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Public

Cybercrime Convention Committee (T-CY)

Preparation of a 2nd Additional Protocol to the Budapest Convention on Cybercrime

Report of the 4th Meeting of the T-CY Protocol Drafting Plenary (Strasbourg 9-11 July 2019)

The 4th meeting of the T-CY Protocol Drafting Plenary (PDP) was held at the Council of Europe in Strasbourg on 9 to 11 July 2019 and chaired by Cristina Schulman (Romania).

Some 131 representatives of 56 Parties and 7 Observer States as well as of international organisations and Council of Europe committees participated.

The PDP was preceded by the 21st Plenary of the T-CY on 8 July.

The PD Plenary,

- Took note of the extension of the terms of reference by the T-CY for the drafting process to the end of 2020 as agreed on 8 July. In this connection, the PDP underlined the value of the Budapest Convention as well as the importance of this Protocol to address complex and new challenges to the rule of law in cyberspace. It also underlined the need to conclude the two crucial provisions on the agenda of the meeting to permit the continuation of discussion on the remaining issues.
- Provisionally agreed on the provision on "giving effects to orders from another Party for expedited production of data".
- With regard to the provision on "direct disclosure of subscriber information" supported the overall approach in principle and agreed to finalise the draft provision and explanatory report in the forthcoming PDG meeting of 16 to 18 September 2019 and subsequently seek provisional adoption by the PDP via written procedure should there be no substantial changes;
- Agreed to put on the agenda of the PDG of 16 to 18 September 2019:
 - the provision on "Direct disclosure of subscriber information" for finalisation in view submission to the PDP for provisional adoption;
 - "Safeguards";
 - "Structure of the Protocol";
 - Initial discussions on "extension of searches".
- Agreed to make a summary report of this PDP public.
- Agreed to hold the subsequent PDG meeting in Strasbourg from Tuesday, 15, to Friday, 18 October 2019.
- Decided to hold the 5th meeting of the Protocol Drafting Plenary from 19 November to the morning of 20 November 2019, following T-CY 22 and prior to the Octopus Conference and stakeholder consultations on 20 to 22 November.

Appendix 1: Agenda

4th Meeting of the Protocol Drafting Plenary (Tuesday, 9 July, 9h30 – Thursday, 11 July, 18h00)	
1. Opening and adoption of agenda	
2. Preparation of the 2 nd Additional Protocol: Results to date and review of terms of reference	<ul style="list-style-type: none">- Results to date- Structure of the Protocol (T-CY(2019)17) [postponed]
3. “Orders from another Party to compel expedited production of data” (previously “endorsement provision”)	<p>PDP members are invited to hold detailed discussions on the draft text and explanatory report of this provision (document T-CY(2018)4)</p>
4. “Disclosure of subscriber information”	<p>PDP members are invited to hold detailed discussions on the working paper on “disclosure of subscriber information” by service providers (document T-CY(2019)1).</p>
5. Update on data protection safeguards [postponed]	<p>PDP members will be provided with an update and are invited to exchange views on data protection safeguards (document T-CY(2019)6).</p>
6. Next meeting	<p>T-CY members are invited to decide on the proposal to hold the 5th meeting of the Protocol Drafting Plenary from 19 to the afternoon of 20 November 2019, following T-CY 22 and prior to the Octopus Conference and stakeholder consultations.</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	Hergis JICA	Chief Commissar Cybercrime Unit Albanian State Police
ANDORRA	Maria Àngels MORENO AGUIRRE	Juge Instruction criminelle spécialisée sur la criminalité socioéconomique et le crime organisé Batllia d'Andorra
ARGENTINA	Martin GERSHANIK	Senior Advisor to the Minister of Justice and Human Rights
ARMENIA	Arsen ELOYAN	Senior Officer Police Senior Lieutenant Hi-Tech Crime Department Police of the Republic of Armenia
AUSTRALIA	Nathan WHITEMAN	Assistant Director Electronic Surveillance Section / Cross-Border Data & Cybercrime Section National Security & Law Enforcement Policy Division Department of Home Affairs
AUSTRIA	Judith HERRNFELD	Referentin in der Sektion IV Federal Ministry of Justice
AZERBAIJAN	Orkhan MUSTAFAZADE	Cybercrime department State Security Service
BELGIUM	Delphine WYNANTS	Attachée au service des Infractions et Procédures Particulières de la Direction générale Législation, Libertés et Droits fondamentaux
BOSNIA AND HERZEGOVINA	Drazen PETROVIC	Senior Associate High Tech Crime Department Criminal Police Directorate
BOSNIA AND HERZEGOVINA	Aleksandar SIMONOVIC	District Public Prosecutor's office in Banja Luka
BOSNIA AND HERZEGOVINA	Mladen MRKAJA	Assistant Minister of Security in Sector for IT and Telecommunications
BULGARIA	Mihail DRAGODANOV	Chief inspector Head of Sector Cyber Crime "Department" General Directorate "Combating Organized Crime" Ministry of Interior

