



Cybercrime@EAP III

Արևելյան Գործընկերություն
Східне партнерство Eastern
Partnership აღმოსავლეთ
პარტნიორობა Parteneriatul
Estic Şarc tǎrǎfǎşigǎ Partenariat
Oriental Усходняе Партнёрства

2017/DGI/JP/3271/3608

3608_27 IV Regional Meeting: Legislation, Safeguards and Cooperation with Service Providers

11-12 September 2017, Chisinau, Moldova
Provided under the Cybercrime@EAP III project

Outline

Background and justification

The [Cybercrime@EAP III](#) project, implemented by the Cybercrime Programme Office of the Council of Europe, features strong focus on public-private cooperation in cybercrime and electronic evidence. Cooperation between criminal justice authorities and private sector entities, including in particular service providers, is essential to protect society against crime. Such cooperation concerns primarily access by police and prosecution services to data held by service providers for criminal justice purposes, but also the sharing of information and experience, as well as training.

[Article 15 Budapest Convention](#) sets the framework in which the law enforcement powers foreseen in the Budapest Convention on Cybercrime should be applied to achieve the necessary balance between the interest of investigation and the human rights requirements. This issue is of crucial importance for ensuring public-private cooperation on cybercrime and electronic evidence, and is of [strategic importance](#) for countries participating in the Eastern Partnership. Lack of understanding and proper implementation of procedural powers as required by Article 15 Budapest Convention adversely affects law enforcement/service provider cooperation, undermines public trust, and affects the rule of law.

When it comes to access to evidence for the purposes of criminal investigations, the private business, including Internet Service Providers (ISPs), are expected to cooperate with the law enforcement without exceptions or concerns. This view, while it may be supported by the general legal framework, is more complicated in practice due to a multitude of factors, especially in the Eastern Partnership region. For example, ISPs are also under other legal obligations, mostly sourced from the personal data protection legislation, to protect the privacy of their users; some sector-specific obligations, for examples, require service providers to provide a certain level of consistent service. These requirements may be often at odds with the obligation to ensure cooperation with the law enforcement in the framework of criminal investigations. Electronic communications regulators in the EAP region, while being expected to be key players and facilitators of cooperation, are not always active or interested in resolving these conflicts of interest or serve as facilitators of public-private cooperation.

As the Eastern Partnership region becomes increasingly integrated into the global economy and with increasing number of people from these countries with daily access to cyberspace, the law enforcement often faces the fact that the multinational service providers (Amazon, Apple, Facebook, Google, Microsoft, PayPal and similar) are in possession of information that can be used as evidence in cases of cybercrime. This drives the increasing demand for more effective access to potential evidence in the cloud. Effectiveness of access to such information is largely dependent on the success of direct cooperation of the law enforcement with such

Partnership for Good Governance



EUROPEAN UNION

CONSEIL DE L'EUROPE

companies, as there are more opportunities to get access to potential evidence through voluntary cooperation mechanisms rather than reverting to more time-consuming process of mutual legal assistance.

Expected outcome

Carried out under Result/Immediate Outcome 3 of the Cybercrime@EAP III project (*Criminal procedure law strengthened*), the IV Regional Meeting of the [Cybercrime@EAP III](#) project will try to engage the country teams, project partners and counterparts into discussions on the topics of public-private cooperation on cybercrime and electronic evidence, with special focus on the following topics:

More specifically, the Regional Meeting will look into the following subjects:

- Investigative actions, criminal procedure and operative-detective powers from the point of view of safeguards and guarantees (Article 15 [Budapest Convention](#));
- Regulatory framework for data preservation vs. data retention: focus on current European developments and requirements of data protection;
- Findings of the EAP report on liability of Internet Service providers;
- Study on cooperation strategies with the multinational service providers;
- Cybercrime@EAP III project administration and planning for 2018.

By the end of the event, the participants will be able to have up-to-date knowledge of legal frameworks and related safeguards for public-private cooperation, situation in the EAP as regards ISP cooperation and communication with global service providers, as well as to assess progress and plan further in terms of project implementation.

Participants

The event will be attended by the following participants:

- Project country team members;
- Project partners;
- International experts on the subjects of discussion;
- Representatives of policy makers, criminal justice authorities, data protection authorities and Internet industry of Moldova;
- C-PROC staff.

Administrative arrangements and location

The event will take place at **Radisson Blu Hotel**, 77 Mitropolit Varlaam St, Chisinau, Moldova.

