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

**Preparation of a 2<sup>nd</sup> Additional Protocol to the Budapest Convention on Cybercrime**

### **Report of the 5th Meeting of the T-CY Protocol Drafting Plenary (Strasbourg 19-20 November 2019)**

The 5th meeting of the T-CY Protocol Drafting Plenary (PDP) was held at the Council of Europe in Strasbourg on 19 and 20 November 2019 and chaired by Cristina Schulman (Romania).

More than 160 representatives of some 70 Parties and Observer States as well as of international organisations and Council of Europe committees participated.

The PDP was preceded by the 22<sup>nd</sup> Plenary of the T-CY on 18 November and followed by the Octopus Conference on 20-22 November.

The PD Plenary,

- Prepared the forthcoming multi-stakeholder consultations on 21-22 November and welcomed the written submissions received prior to these consultations;
  - Exchanged views on the provisions of "joint investigations and joint investigation teams" and "undercover investigations";
  - Welcomed the progress made on the provision on data protection safeguards;
  - Took note of the state of play regarding a provision on "Extension of searches" and invited the PDG to continue work on this provision;
  - Agreed to put on the agenda of the PDG of 21 to 24 January 2020:
    - Finalise draft provisions on "joint investigations and joint investigation teams";
    - "Data protection safeguards";
    - "Extension of searches".
  - Invited the ad-hoc group on the "Structure of the Protocol" to commence work on the general and final provisions of the Protocol;
  - Invited the PDG to hold a meeting with representatives of the PC-OC Committee regarding links between the 2<sup>nd</sup> Additional Protocol to the Convention on Mutual Legal Assistance in Criminal Matters (ETS 182) and the 2<sup>nd</sup> Additional Protocol to the Budapest Convention;
  - Took note of the calendar of activities for 2020;
  - Considering the aim of finalising the draft Protocol in 2020, agreed that some draft provisions prepared by the PDG may be circulated to the PDP for written comments and subsequent approval via written procedure;
  - Agreed to make a summary report of this PDP public.
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## Appendix 1: Calender 2020

Date	Place	Activity
21 - 24 January	Strasbourg	Protocol Drafting Group
16 (AM) March	Strasbourg	T-CY Bureau
16 (PM) - 20 (AM) March	Strasbourg	Protocol Drafting Group
9 April	Vienna	PDG Subgroup (if necessary [following UN Expert Group])
11 (PM) - 15 (AM) May	Strasbourg	Protocol Drafting Group (and consultations TBC)
[2 - 5 June	Strasbourg	Protocol Drafting Group] TBC
29 June - 2 July (AM)	Strasbourg	T-CY 23 (29 June) Protocol Drafting Plenary 30 June - 2 July
21 September	Strasbourg	T-CY Bureau
22 - 24 September	Strasbourg	Protocol Drafting Group
30 (PM) November - 3 December	Strasbourg	T-CY 24 and Protocol Drafting Plenary (joint session with the CDPC TBC)

## Appendix 2: Agenda

<b>5th Meeting of the Protocol Drafting Plenary</b> <b>(Tuesday, 19 November, 9h30 – Wednesday, 20 November, 13h00)</b>	
1. Opening and adoption of agenda	
2. Stakeholder consultations (Octopus conference):	
PDP members are invited to review contributions received from stakeholders in preparation for the consultations during the Octopus Conference in 21-22 November.	
3. "Joint investigation teams"	
PDP members are invited to hold a discussion on updated proposals for this provision.	
4. "Investigative techniques"	
PDP members are invited to hold a discussion on updated proposals for this provision.	
5. "Data protection safeguards": state of play	
PDP members will be provided with an update and are invited to exchange views on data protection safeguards.	
6. "Extension of searches": state of play	
PDP members will be provided with an update based on information received and are invited to exchange views.	
7. Next meeting	
T-CY members are invited to decide on the proposal to hold the 6 <sup>th</sup> meeting of the Protocol Drafting Plenary from 30 June to 2 July 2020, following T-CY 23.	

