

Strasbourg, 16 December 2021

WG-24/7 MEDICRIME (2021)20  
Online mode

## **1st Working Group meeting: MEDICRIME 24/7 Network Summary of the meeting**

### **• Item 1: Opening of the meeting**

The meeting took place on 16.12.2021 starting at 10:00 CET and was moderated by the Executive Secretary of the MEDICRIME Committee, Mr. Óscar Alarcón Jiménez. For the opening remarks, there were presented the objectives of the meeting and a round of introductions. Also, it was highlighted the Feasibility Study on setting up a 24/7 Network for the MEDICRIME Convention and the participants were encouraged to get familiarised with it.

There were introduced the three experts that contributed for the session:

- Mr. Branko Stamenkovic – Deputy General Prosecutor (General Prosecutor in Serbia) – Drafter of the Feasibility Report (Contact Point for Serbia regarding the Budapest Convention on Cybercrime)
- Mr. Catalin ZETU - Central Cybercrime Unit, Romanian Police – Supervisor of the Budapest Convention on Cybercrime 24/7 Contact Point.
- Mr. Virgil SPIRIDON - Head of Operation, C-PROC Office, Council of Europe

### **• Item 2: Adoption of the draft agenda**

The agenda was adopted by the representatives of the meeting without any objections and with the remark that all the parties could freely take the floor at any time during the meeting.

### **• Item 3: Exchange of views and best practices**

#### **3.1 Responsibilities of a national 24/7 focal point**

The CoE expert, Mr. Branko Stamenkovic, started his intervention of the topic with the question "*How can the 24/7 network be established in the current situation (e.g. COVID-19 pandemic)?*" and altered the scenario regarding the trafficking in medical products and devices and also mentioned the emergence of COVID-19 related fakes, but insisting on its more extensive overreach.

In his opening remarks the expert also touched on the importance of the MEDICRIME Convention and its utility in combating organised crime.

In regards to the responsibilities of a national 24/7 focal point, the expert highlighted five main questions that need to be answered before initiating the establishment of a 24/7 Network.

- *Do we have the necessary authorities to collaborate?*
- *Are they specialised or regular?*
- *What are their competences? How far can they reach? Not only the police sections, but the prosecutorial and judicial actions need to be fast (not wait for the classic judicial cooperation)*
- *What are the logistical (e.g. budgets) of the organisation?*
- *How do they cooperate both ad intra and ad extra?*

Article 16 MEDICRIME Convention gives enough grounds for the countries of the MEDICRIME Convention to proceed with the foundation of the 24/7 Network.

Next, the expert highlighted the main the responsibilities of a national 24/7 contact point, as follow:

- decide the necessary authority and powers
- ability to deliver immediate assistance
- to provide technical and legal advice
- to provide information about the system in place
- to facilitate or execute international co-operation requests

Mr. Óscar Alarcón Jiménez addressed a question in regards to how much time did the Serbian authorities need to implement this project in the context of the Budapest Convention and the expert replied that the time is reduced if the correct authorities are already in place.

Next, Mr. Virgil SPIRIDON took the floor and mentioned that three main prerequisites before becoming a Party to the Budapest Convention:

- Who is the Contact Point?
- The authority in charge with MLA
- The authority in charge with extradition

It was also mentioned that the responsibilities for the 24/7 Contact Points are clearly laid out (Article 35 of the Budapest Convention) and that the legal diversity needs to be taken into account; sometimes on a national level are two and not only one contact point (e.g. Guardia Civil / Policía Nacional in Spain).

### **3.2 Institutionalising the framework at national level**

Mr. Catalin ZETU described the possibilities of the institutionalizing process and highlighted some of the key milestones.

A legal framework is needed at national level that stipulate the existence and the functionality of a 24/7 contact point. It can be stipulated by law or internal regulation of a specific authority.

It was also mentioned that the specificity of a national 24/7 contact point should be fast and reliable cooperation.

Another key aspect to be considered during the setting up of a contact point are both the needed resources and aspects to bear in mind and the volume of requests. Within the Budapest Convention, some Member States only designate one person; in others, there is an entire team behind the cooperation. It depends on the amount of work (workload).