Programme (draft)

Monday, 11 September 2017

8h30	<i>Registration/Welcome Coffee</i>
	Opening session: welcome addresses
9h00	<ul style="list-style-type: none"> Mr. Igor Popa, Deputy Prosecutor General of the Republic of Moldova EU Delegation to Moldova <i>TBC</i> Council of Europe, Chisinau Office <i>TBC</i> Giorgi Jokhadze, Council of Europe Cybercrime Programme Office
	Legal frameworks on cybercrime: focus on Article 15
9h30	<ul style="list-style-type: none"> EAP Article 15 Study: an overview – <i>Marko Juric, Council of Europe expert, Croatia</i> Procedural guarantees and practical differences between investigations and operative/detective activities – <i>Mick Jameison, Council of Europe expert, United Kingdom</i> Data protection dimension of law enforcement oversight in cyberspace – <i>Dimitri Gugunava, Office of the Personal Data Protection Inspector of Georgia</i>
10h45	<i>Coffee break</i>
	Legal frameworks on cybercrime: focus on Article 15
11h15	<ul style="list-style-type: none"> Focus on Moldova: safeguards and guarantees in light of planned legal amendments (Law 161 and beyond) – <i>Mr. Artur Degteariov, Main officer of investigations, Centre for Combating Cybercrime, Ministry of the Interior of Moldova</i> and <i>Mr. Dumitru Purici, Prosecutor of the Department for Information Technology and Combating Cybercrime, Prosecutor General's Office of Moldova</i> Tour de table: overview of safeguards and guarantees in the EAP states – <i>discussion moderated by Marko Juric, Council of Europe expert, Croatia</i> Other subjects relevant for development of legal frameworks and Article 15 - <i>discussion moderated by C-PROC</i>
12h30	<i>Lunch</i>
	Data preservation vs. data retention: applicable safeguards
14h00	<ul style="list-style-type: none"> Data preservation vs. data retention: data protection perspective in criminal investigations - <i>Mick Jameison, United Kingdom</i> European debate on data retention: overview – <i>Marko Künnapu, Council of Europe expert, Estonia</i> Focus on Moldova: policies and practices of Internet industry for retaining data and providing access to law enforcement – <i>Mr. Sergiu Bozianu, Deputy Head of Evidence and Control Department of the National Centre for Personal Data Protection, Republic of Moldova</i>
15h30	<i>Coffee break</i>
	Liabilities of Internet service providers in the EAP
16h00	<ul style="list-style-type: none"> Presentation and discussion of the ISP Liabilities study and report – <i>Hein Dries, Council of Europe expert, Netherlands</i>
17h30	End of day 1
18h30	Welcome dinner at Vatra Neamului , Puskin Street 20b, Chisinau, Moldova

Tuesday, 12 September 2017

	Study on strategy of cooperation with multinational service providers
9h00	<ul style="list-style-type: none"> Presentation and discussion of the study and report on cooperation with multinational service providers – <i>Albena Spasova, Council of Europe expert, Bulgaria</i>
10h30	<i>Coffee break</i>
	Looking beyond: what future holds for public-private cooperation
11h00	<ul style="list-style-type: none"> Cybercrime Convention Committee and its development of standards for

	<p>cooperation with service providers – <i>Marko Künnapu, member of the T-CY Bureau, Estonia</i></p> <ul style="list-style-type: none"> • Private sector view on cooperation: measures for building trust toward the law enforcement – <i>Council of Europe experts Albenă Spasova, Bulgaria and Hein Dries, Netherlands</i> • Focus on Moldova: cooperation with national and international service providers, challenges and perspectives – <i>Mr. Sergiu Lisnic, Main Investigator of the Cybercrime Centre, Ministry of the Interior of Moldova</i>
12h30	Lunch
	<p>Cybercrime@EAP III: project status and planning</p> <ul style="list-style-type: none"> • Project progress and delivery on indicators – <i>Giorgi Jokhadze, Project manager, Cybercrime@EAP III project at C-PROC</i> • State of the online public-private cooperation platform – <i>Alexandra Trandafir, Project assistant, Cybercrime@EAP III project at C-PROC</i> • Project extension and workplan for 2018 - <i>Giorgi Jokhadze, C-PROC</i>
14h00	
	<p>Closing session: summary and wrap-up</p> <ul style="list-style-type: none"> • Government of Moldova <i>TBC</i> • Council of Europe, Chisinau Office <i>TBC</i> • Council of Europe Cybercrime Programme Office <i>TBC</i>
15h30	
16h00	End of event

Contacts

At the Council of Europe:

Giorgi JOKHADZE
 Project Manager (CyberCrime@EAP III)
 Cybercrime Programme Office of the Council of Europe (C-PROC)
 Bucharest, Romania
 Tel: +40-21-201-784
giorgi.jokhadze@coe.int
www.coe.int/cybercrime