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## Cybercrime Convention Committee (T-CY)

Preparation of a 2<sup>nd</sup> Additional Protocol to the Budapest Convention on Cybercrime

### Summary report of the 1st Meeting of the T-CY Protocol Drafting Plenary (Strasbourg 28 – 29 November 2017)

The 1<sup>st</sup> meeting of the T-CY Protocol Drafting Plenary (PDP) was held at the Council of Europe in Strasbourg on 28 and 29 November 2017 and chaired by Erik Planken (Netherlands).

Some 149 representatives of 64 Parties and Observer States and of 12 international organisations and Council of Europe committees participated.

The PD Plenary,

- Reviewed the Summary Report of the 1st meeting of the PDG (19-20 September 2017);
- Adopted the Working Methods and Workplan for the drafting process;
- Approved the initial inventory of provisions to be developed, and welcomed that representatives of many Parties assumed responsibility for the preparation of initial draft provisions;
- Exchanged views on the questions of:
  - jurisdiction;
  - audio/video hearings;
  - transborder access to data;
  - MLA in emergency situations;
  - language of requests;
- Took note of updates provided by other sub-groups;
- Agreed to hold the next meeting of the PDG from 31 January to 2 February 2018, and the next meeting of the PDP on 9-10 July 2018;
- Agreed on the agenda of the next PDG meeting;
- Agreed to make public the “workplan and working methods” as well as this summary report.

## Appendix 1: Agenda

1 <sup>st</sup> Meeting of the Protocol Drafting Plenary
<p>1. Outcome of the 1st meeting of the Protocol Drafting Group (PDG)</p> <p>T-CY members are invited to discuss the Summary Report of the 1st meeting of the PDG(19-20 September 2017) (Document T-CY (2017)21),</p>
<p>2. Working methods and workplan</p> <p>T-CY members are invited to review in view of approval the working methods and workplan as proposed by the PDG (Document T-CY(2017)20).</p>
<p>3. Inventory of provisions</p> <p>T-CY members are invited to review in view of approval the initial inventory of provisions to be prepared as proposed by the PDG (Document T-CY(2017)19).</p>
<p>4. Concepts of provisions</p> <p>T-CY members are invited to engage in substantive discussions on concepts of provisions for:</p> <ul style="list-style-type: none"><li>- Requests in English language;</li><li>- Audio-video hearings;</li><li>- Emergency procedures for mutual legal assistance.</li></ul> <p>T-CY members are invited take note of updates provided by other sub-groups</p>

## Appendix 2: List of participants

### Parties

COUNTRY	NAME	INSTITUTION
ALBANIA	Diana STILLO SILA	Head of Unit Department of Foreign Jurisdiction Relations Ministry of Justice
ALBANIA	Denisa ASKO	Prosecutor
ANDORRA	Angels MORENO	Juge Instruction criminelle spécialisée sur la criminalité socioéconomique et le crime organisé Batllia d'Andorra
ARMENIA	Arsen ELOYAN	Senior Officer Police Senior Lieutenant Hi-Tech crime department Police of the Republic of Armenia
ARMENIA	Armenuhi HARUTYUNYAN	Head of Department of Mutual Legal Assistance, Ministry of Justice
ARMENIA	Vahagn HARUTYUNYAN	Lieutenant colonel of police of RA Head of Hi-Tech crime division Main department of combat against organised crime Police of the Republic of Armenia
AUSTRALIA	Julia THWAITE	Principle Legal Officer Office of Communications Access and Cybercrime Attorney-General's Department
AUSTRALIA	Mark MCCORMACK	Principle Legal Officer International Law Enforcement Cooperation Unit Attorney-General's Department
AUSTRIA	Judith HESTER	Federal Ministry of Justice
AZERBAIJAN	Javid HUMBATOV	State Security Service of Azerbaijan
AZERBAIJAN	Arzu ZEYNALABDIYEVA	Prosecutor of the International Relations Department Prosecutor General's Office of the Republic of Azerbaijan
BELGIUM	Frederik DECRUYENAERE	Attaché Directorate-General for Legislation, Fundamental Rights and Freedoms Criminal Law Special Crimes and Procedures Service Service Federal Public Service Justice
BOSNIA AND HERZEGOVINA	Nedžad DILBEROVIC	Adviser Section NBC Interpol Directorate for Coordination of Police Bodies Bosnia and Herzegovina
BULGARIA	Mihail DRAGODANOV	Chief Inspector Cyber Crime Department Cyber Attacks Unit