Another important factor is the training of the members of the 24/7 Network. On this regard, the expert presented the way this can be done in a multi phase approach. One of the participants in the meeting expressed the importance of the training and the exchange of best practices.

It was also highlighted the promotion of the 24/7 network at the national level. This is important to be implemented for the efficiency of the network and for bringing awareness to the interested authorities.

During the discussions it was also addressed by some of the participants the need of establishing a 24/7 Network and also the overlapping with some other existing Medicrime SPOCs and National platforms available in some countries.

Another important point addressed is the integration of the health regulatory authorities within a 24/7 Network.

### **3.3 Operationalisation of the Network**

Mr. Virgil SPIRIDON presented the functionality and the main characteristics of the 24/7 Budapest Convention Network from the Council of Europe (hereafter, CoE) perspective. In this regard, CoE offers guidance both before a country becomes a member of the Budapest Convention, but also afterwards (e.g. mostly with regard to the selection of Contact Points, in Tunisia and Brazil); as well as capacity-building programmes (e.g. training). However, the CoE does not interfere in communications. Countries may select how best to communicate within the network.

The main functionality of the 24/7 Network under the Budapest Convention are requests for freezing the data for 90 days (mutual legal assistance from country A to country B).

Next it was presented some the benefits of using templates for sending requests within the network and Mr. Spiridon highlighted some of the strengths of the network.

- It is a trustworthy Network with increasingly strong relations between members
- Cooperation within the Network is expeditious, efficient, in real time and
- successful
- The list of contact points is kept up to date and thus reliable
- Generally, contact points are available 24/7
- Electronic data can be expeditiously preserved
- The contact points are formed by multidisciplinary and qualified teams

- The electronic data retained through the use of the network and additionally collected through subsequent MLA procedures can be used as evidence in criminal cases
- The Network can be used for obtaining information on legal frameworks of the counterpart
- The Network can facilitate MLA procedures

- **STEPS FURTHER**

Further assess the current state of 24/7 capabilities regarding police, prosecutors, judges and mutual assistance in medicrime-related criminal proceedings in each state Party to the Medicrime Convention. The proposed assessment is to be done via a report or a round table in the next working group meeting.

The assessment should focus on the following: a) what other networks are already doing (functioning?) at national level; b) what are the scope of those networks; and c) how would this suit their criminal stats.

The next meeting will take place in February 2022, and it will last around 2,3 hours.

## **ANNEXES**

### **ANNEX 1**

Strasbourg, 17 February 2023

WG-24/7-MEDICRIME-(2021)01  
*Online mode*

#### **Working Group on the 24/7 Network MEDICRIME Convention**

#### **1<sup>st</sup> working group meeting**

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#### **Draft Agenda**

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**Teleconference, 16 December 2021**  
Council of Europe

Opening at 10:00 (testing at 9:30),  
Closing around 17:00

Document prepared by the Criminal Law Co-operation Unit Secretariat  
Directorate General I – Human Rights and Rule of Law

#### **1. Opening of the meeting**

The working group (WG) meeting will start at 10:00 on Monday, 15 November 2021 and be moderated by the Executive Secretary of the MEDICRIME Committee. The Working group is invited to take note of the opening remarks by the Secretariat.

#### **2. Adoption of the draft agenda**

The WG will adopt the draft agenda of the meeting.

#### **3. Exchange of views and best practices**

##### **3.1 Responsibilities of a national 24/7 focal point**

The WG members are invited to consider the responsibilities and powers of specialised units, legal and administrative measures and allocation of adequate resources their establishment may imply. *With the guidance of Expert: Branko STAMENKOVIC (Serbia) and Mr Catalin ZETU (Romania)*

**11:20-11:40 Coffee break**

### **3.2 Selection of authorities to bear the role of national 24/7 focal point**

The WG members are invited to consider the selection of the authorities which are going to be included at domestic level in the network' operations with regard to their competences. *With the guidance of Expert: Branko STAMENKOVIC (Serbia) and Mr Catalin ZETU (Romania)*

