

# Project Cybercrime@EAP II

Արևելյան Գործընկերության  
Східне партнерство Eastern  
Partnership აღმოსავლეთ  
პარტნიორობა Parteneriatul Estic  
Şərq tərəfdaşlığı Partenariat  
Oriental Усходняе Партнёрства

**Programmatic Cooperation Framework**

## Cybercrime@EAPII Project

**C-PROC  
Council of Europe**

**Programmatic Cooperation Framework for  
Armenia, Azerbaijan, Georgia, Republic of Moldova, Ukraine and Belarus**

Funded  
by the European Union  
and the Council of Europe



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# Cybercrime@EAP II: Summary

<b>Project title:</b>	<b>Cybercrime@EAP II (PMM number 3271)</b>
<b>Project area:</b>	<b>Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova, Ukraine</b>
<b>Duration:</b>	<b>30 months (1 May 2015 – 30 October 2017)</b>
<b>Budget:</b>	<b>EURO 800,000</b>
<b>Funding:</b>	<b>European Union and Council of Europe Programmatic Cooperation Framework for Eastern Partnership countries</b>
<b>Implementation:</b>	<b>Cybercrime Programme Office (C-PROC) of the Council of Europe</b>

## Objective

To enable efficient regional and international co-operation on cybercrime and electronic evidence.

## Outcome indicators

- The number of mutual legal assistance requests on cybercrime and electronic evidence sent/received will have increased in the six countries by month 30.
- The number of requests sent/received by 24/7 points of contact will have increased in the six countries by month 30.
- Draft amendments to procedures and rules on mutual legal assistance on cybercrime and electronic evidence are available by month 24 in the six countries.

## **Expected result 1**

**The authorities responsible for mutual legal assistance in the six EAP countries will have better skills and tools (manual, online resources) for international co-operation on cybercrime and electronic evidence.**

## **Expected result 2**

**The role of 24/7 points of contact will have been strengthened in the six EaP countries.**

## **Expected result 3**

**Recommendations for amendments to procedures and rules on mutual legal assistance on cybercrime and electronic evidence are available for the six EaP countries.**



# Project Cybercrime@EAP II: Activities undertaken

## PROJECT ACTIVITIES (May – December 2015)

- EAPII Planning Meeting (19 June, 2015 – Strasbourg, France).
- First Meeting on Improving International Cooperation on Cybercrime in the Eastern Partnership Region and Launching of the CyberCrime@EAP II Project (9-11 September, 2015 – Bucharest, Romania)
- Participation of the EAP 24/7 Representatives at the Europol-INTERPOL Conference (29 September - 2 October, 2015 - The Hague, Netherlands).
- Belarus Law Reform Workshop (11-12 November, 2015 - Minsk, Belarus).
- Moldova Cybersecurity Assessment (October 2015)
- Participation in the Hearing of the Law Enforcement Group on CLOUD Evidence on November 30, 2015; the Cybercrime Convention Committee (T-CY) Plenary Meeting on December 1-2, 2015; and the EAP Steering Committee on December 3, 2015 in Strasbourg, France.



# Cybercrime@EAP II: Achievements so far

- Initial workplan agreed:
  - Meeting 1: Bucharest 9-11 September 2015 – completed;
  - Meeting 2: Tbilisi 14-16, December 2015 – planned;
  - Meeting 3: Kiev (TBC), March 2016 – planned;
  - April 2016 – October 2017: support to implementation of recommendations
- 6 x 2 working groups on MLA and on 24/7 contact points established;
- Detailed replies to a questionnaire on international cooperation received, analysed and initial report produced;
- Partners mobilised: Estonia, France, Germany, Romania, Portugal, USA, European Cybercrime Centre/EUROPOL, EUROJUST; some advice and documents already committed or received;
- Recommendations developed and proposed by country teams.

## Objectives of the meeting were:

1. To analyse the procedures and institutional capacities
  - for Mutual legal assistance on cybercrime and electronic evidence
  - of 24/7 points of contact for cybercrime and electronic evidence
  - ▶ Good practices, weaknesses, problems, possible solutions?
2. To prepare preliminary recommendations

## Workshop sessions (background doc: replies to questionnaire):

Workshop 1: MLA	Workshop 2: 24/7
<ul style="list-style-type: none"><li>▪ Competent authorities for MLA on cybercrime and e-evidence: set up and responsibilities</li></ul>	<ul style="list-style-type: none"><li>▪ 24/7 points of contact: set up and responsibilities</li></ul>
<ul style="list-style-type: none"><li>▪ Types of request and offences</li></ul>	<ul style="list-style-type: none"><li>▪ Types of request and offences</li></ul>
<ul style="list-style-type: none"><li>▪ MLA: End-to-end procedures (case studies)</li></ul>	<ul style="list-style-type: none"><li>▪ 24/7 CP: End-to-end procedures (case studies)</li></ul>
<ul style="list-style-type: none"><li>▪ End-to-end procedures: Problems encountered and lessons learnt</li></ul>	<ul style="list-style-type: none"><li>▪ Procedures for obtaining subscriber information</li><li>▪ End-to-end procedures: problems encountered and lessons learnt</li></ul>



## Recommendations and conclusions:

### Legal requirements:

- Review of substantive and procedural law for uniformity of definitions and concepts,
- Regulations for 24/7 setup and responsibilities,
- Specific provisions on obtaining subscriber information (per Article 18.1.b of the Convention on Cybercrime),
- Potential obstacles to expedited processing of MLA requests;
- Public availability of best practice guides or handbooks on the subject.

### Communications:

- Standard multi-language templates and forms for 24/7 and MLA;
- Dedicated online resource for international cooperation in cybercrime cases/electronic evidence;
- Sharing information / follow-up of incoming/outgoing cases between 24/7 and MLA authorities;
- Training of criminal justice personnel and international cooperation officers.

## Recommendations and conclusions:

### **Management:**

- Guidelines for 24/7 points of contact based on best practices and experience;
- Encourage LEA/ISP cooperation through e.g. agreements;
- Efficient use of human resources and communications focusing on admissible evidence;
- Agreements on direct access to communications providers and banking institutions in other states;
- Urgency/priority processing for MLA requests based on formally agreed criteria and law;
- Better integration of MLA data into criminal case management systems to ensure efficient follow-up;

### **Quality of MLA requests:**

- Joint capacity building for criminal justice professionals and international cooperation officers;
- Standard templates and/or handbooks to set an acceptable standard for MLA requests;
- Direct judicial cooperation: centralized reporting, periodic follow-up, and consultations for ensuring quality.



# Project Cybercrime@EAP II: Next steps

- Second Meeting on Improving International Cooperation on Cybercrime in the Eastern Partnership Region (14-16 December, 2015 – Tbilisi, Georgia), which will focus on development of standard templates for data preservation and subscriber data requests;
- Third Meeting on Improving International Cooperation on Cybercrime in the Eastern Partnership Region (March, 2016 – Kiev, Ukraine), also focusing on the work-plan for implementing recommendations;
- Detailed analysis of the rules and procedures for mutual legal assistance on cybercrime and electronic evidence (January – June 2016);
- Further in-country workshops to address the recommendations prepared, including amendments to respective rules and procedures (January 2016 – July 2017);
- Continued support for participation in Octopus/T-CY sessions (June 2016 – June 2017);
- Production and publication of standard templates and online resource for international cooperation (March 2016 – October 2017).

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# Thank you for your attention

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