		General Directorate Combating Organized Crime Ministry of Interior of Bulgaria
CANADA	Gareth SANSOM	Director Technology and Analysis, Criminal Law Policy Section Department of Justice
CANADA	Robert YOUNG	Legal Counsel (Cyber) Criminal, Security and Diplomatic Law Division Global Affairs Canada
CANADA	Annemieke HOLTHUIS	Counsel, Criminal Law Policy Section Policy Sector, Justice Canada
CANADA	Thomas BEVERIDGE	Counsellor, International Criminal Operations Mission of Canada to the EU
CHILE	Daniel Alejandro MORA MUÑOZ	Second Secretary International and Human Security Directorate Ministry of Foreign Affairs
CHILE	José Luis CORTES ZEPEDA	Legal Advisor Public Prosecution Office
CHILE	Eduardo Antonio VILCHES FUENTES	Legal Advisor on cybercrime Ministry of Interior and Public Security
CHILE	Alexandro ALVAREZ	Senior legal advisor Undersecretary of Interior Ministry of Interior and Public Security
COSTA RICA	Erick LEWIS- HERNANDEZ	Head of Computer Crime Section Cybercrime Section, Judicial Investigation Organism, Judicial Power
COSTA RICA	Geovanni RODRIGUEZ-GOMEZ	Head of Criminal Investigation Department Criminal Investigation Department, Organism, Judicial Power
CROATIA	Ivan MIJATOVIC	High-tech Crime Department National Police Office for Suppression of Corruption and Organized Crime
CYPRUS	[APOLOGIZED]	
CZECH REPUBLIC	Jakub PASTUSZEK	Head of International Criminal Law Unit Ministry of Justice
DENMARK	Nynne NYTOFTE-BÆK [APOLOGIZED]	Head of Section Criminal Law Division Ministry of Justice
DENMARK	Jesper HJORTENBERG	National Member for Denmark at EUROJUST
DOMINICAN REPUBLIC	Claudio PEGUERO	Advisor to the Chief of Police in ICT's National Police
DOMINICAN REPUBLIC	Esther AGELAN	Judge Supreme Court of Justice
DOMINICAN REPUBLIC	Cesar MOLINE	Legal counselor INDOTEL
ESTONIA	Markko KÜNNAPU	Adviser on EU Affairs Ministry of Justice
FINLAND	Janne KANERVA	Counsellor of Legislation Legislative Affairs Ministry of Justice
FINLAND	Jouko HUHTAMÄKI	Ministerial Adviser Police department

		Ministry of Interior
FRANCE	Sylvain BRUN	Commissaire de police Deputy Head of OCLCTIC Central Office for the Fight Against Crime Related to Information and Communication Technologies Ministry of the Interior
FRANCE	Vanessa EL KHOURY- MOAL	Magistrate at the European and International Criminal Bargaining Office Criminal Matters and Pardons Directorate Ministry of Justice
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GEORGIA	Givi BAGDAVADZE	Head of International Relations Division, Legal Support Department, Prosecutor's Office, Ministry of Justice
GEORGIA	Levan DIDEBULIDZE	Detective of the Cybercrime Division; Central Criminal Police Department; Ministry of Internal Affairs
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GERMANY	Susanne MÜNCH	RB3 Federal Ministry of Justice and Consumer Protection
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ISRAEL	Haim WISMONSKY	Director, Cybercrime Department Israeli State Attorney's Office
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MALTA	Timothy J. ZAMMIT [APOLOGIZED]	Inspector of Police Cyber Crime Unit Malta Police Force
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MAURITIUS	Mahesh BEEHARRY	Senior State Counsel Attorney General's, Ministry of Justice, Human Rights and Institutional Reforms
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MOLDOVA	Irina CUCIUC	Prosecutor, International judicial assistance and European integration Unit, General Prosecutor's Office
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MONTENEGRO	Ognjen MITROVIĆ	Ministry of Justice of Montenegro
MONTENEGRO	Vukas RADONJIĆ	State prosecutor Basic State Prosecutor's Office in Podgorica
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NETHERLANDS	Joost RAEVEN [TBC]	Law Enforcement Directorate Ministry of Security and Justice
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PANAMA	[APOLOGIZED]	
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		Chief Specialist European and International Criminal Law Unit Department of Legislation Ministry of Justice
PORTUGAL	Pedro VERDELHO	Public Prosecutor General Prosecutor's Office of Lisbon
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SENEGAL	Mamadou Cissé FALL	Conseiller Cour d'appel de Dakar
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SLOVAKIA	Branislav BOHÁČIK	Prosecutor of General Prosecutor's Office of the Slovak Republic
SLOVENIA	Toni KASTELIC	Head of Computer Investigation Centre Criminal Police Directorate
SPAIN	Maria Elvira TEJADA DE LA FUENTE	Head Cybercrime Prosecutor's Office General Prosecutor's Office
SPAIN	Antonio LÓPEZ	Spanish National Police
SPAIN	Jose DURAN	Major - Spanish Guardia Civil Criminal Police Branch Criminal Intelligence Unit – High Tech Crime Group
SRI LANKA	Jayantha FERNANDO	Director ICTA
SRI LANKA	Ravi SENEVIRATNE	Senior Deputy Inspector General of Police Criminal Investigations Department Sri Lanka Police & 24/7 Point of Contact
SRI LANKA	Lochana PUNCHIHEWA	Assistant Legal Draftsman Legal Draftsman's Department of Sri Lanka Ministry of Justice



