

State of play: Policies, strategies, substantive and procedural law, specialised units, international cooperation and public/private cooperation on cybercrime and e-evidence in Eastern Partnership countries¹

	Armenia	Azerbaijan	Belarus	Georgia	Moldova	Ukraine
Cybercrime strategies and action plans	No	No	Yes – as part of the Information Security Concept of the Republic of Belarus of 2019	Yes – as part of Cybersecurity and Organized Crime Strategies and Action Plans	Yes – as part of the National Programme on Cyber Security 2016-2020	Yes - as part of cybersecurity strategy, with yearly action plans since 2016
Substantive law (against provisions of the Budapest Convention)	<ul style="list-style-type: none"> - Articles 2-6 of the BCC (c-i-a offences) implemented; - Only general definitions of forgery and fraud – no computer data elements (Art. 7-8 BCC); - Lack of necessary definitions of child pornography offences (Art. 9 BCC) - General provision used for IPR offences (Art. 10 BCC) - Concepts of attempt, aiding and abetting implemented (Art. 11 BCC) - No corporate 	<ul style="list-style-type: none"> - Articles 2-6 of the BCC (c-i-a offences) implemented; - Offence of computer forgery implemented (Art. 7 BCC); - General definition of fraud used – no computer data element (Art. 8 BCC); - Lack of necessary definitions of child pornography offences (Art. 9 BCC) - General provision used for IPR offences (Art. 10 BCC) - Concepts of attempt, aiding and abetting 	<ul style="list-style-type: none"> - Incomplete implementation of Articles 2-6 of the BCC (c-i-a offences); - Only general definitions of forgery and fraud – no computer data elements (Art. 7-8 BCC); - General definition of fraud used – no computer data element (Art. 8 BCC); - General implementation of child pornography offences but several definitions lacking (Art. 9 BCC); - General provision used for IPR 	<ul style="list-style-type: none"> - Articles 2-6 of the BCC (c-i-a offences) implemented, Art. 6 implementation incomplete; - Only general definitions of forgery and fraud – no computer data elements (Art. 7-8 BCC); - General implementation of child pornography offences but several definitions lacking (Art. 9 BCC); - General provision used for IPR offences (Art. 10 BCC); - Concepts of attempt, aiding and abetting implemented (Art. 	<ul style="list-style-type: none"> - Articles 2-6 of the BCC (c-i-a offences) implemented; - Offences of computer forgery and fraud implemented (Art. 7-8 BCC); - Lack of necessary definitions of child pornography offences (Art. 9 BCC) - Concepts of attempt, aiding and abetting not reported to be implemented (Art. 11 BCC); - Corporate liability implemented and applicable to cybercrime offences (Art. 12 BCC) 	<ul style="list-style-type: none"> - Articles 2-6 of the BCC (c-i-a offences) implemented, however definitions of acts are split between several Articles and some elements are missing; - Only general definitions of forgery and fraud – no computer data elements (Art. 7-8 BCC); - General implementation of child pornography offences but several definitions lacking (Art. 9 BCC); - General provisions used for IPR offences (Art. 10 BCC); - Concepts of attempt,

¹ State of play applicable as of starting date of the project – 20 June 2019.

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	liability provisions (Art. 12 BCC)	implemented (Art. 11 BCC); - Corporate liability provision present but general in scope (Art. 12 BCC)	offences (Art. 10 BCC) - Concepts of attempt, aiding and abetting implemented (Art. 11 BCC); - Corporate liability established only for administrative misdemeanours (Art. 12 BCC)	11 BCC); - Corporate liability implemented and applicable to cybercrime offences (Art. 12 BCC)		aiding and abetting implemented (Art. 11 BCC); - No corporate liability provisions (Art. 12 BCC)
Procedural law (against provisions of the Budapest Convention)	- No definitions of categories of data - No implementation of Articles 16, 17 and 18 BCC (search and seizure used as alternative); - Special powers for search and seizure (Art. 19 BCC) not implemented.	- No definitions of categories of data - No implementation of Art. 16 BCC (production order or search/seizure as alternative); - No implementation of Art. 17 BCC (general obligation of ISPs to cooperate); - Partial implementation of Art. 18 BCC (voluntary compliance); - Special powers for search and seizure (Art. 19 BCC) not implemented.	- No implementation of Art. 16 and 17 BCC (general data retention obligation used as alternative); - No implementation of Art. 18 BCC (general powers to receive documents); - Special powers for search and seizure (Art. 19 BCC) not implemented; - No judicial authorization for intrusive powers.	- No implementation of Art. 16 and 17 BCC (production orders used as alternative); - Special powers for search and seizure (Art. 19 BCC) not implemented.	- Partial implementation of Art. 16 BCC (applies only to ISPs); - Partial implementation of Art. 18 BCC (only provisions of Article 18.1.b); - Partial implementation of special powers for search and seizure (Art. 19 BCC).	- No definitions of subscriber information and traffic data; - No implementation of Art. 16 BCC – production order or search/seizure as alternative; - No implementation of Art. 17 BCC; - No implementation of Art. 18 BCC – provisional access to objects and documents as alternative; - Special powers for search and seizure (Art. 19 BCC) not implemented; - Partial implementation of

