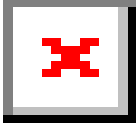


Steering Committee on Media and Information Society - CDMSI



CDMSI representation in events or meetings

Report

Name of CDMSI member or participants	Emir Povlakić
Date and place of event or meeting	7th - 9th June 2017, Palais de l' Europe, Room 1, Council of Europe, Strasbourg,
Organiser	Cybercrime Convention Committee (T-CY)
Title, aim and programme of event or meeting	<p>Title: 17th Plenary Meeting of the Cybercrime Convention Committee</p> <p>Aim: Regular meeting</p> <p>Programme: https://www.coe.int/en/web/cybercrime/17th-plenary-of-t-cy</p>
List of participants (please attach)	Attached
Useful contacts for CDMSI/Council of Europe work	<p>YES <input type="checkbox"/></p> <p>(see business cards in appendix)</p>

<p>(please attach a scanned copy of business cards which could be useful to colleagues or to the Secretariat)</p>	<p>NO <input type="checkbox"/></p>
<p>Report (please describe main findings and results of the event or meeting; please specify implications for CDMSI work and added value for the CoE)</p>	<p>Findings: The main issues of the meeting was (Draft) Terms of Reference for the Preparation of a Draft 2nd Additional Protocol to the Budapest Convention on Cybercrime,</p> <p>Results:</p> <p>T-CY adopted ToR! T-CY will prepare a draft 2nd Additional Protocol to the Convention on Cybercrime (ETS 185), including an Explanatory Report, by december 2019 and submit it to the Committee of Ministers in view of adoption.</p> <p>ToR for the Preparation of Draft 2nd Additional Protocol to the Budapest Convention on Cybercrime, was prepared by Cloud Evidence Group (CEG), together with Canada, France, Germany, Japan, Liechtenstein, Slovakia and USA</p> <p>The ToR are based on the CEG Final Report, and those elements are reflection of that Report. Their feasibility would need to be determined during the negotiation of the Protocol. Other elements may also be considered in the course of the process.</p> <p>Provisions for more effective mutual legal assistance:</p> <ul style="list-style-type: none"> - a simplified regime for mutual legal assistance requests for subscriber information; - international production orders; - direct cooperation between judicial authorities in mutual legal assistance requests; - joint investigations and joint investigation teams; - requests in English language; - audio/video hearing of witnesses, victims and experts; - emergency MLA procedures. <p>Provisions allowing for direct cooperation with service providers in other jurisdictions with regard to requests for subscriber information, preservation requests, and emergency requests.</p> <p>Clearer framework and stronger safeguards for existing practices of transborder access to data.</p> <p>Safeguards, including data protection requirements.</p> <p>The Drafting Group will consist of representatives of State Parties as appointed by T-CY Heads of Delegation. The T-CY shall elect five representatives of State Parties (appointed by T-CY Heads of Delegation) taking into account expertise, geographical distribution,</p>

	<p>gender balance and legal systems, whose cost for travel and per diem will be borne by the Council of Europe within the limits of budgetary appropriations.</p> <p>T-CY Bureau Members shall participate ex-officio. The Drafting Group will be chaired by the Chair of the T-CY and in his/her absence by the Vice-Chair.</p> <p>CDMSI, among other CoE bodies (CDPC, T-PD, CDCJ, PC-OC), may send one or more representatives, without the right to vote.</p> <p>Implications for CDMSI work:</p> <p>All those elements that are existing in adopted ToR (effective mutual legal assistance, provisions which will allow direct cooperation with service providers in other jurisdictions with regard to requests for subscriber information, transborder access to data, data protection requirements) are very relevant for CDMSI work.</p>
<p>Recommended follow up for CDMSI</p> <p>(please specify points to be addressed by CDMSI)</p>	<p>Since there is a possibility for CDMSI to participate, as an observer, in working group, I strongly recommend that we should use this opportunity and attend those meetings to be able to follow up developments of 2nd Additional Protocol to the Budapest Convention on Cybercrime</p>
<p>Any other information</p>	<p>I would suggest to CDMSI members to take a look on the Final Report of The Cloud Evidence Group. There is a lot of interesting findings. The Report is available on this link:</p> <p>https://rm.coe.int/t-cy-2016-5-ceg-final-rep-v40provisional/16806a495e</p>
<p>Signature of CDMSI member or participant</p>	