CABO VERDE	Nandixany de Lurdes Souto AMADO V.ANDRADE	Assessora Ministra da Justiça e Trabalho
CABO VERDE	Suleina DELGADO	Legal Advisor Minister of Justice and Labor
CANADA	Gareth SANSOM	Deputy-Director Criminal Law Policy Section Department of Justice
CANADA	Normand WONG	Criminal Law Policy Section Counsel Justice Canada
CANADA	Thomas BEVERIDGE	Counsellor, International Criminal Operations Mission of Canada to the EU
CANADA	Robert YOUNG	Global Affairs Canada
CHILE	Camila BOSCH CARTAGENA	Lawyer Money Laundering, White Collar, Environmental, Cyber and Organized Crimes Unit Public Prosecution Office
COSTA RICA	Juan Carlos CUBILLO MIRANDA	Sub Jefe Fiscalia General de la Republica Public Ministry
COSTA RICA	Elizeth Hernández CÉSPEDES	Lawyer Public Prosecution Office
CROATIA	Darija PAVLOVIĆ	Ministry of Justice, Department for Extradition and Mutual Legal Assistance in Criminal Matters, Directorate for European Affairs, International and Judicial Cooperation
CZECH REPUBLIC	Jakub PASTUSZEK	Head of the International Criminal Law Unit Ministry of Justice
DENMARK	Anne Cathrine TOFTMANN BÆK	Danish Ministry of Justice
DOMINICAN REPUBLIC	Claudio PEGUERO	Advisor to the Chief of Police in Cyber-Matters National Police
DOMINICAN REPUBLIC	Cesar MOLINE	Director of Cybersecurity at Dominican Institute of Telecommunications
ESTONIA	Markko KÜNNAPU	Adviser Ministry of Justice
FINLAND	Janne KANERVA	Counsellor of Legislation Legislative Affairs Ministry of Justice
FINLAND	Jouko HUHTAMÄKI	Ministry of the Interior, Police Department
FRANCE	Emmanuel KESSLER	Central Office for the Fight Against Crime Related to Information and Communication Technologies Ministry of the Interior

FRANCE	Gabrielle MISÉRE	Ministry of Europe and Foreign Affairs Strategic, Security and Disarmament Affairs Division Division for the Fight against Terrorism and Organized Crime
FRANCE	Vanessa EL KHOURY-MOAL	European and international negotiations in criminal matters – Directorate for criminal affairs and pardons Ministry of Justice
GEORGIA	Givi BAGDAVADZE	Head International Cooperation Unit Office of the Prosecutor General
GERMANY	Susanne MÜNCH	Government Director Criminal Procedure Law Federal Ministry of Justice and Consumer Protection
GHANA	Ursula OWUSU-EKUFUL	Minister for Communications
GHANA	Albert ANTWI-BOASIAKO	National Cybersecurity Advisor
GHANA	Yvonne ATAKORA OBUOBISA	Director of Public Prosecutions, Office of the Attorney-General & Ministry of Justice
GHANA	Ken OHENE AGYAPONG	Chairman, Parliamentary Select Committee on Communications
GHANA	Ahmed IBRAHIM	Member, Parliamentary Select Committee on Communication
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Observer Organisations

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PC-OC (Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters)	Gabriela BLAHOVÁ	Director of the International Department for Criminal Matters Ministry of Justice of the Czech Republic

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