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						Art. 20 BCC – no definition of traffic data.
Related standards: Istanbul Convention ²	- Signatory from 2018 - No ratification	- Not signed	- Not signed	- Party since 2017	- Signatory from 2017 - No ratification	- Signatory from 2011 - No ratification
Related standards: Lanzarote Convention ³	- Signatory from 2010 - No ratification	- Signatory from 2008 - No ratification	- Not signed	- Party since 2015	- Party since 2012	- Party since 2012
Related standards: Data Protection Convention 108 ⁴	- Party since 2012	- Party since 2010	- Not signed	- Party since 2006	- Party since 2008	- Party since 2011
Related standards: Protocol to Convention 108 on supervisory authorities and transborder dataflows ⁵	- Party since 2012	- Not signed	- Not signed	- Party since 2014	- Party since 2012	- Party since 2011
Related standards: Protocol	- Not signed	- Not signed	- Not signed	- Not signed	- Not signed	- Not signed

² Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS 210)

³ Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS 201)

⁴ Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (CETS 108)

⁵ Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, regarding supervisory authorities and transborder data flows (CETS 181)

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amending Convention 108 ⁶						
Operational cybercrime units	<ul style="list-style-type: none"> - Division for Combating High-Tech Crime under the General Department on Combating Organized Crime at the Police - Investigative Committee 	<ul style="list-style-type: none"> - Department of Combating Crimes in Communications and IT of the General Directorate of Combating Organised Transnational Crimes at the State Security Service; - Ministry of the Interior (unit being set up) 	<ul style="list-style-type: none"> - High-Tech Crime Department of the Ministry of Interior (Department "K") - High-Tech Crime and Intellectual Property Department of the Investigative Committee 	<ul style="list-style-type: none"> - Cybercrime Division of the Central Criminal Police Department at the Ministry of Internal Affairs - Ministry of State Security 	<ul style="list-style-type: none"> - Centre for Combating Cybercrime at the National Inspectorate for Investigations of the General Inspectorate of Police of the Ministry of the Interior - Information Technology and Cyber Crime Investigation Section of the Prosecutor General's Office 	<ul style="list-style-type: none"> - Cyber Police Department of the National Police under the Ministry of Interior - Department of counterintelligence protection of state's interests in sphere of information security of the State Security Service
Police-to-police cooperation units	<ul style="list-style-type: none"> - Division for Combating High-Tech Crime under the General Department on Combating Organized Crime at the Police 	<ul style="list-style-type: none"> - Department of Combating Crimes in Communications and IT of the General Directorate of Combating Organised Transnational Crimes at the State Security Service 	<ul style="list-style-type: none"> - High-Tech Crime Department of the Ministry of Interior (Department "K") 	<ul style="list-style-type: none"> - Cybercrime Division of the Central Criminal Police Department at the Ministry of Internal Affairs 	<ul style="list-style-type: none"> - Centre for Combating Cybercrime at the National Inspectorate for Investigations of the General Inspectorate of Police of the Ministry of the Interior - Information Technology and Cyber Crime Investigation Section of the Prosecutor General's Office 	<ul style="list-style-type: none"> - Cyber Police Department of the National Police under the Ministry of Interior - The Department of counterintelligence protection of state's interests in sphere of information security of the Security Service of Ukraine
Authorities for judicial cooperation	<ul style="list-style-type: none"> - Department for International Cooperation and 	<ul style="list-style-type: none"> - International Relations Department of the 	<ul style="list-style-type: none"> - International Legal Department of the Office of the 	<ul style="list-style-type: none"> - International Cooperation Unit of the Department of 	<ul style="list-style-type: none"> - Department for International Legal Assistance and 	<ul style="list-style-type: none"> - Department for International Legal Cooperation of the

⁶ Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (CETS 223)

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	<p>Legal Support at the Prosecutor General's Office (pre-trial);</p> <ul style="list-style-type: none"> - Ministry of Justice, Department for International Legal Assistance (trial stage). 	<p>Prosecutor General's Office (pre-trial);</p> <ul style="list-style-type: none"> - Ministry of Justice (trial stage). 	<p>Prosecutor General;</p> <ul style="list-style-type: none"> - Other authorities specified on treaty basis; - Supreme Court (limited competence). 	<p>Legal Affairs of the Office of the Chief Prosecutor at the Ministry of Justice</p>	<p>European Integration at the Prosecutor General's Office (pre-trial)</p> <ul style="list-style-type: none"> - International Legal Cooperation Division of the Ministry of Justice (trial stage) 	<p>Prosecutor General's Office (pre-trial)</p> <ul style="list-style-type: none"> - Division on Mutual Legal Assistance in Criminal Matters, International Legal Cooperation Department, Directorate for International Law, Ministry of Justice (trial stage)
Public/private cooperation	<ul style="list-style-type: none"> - Cooperation agreement since 2015 	<ul style="list-style-type: none"> - No formal cooperation arrangements 	<ul style="list-style-type: none"> - No formal cooperation arrangements 	<ul style="list-style-type: none"> - Cooperation agreement since 2010 	<ul style="list-style-type: none"> - No formal cooperation arrangements 	<ul style="list-style-type: none"> - No formal cooperation arrangements