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USA	Laura-Kate BERNSTEIN	Trial Attorney Computer Crime & Intellectual Property Section Criminal Division United States Department of Justice
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## Observer States

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CABO VERDE	Franklin Afonso FURTADO	Deputy Public Prosecutor General Prosecutor's Office of Cabo Verde
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CABO VERDE	Mrs. Nueli DUARTE	Prosecutor Prosecutor's Office
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MOROCCO	Abdeljalil TAKI	Membre de l'équipe marocaine du Projet GLACY DGST Ministry of Interior / ministère de l'intérieur
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PHILIPPINES	Raymund MECATE	Undersecretary / Deputy Minister Department of Justice
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RUSSIAN FEDERATION	Anastasiya TOROPOVA	Third Secretary, Legal Department, Ministry of Foreign Affairs of the Russian Federation Permanent Representation
SWEDEN	Erling JOELSSON WARRENSTEIN	Permanent Representation of Sweden to the Council of Europe (trainee)

## Observer Organisations

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COMMONWEALTH SECRETARIAT	Shadrach Usman HARUNA	Legal Adviser, Justice Section Rule of Law Division
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EUROPEAN UNION Council of the EU	Gilles DUVAL	Head of Unit Council of the European Union
EUROPEAN UNION Council of the EU	Erwin BUYSENS	Council of the European Union
EUROPEAN UNION EUROPOL (EC3)	Francesca MERLETTI	Program Specialist EC3 European Cybercrime Centre Outreach and Support Team
EUROPEAN UNION ENISA	Silvia PORTESI	Research and Analysis Expert ENISA European Union Agency for Network and Information Security
EUROPEAN UNION EUROJUST	[APOLOGIZED]	
G7 Group's High-Tech Crime Subgroup	[APOLOGIZED]	
INTERPOL	Donguk KIM	Project Manager
INTERPOL	Lili SUN	Head of Training, DIS, CD, IGCI
INTERPOL	Takayuki OKU	Assistant Director Digital Crime Investigative Support Cybercrime Directorate
INTERNATIONAL TELECOMMUNICATION UNION (ITU)	[APOLOGIZED]	
ORGANIZATION OF AMERICAN STATES (OAS)	Rodolfo ORJALES	Department of Justice Cybercrime and Intellectual Property
OECD	[APOLOGIZED]	
OSCE	Rasa OSTRauskaite	Director, Transnational Threats Department OSCE
UNODC	Dimosthenis CHRYSIKOS	

## Council of Europe experts

ORGANISATION	NAME	POSITION
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Max Planck Institute for Foreign and International Criminal Law	Prof. Ulrich SIEBER	Director

## Council of Europe Committees

COMMITTEES	NAME	POSITION
CDMSI (Steering Committee on Media and Information Society)	Emir POVLAKIC	Head of Division for Licensing Communications Regulatory Agency Digitalization and Coordination in Broadcasting, Bosnia-Herzegovina
CDPC (European Committee on Crime Problems)	APOLOGISED	
CDCJ (European Committee on Legal Co-operation)		
PC-OC (Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters)	Gabriela BLAHOVA	Director of the International Department for Criminal Matters Ministry of Justice of the Czech Republic
T-PD (Consultative Committee of Data Protection Convention 108)	Gert VERMEULEN	Director Department Criminology, Criminal Law and Social Law Institute for International Research on Criminal Policy (IRCP), Belgium
T-PD (Consultative Committee of Data Protection Convention 108)	Martyna KUSAK	Faculty of Law and Administration, Chair of Criminal Procedure, Collegium Iuridicum

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## Interpreters

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