**13:00-14:00 Lunch break**

### **3.3 Institutionalising the framework at national level**

The WG members are invited to consider necessary regulations and powers necessary to institutionalise the focal point at national level. *With the guidance of Expert: Branko STAMENKOVIC (Serbia) and Mr Catalin ZETU (Romania)*

**14:00-15:20 Coffee break**

### **3.4 Operationalisation of the Network**

The WG members are invited to consider the procedures and competences of the 24/7 Network. *With the guidance of Expert: Branko STAMENKOVIC (Serbia) and Mr Catalin ZETU (Romania)*

**16:40-17:00 Closing discussion on steps ahead**

## **4. Dates of the next meeting**

The WG on a 24/7 Network is invited to discuss the dates of the next meeting.

Background information:

- [Feasibility study: The setting-up of a 24/7 network within the MEDICRIME Convention](#)

## ANNEX 2

16 December 2021

### **MEDICRIME COMMITTEE / COMITÉ MEDICRIME**

Committee of the Parties to the Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health /  
Comité des Parties à la Convention du Conseil de l'Europe sur la contrefaçon des produits médicaux et les informations similaires menaçant la santé publique

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#### **List of participants / Liste des participants**

1<sup>st</sup> meeting of the Working Group on the 24/ 7 MEDICRIME Network /  
1ère réunion du groupe de travail sur le réseau MEDICRIME 24/7

Strasbourg, France, 16 December 2021 /  
Strasbourg, France, 16 décembre 2021

#### **1. MEMBERS / MEMBRES (STATE PARTIES TO THE CONVENTION / ETATS PARTIES A LA CONVENTION)**

##### **BELGIUM / BELGIQUE**

Ms Eleni TACK, Inspector Special Investigation Unit bij fagg - federaal agentschap voor geneesmiddelen en gezondheidsproducten

##### **BOSNIA AND HERZEGOVINA / BOSNIE-HERZÉGOVINE**

Ms Verica TRBIC, NCB INTERPOL Sarajevo - Expert advisor - Direction pour la Coodination des Corps de Police de la Bosnie-Herzegovine

##### **FRANCE / FRANCE**

M. Christian TOURNIÉ, Office central de lutte contre les atteintes à l'environnement et à la santé publique (OCLAESP)

##### **HUNGARY / HONGRIE**

Ms Borbála GARAI, Deputy State Secretariat for Criminal Law Codification, Ministry of Justice

##### **PORTUGAL / PORTUGAL**

Mr Afonso SALES, Criminal Investigation Coordinator

Mr Carlos PEREIRA, Chief Inspector

### **RUSSIAN FEDERATION / FÉDÉRATION DE RUSSIE**

Ms Anastasia NIKITINA, Head of the Department of International Cooperation, Deputy Head of the Division for State Quality Control of Medical Products, Roszdravnadzor

### **SPAIN / ESPAGNE**

Ms Sonia NUEZ RIVERA, Examining Magistrate and Adviser at the Ministry of Justice of the Spanish Government

Ms Myriam BORQUE CASCAJO, Member of the Spanish National Police

### **SWITZERLAND / SUISSE**

Mr Richard EHMANN, Penal Division, Swiss Agency for Therapeutic Products (SWISSMEDIC)

### **TURKEY / TURQUIE**

Mr Denizhan TÖRÜN, Rapporteur Judge at the Directorate General of Foreign Relations and European Union Affairs of the Ministry of Justice of the Republic of Turkey

Mr İbrahim BÖLÜKBAŞI, Anti-Smuggling & Organized Crime

Mr Muhammed Ebubekir CELAYİR, Lawyer, Turkish Medicines and Medical Devices Agency,

### **UKRAINE / UKRAINE**

Ms Iryna FEDENKO, Director of Communications Department, State Service of Ukraine on Medicines and Drugs Control

Mr Vladimir CHEKALIN, Head of Division of State Market Surveillance over the Circulation of Medicines, State Service of Ukraine on Medicines and Drugs Control

## **2. SIGNATORIES / SIGNATAIRES**

### **MEMBER STATES TO THE COUNCIL OF EUROPE / ÉTATS MEMBRES DU CONSEIL DE L'EUROPE**

#### **NORTH MACEDONIA / MACÉDOINE DU NORD**

Mr Jeton HALILI, Counselor, International Legal Cooperation, Ministry of Justice of the Republic of North Macedonia



