
<http://ec.europa.eu/research/participants/portal/desktop/en/opportunities/h2020/topics/fetflag-03-2018.html> or  
<http://ec.europa.eu/research/participants/portal/desktop/en/opportunities/h2020/topics/fetflag-03-2018.html>