## Appendix 3: List of participants

### Bureau members

Country	Name	Institution
<b>ROMANIA</b>	Cristina SCHULMAN (T-CY Chair)	Legal Adviser Ministry of Justice Directorate International Law and Judicial Cooperation
<b>PORTUGAL</b>	Pedro VERDELHO (T-CY Vice-Chair)	Public Prosecutor General Prosecutor's Office of Lisbon
<b>ARGENTINA</b>	Marcos SALT	Member Advisory Committee Against Computer-Related Crimes
<b>CANADA</b>	Gareth SANSOM	Deputy-Director Criminal Law Policy Section Department of Justice
<b>ESTONIA</b>	Markko KÜNNAPU	Adviser Ministry of Justice
<b>FRANCE</b>	Vanessa EL KHOURY-MOAL	Magistrate at the European and International Criminal Bargaining Office, Criminal Matters and Pardons Directorate Ministry of Justice
<b>NETHERLANDS</b>	Erik PLANKEN	Senior Policy Advisor Cybercrime Law Enforcement Department Ministry of Justice
<b>SRI LANKA</b>	Jayantha FERNANDO	Chairman, Sri Lanka CERT & Director/ Legal Advisor, ICTA
<b>SWITZERLAND</b>	Andrea CANDRIAN	Stv. Chef, International Criminal Law Unit Federal Office of Justice

### Parties

COUNTRY	NAME	INSTITUTION
<b>ALBANIA</b>	Diana Stillo SILA	Head of Unit Department of Foreign Jurisdiction Relations Ministry of Justice
<b>ALBANIA</b>	Edmond KOLOSHI	Prosecutor Prosecutor's Office of Lezha
<b>ALBANIA</b>	Denisa ASKO	Prosecutor Ministry of Justice

<b>ANDORRA</b>	Maria Àngels MORENO AGUIRRE	Judge of Financial Criminal Investigations Batllia d'Andorra
<b>ARGENTINA</b>	Marcos SALT	Member of the Advisory Committee Against Computer-Related Crimes
<b>ARMENIA</b>	Arsen ELOYAN	Senior Officer Police Senior Lieutenant Hi-Tech Crime Department Police of the Republic of Armenia
<b>ARMENIA</b>	Robert ADILKHANYAN	Head of the Department of Investigation of Cybercrime and High Technology Crime of the General Department of Investigation of Special Important Cases Investigative Committee of the Republic of Armenia
<b>ARMENIA</b>	Artur MANUKYAN	Senior prosecutor, Department of Supervision over Legality of Pre-trial Proceedings in Office of the Prosecutor General of the Republic of Armenia
<b>AUSTRALIA</b>	Nathan WHITEMAN	Assistant Director Electronic Surveillance Section Cross-Border Data & Cybercrime Section National Security Policy Branch National Security & Law Enforcement Policy Division Department of Home Affairs
<b>AUSTRALIA</b>	Jennifer HYATT	Senior Legal Officer Australian Attorney-General's Department
<b>AUSTRIA</b>	Judith HERRNFELD	Referentin in der Sektion IV Federal Ministry of Justice
<b>AZERBAIJAN</b>	Rauf ABDULHASANOV	Ministry of Interior
<b>AZERBAIJAN</b>	Fariza MIRZAYEVA	Prosecutor on matters of extradition and legal issues
<b>AZERBAIJAN</b>	Parviz AGHAVERDIYEV	Deputy of the Department of Cyber Security The 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>	Sabina BARAKOVIĆ	Expert Adviser Sector for IT and Telecommunication Systems Ministry of Security
<b>BOSNIA AND HERZEGOVINA</b>	Nedžad ĆATIĆ	Head of the Department for the fight against cybercrime Ministry of the Interior
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<b>BULGARIA</b>	Vladimir DIMITROV	Inspector Bulgarian Cybercrime Unit 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>	Jorge ANDRADE HUMBERTO	Head of the Judiciary Police
<b>CABO VERDE</b>	Dulcelina ROCHA SANCHES	Diretora do Gabinete do PGR, Public Ministry
<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>	Agnes PUST	Global Affairs Canada
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<b>CHILE</b>	Patricio VACCHIERI AGUIRRE	Consejero, Direccion de Seguridad Internacional y Humana, Ministerio de Relaciones Exteriores, Gobierno de Chile
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<b>DENMARK</b>	David Carl Behrens	Ministry of Justice
<b>DENMARK</b>	Tanja SCODERLUND	Prosecutor, Danish Director of Public Prosecutions