Ms Slavica ONCHESKA, Pharmaceutical Inspector in the Macedonian Drug Agency

Ms Biljana PRENTOVSKA, Inspector in the Macedonian Agency for medicines and medical devices

**NON MEMBER STATES TO THE COUNCIL OF EUROPE / ETATS NON MEMBRES DU CONSEIL DE L'EUROPE**

**IVORY COAST / CÔTE D'IVOIRE**

Ms Prudence AHUA, Ambassade de Côte d'Ivoire à Bruxelles

**3. MEMBER STATES OF THE COUNCIL OF EUROPE (NON-SIGNATORIES OF THE MEDICRIME CONVENTION) / ÉTATS MEMBRES DU CONSEIL DE L'EUROPE (NON SIGNATAIRES DE LA CONVENTION MEDICRIME)**

**BULGARIA / BULGARIE**

Mr Radoslav RUITCHEV, Senior Inspector, Bulgarian Drug Agency

**NETHERLANDS/ PAYS-BAS**

Mr Bastiaan VENHUIS, Senior Scientific Officer, Rijksinstituut voor Volksgezondheid en Milieu

**UNITED KINGDOM / ROYAUME-UNI**

Ms Lynda SCAMMELL, Senior Policy Manager, Relationship Manager, Enforcement Group MHRA

**4. EXPERTS**

**ROMANIA / ROUMANIE**

Mr Cătălin ZETU, Head of Cyberattacks, Ministry of Internal Affairs

Mr Virgil SPIRIDON, Head of Operations for the Cybercrime Programme Office of the Council of Europe (C-PROC)

**SERBIA / SERBIE**

Mr Branko STAMENKOVIĆ, Deputy Republic Public Prosecutor of the Republic of Serbia and Special Prosecutor for High-Tech Crime of Serbia

**5. COUNCIL OF EUROPE SECRETARIAT / SecrÉTARIAT DU CONSEIL DE L'EUROPE**

**DGI - HUMAN RIGHTS AND RULE OF LAW /**  
**DGI - DROITS DE L'HOMME ET ÉTAT DE DROIT**

**Information Society and Action against Crime Directorate /**  
**Direction de la Société de l'information et de la lutte contre la criminalité**  
**Action against Crime Department /**  
**Service de la lutte contre la criminalité**

Mr Oscar ALARCÓN-JIMÉNEZ, Executive Secretary to the Committee of the Parties of the MEDICRIME Convention, Criminal Law Co-operation Unit /  
Secrétaire du Comité des Parties de la convention MEDICRIME, Unité de coopération dans le domaine pénal

Ms Kelly SIPP, Project Manager, Criminal Law Cooperation Unit /  
Responsable de projet, Unité de coopération dans le domaine pénal

Mr Yves Rolland, Project Manager, Criminal Law Cooperation Unit /  
Responsable de projet, Unité de coopération dans le domaine pénal

Ms Aroa FANDINO-SERRANO, Junior Project Officer, Criminal Law Co-operation Unit /  
Responsable de projet, Unité de coopération dans le domaine pénal

Ms Carlota GARCIA-BARCALA, Trainee, Criminal Law Co-operation Unit /  
Stagiaire, Unité de coopération dans le domaine pénal

**DG II – DIRECTORATE GENERAL OF DEMOCRACY /**  
**DG II – DIRECTION GÉNÉRALE DE LA DEMOCRATIE**

**European Directorate for the Quality of Medicines & HealthCare (EDQM) /**  
**Direction Européenne de la Qualité du Médicament & Soins de Santé (DEQM)**

Mr François-Xavier LERY, Head of the Pharmaceutical and Consumer Care Section / Chef de la section Produits pharmaceutiques et protection de la santé des consommateurs

Ms Inès DU PLESSIS, Scientific Programme Officer, Pharmaceutical Pharm-Care and Anti-Counterfeiting / Administrateur programmes scientifiques, Produits et suivi pharmaceutiques et Lutte contre la contrefaçon