

Directive 2013/40/EU on attacks against information systems

PRIMARY

Publisher	EUR-Lex
Published	2013-08-14
Retrieved	2026-09-26
Cite key	eurlex2013directive
URL	https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013L0040

Assessment. Primary legal text. The instrument the edition turns on. Article 3 supplies the security-measure condition, Article 2 the meaning of "without right", Article 10(2) the lack-of-supervision limb that reaches an operator, Article 11 the sanctions available against a legal person. In force since 2013 with a transposition deadline of 4 September 2015, which is why it is settled rather than emerging law.

Claims drawn from this source. CLAIM-2026-09-26-12, CLAIM-2026-09-26-13, CLAIM-2026-09-26-14, CLAIM-2026-09-26-15, CLAIM-2026-09-26-17

Article 3 — Illegal access to information systems

"access without right, to the whole or to any part of an information system, is punishable as a criminal offence where committed by infringing a security measure", at least for cases which are not minor.

Article 2 — "without right"

"conduct ... which is not authorised by the owner or by another right holder of the system or of part of it, or not permitted under national law".

Article 10 — Liability of legal persons

Paragraph 1: legal persons can be held liable for offences committed for their benefit by individuals in leading positions with power of representation, decision-making authority, or authority to exercise control within the organisation.

Paragraph 2: "legal persons can be held liable where the lack of supervision or control by a person referred to in paragraph 1 has allowed the commission ... of any of the offences".

Article 11 — Sanctions against legal persons

Sanctions include "criminal or non-criminal fines and which may include other sanctions, such as: exclusion from entitlement to public benefits or aid; temporary or permanent disqualification from commercial activities; placing under judicial supervision; judicial winding-up; closure of establishments used for committing the offence".

Transposition

Member States had until 4 September 2015 to transpose the Directive into national law.