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Public

## **Cybercrime Convention Committee (T-CY)**

**Preparation of a 2<sup>nd</sup> 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 4<sup>th</sup> 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 21<sup>st</sup> 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 5<sup>th</sup> 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.
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## Appendix 1: Agenda

<b>4th Meeting of the Protocol Drafting Plenary</b> <b>(Tuesday, 9 July, 9h30 – Thursday, 11 July, 18h00)</b>	
1. Opening and adoption of agenda	
2. Preparation of the 2 <sup>nd</sup> Additional Protocol: Results to date and review of terms of reference	<ul style="list-style-type: none"><li>– Results to date</li><li>– Structure of the Protocol (T-CY(2019)17) [postponed]</li></ul>
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 5<sup>th</sup> 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
<b>ALBANIA</b>	Diana Stillo SILA	Head of Unit Department of Foreign Jurisdiction Relations Ministry of Justice
<b>ALBANIA</b>	Hergis JICA	Chief Commissar Cybercrime Unit Albanian State Police
<b>ANDORRA</b>	Maria Àngels MORENO AGUIRRE	Juge Instruction criminelle spécialisée sur la criminalité socioéconomique et le crime organisé Batllia d'Andorra
<b>ARGENTINA</b>	Martin GERSHANIK	Senior Advisor to the Minister of Justice and Human Rights
<b>ARMENIA</b>	Arsen ELOYAN	Senior Officer Police Senior Lieutenant Hi-Tech Crime Department Police of the Republic of Armenia
<b>AUSTRALIA</b>	Nathan WHITEMAN	Assistant Director Electronic Surveillance Section / Cross-Border Data & Cybercrime Section National Security & Law Enforcement Policy Division Department of Home Affairs
<b>AUSTRIA</b>	Judith HERRNFELD	Referentin in der Sektion IV Federal Ministry of Justice
<b>AZERBAIJAN</b>	Orkhan MUSTAFAZADE	Cybercrime department State Security Service
<b>BELGIUM</b>	Delphine WYNANTS	Attachée au service des Infractions et Procédures Particulières de la Direction générale Législation, Libertés et Droits fondamentaux
<b>BOSNIA AND HERZEGOVINA</b>	Drazen PETROVIC	Senior Associate High Tech Crime Department Criminal Police Directorate
<b>BOSNIA AND HERZEGOVINA</b>	Aleksandar SIMONOVIC	District Public Prosecutor's office in Banja Luka
<b>BOSNIA AND HERZEGOVINA</b>	Mladen MRKAJA	Assistant Minister of Security in Sector for IT and Telecommunications
<b>BULGARIA</b>	Mihail DRAGODANOV	Chief inspector Head of Sector Cyber Crime "Department" General Directorate "Combating Organized Crime" Ministry of Interior

<b>CABO VERDE</b>	Nandixany de Lurdes Souto AMADO V.ANDRADE	Assessora Ministra da Justiça e Trabalho
<b>CABO VERDE</b>	Suleina DELGADO	Legal Advisor Minister of Justice and Labor
<b>CANADA</b>	Gareth SANSOM	Deputy-Director Criminal Law Policy Section Department of Justice
<b>CANADA</b>	Normand WONG	Criminal Law Policy Section Counsel Justice Canada
<b>CANADA</b>	Thomas BEVERIDGE	Counsellor, International Criminal Operations Mission of Canada to the EU
<b>CANADA</b>	Robert YOUNG	Global Affairs Canada
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<b>DOMINICAN REPUBLIC</b>	Claudio PEGUERO	Advisor to the Chief of Police in Cyber-Matters National Police
<b>DOMINICAN REPUBLIC</b>	Cesar MOLINE	Director of Cybersecurity at Dominican Institute of Telecommunications
<b>ESTONIA</b>	Markko KÜNNAPU	Adviser Ministry of Justice
<b>FINLAND</b>	Janne KANERVA	Counsellor of Legislation Legislative Affairs Ministry of Justice
<b>FINLAND</b>	Jouko HUHTAMÄKI	Ministry of the Interior, Police Department
<b>FRANCE</b>	Emmanuel KESSLER	Central Office for the Fight Against Crime Related to Information and Communication Technologies Ministry of the Interior

<b>FRANCE</b>	Gabrielle MISÉRE	Ministry of Europe and Foreign Affairs Strategic, Security and Disarmament Affairs Division Division for the Fight against Terrorism and Organized Crime
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<b>GHANA</b>	Albert ANTWI-BOASIAKO	National Cybersecurity Advisor
<b>GHANA</b>	Yvonne ATAORA OBUOBISA	Director of Public Prosecutions, Office of the Attorney-General & Ministry of Justice
<b>GHANA</b>	Ken OHENE AGYAPONG	Chairman, Parliamentary Select Committee on Communications
<b>GHANA</b>	Ahmed IBRAHIM	Member, Parliamentary Select Committee on Communication
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<b>JAPAN</b>	Akari YAMAMOTO	Section Chief, International Investigative Operations Division, National Police Agency
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<b>LITHUANIA</b>	Michail ZAJAC	Chief of the Fifth Serious and Organized Crime Investigation Board , Cyber Crime Investigation Board, Lithuanian Criminal Police Bureau
<b>LUXEMBOURG</b>	Cindy COUTINHO	Direction des affaires pénales et judiciaires Ministère de la Justice
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## Observer States

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<b>TUNISIA</b>	Mohamed MESSAI	Conseiller à la Cour d'Appel de Tunis Ministère de l'Intérieur
<b>TUNISIA</b>	Bechir BEN HASSEN	Commissaire de Police Général-Ministry of Interior

### Observer Organisations

ORGANISATION	NAME	POSITION
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<b>EUROPEAN COMMISSION</b>	Tjabbe BOS	Policy officer Cybercrime Unit Directorate General for Migration and Home Affairs (DG HOME)
<b>EUROPEAN COMMISSION</b>	Tania SCHROTER	Deputy Head of Unit Unit B2 – Procedural criminal law DG Justice and Consumers
<b>ENISA</b>	Andreas MITRAKAS	Head of Data Security and Standardisation Unit (COD2) European Union Agency for Network & Information Security (ENISA) European Union
<b>EUROJUST</b>	Mieke DE VLAMINCK	Judicial Cooperation Advisor Cybercrime Team

### Council of Europe experts

ORGANISATION	NAME	POSITION
CONSULTANT	Betty SHAVE	Consultant

## Council of Europe Committees

COMMITTEES	NAME	POSITION
CDMSI (Steering Committee on Media and Information Society)	Emir POVLAČIĆ	Head of Division for Licensing, Digitalization and Coordination in Broadcasting, Communications Regulatory Agency Bosnia and Herzegovina
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

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