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<b>DOMINICAN REPUBLIC</b>	Cesar MOLINE RODRIGUEZ	Cyber Security, E-commerce and Digital signature Director Dominican Institute for Telecommunications
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<b>DOMINICAN REPUBLIC</b>	Katherine MOREL	Lawyer, Regulatory/Legal Framework Analyst National Police
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<b>PARAGUAY</b>	Irma Encarnación LLANO PEREIRA	Delegated Prosecutor for Cybercrime Public Ministry
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<b>UKRAINE</b>	Valerii UDOVYCHENKO	Senior advisor, Department of Cyber security of the state, Security Service of Ukraine
<b>UKRAINE</b>	Oleksandr BAKALYNSKYI	Deputy Director of the Department of Cyber Defense Administration, State Service of Special Communication and Information Protection of Ukraine
<b>UNITED KINGDOM</b>	Daniel GRUBB	Head of Delegation Cyber Crime Policy Home Office
<b>UNITED KINGDOM</b>	Priya MISTRY	Cyber Crime Policy Home Office
<b>UNITED STATES OF AMERICA</b>	Benjamin FITZPATRICK	Senior Counsel Computer Crime and Intellectual Property Section United States Department of Justice
<b>UNITED STATES OF AMERICA</b>	Katie EINSPIANIER	Attorney-Adviser Office of the Legal Adviser United States Department of State
<b>UNITED STATES OF AMERICA</b>	Kenneth HARRIS	Senior Counsel for EU and International Criminal Matters U.S. Department of Justice U.S. Mission to the EU
<b>UNITED STATES OF AMERICA</b>	Sheri SHEPHERD-PRATT	Trial Attorney, Office of International Affairs Criminal Division, U.S. Department of Justice U.S. Department of Justice

#### Observer States

<b>COUNTRY</b>	<b>NAME</b>	<b>INSTITUTION</b>
<b>BENIN</b>	Essowè BATAMOSSI	Juge, Cour de Répression des Infractions Economiques et du Terrorisme (CRIET)
<b>COLOMBIA</b>	Diana Carolina KECAN CERVANTES	Police Cybernetic Center, Ministry of Foreign Affairs of Colombia
<b>COLOMBIA</b>	Jefferson Rolando ROJAS RODRIGUEZ	Coordinator of the Forensic Informatics Group, General Prosecutor's Office of Colombia
<b>IRELAND</b>	Ann NEVILLE	Assistant Principal Officer  Cyber, Criminal Justice Policy Department of Justice and Equality
<b>IRELAND</b>	Ian MULHOLLAND	Administrative Officer  Cyber, Criminal Justice Policy Department of Justice and Equality

<b>COUNTRY</b>	<b>NAME</b>	<b>INSTITUTION</b>
<b>NIGERIA</b>	Ajakaye Julius	Deputy Director
<b>NIGERIA</b>	Pius Ukeyima AKUTAH	Asst. Chief State Counsel, Central Authority Unit, Federal Ministry of Justice
<b>NIGERIA</b>	Ama Ehi Sandra OHIEN	Senior State Counsel, Central Authority Unit, Federal Ministry of Justice
<b>RUSSIA</b>	Ernest CHERNUKHIN	Head of Division Department of New Threats and Challenges Ministry of Foreign Affairs
<b>RUSSIA</b>	Anton KOSHKIN	Expert Federal Security Service of the Russian Federation
<b>RUSSIA</b>	Anastasiya TOROPOVA	Attaché Legal Department Ministry of Foreign Affairs
<b>RUSSIA</b>	Airat HAMIDULLIN	Attaché Department of New Threats and Challenges Ministry of Foreign Affairs
<b>RUSSIA</b>	Alexander BODROV	Expert Federal Security Service of the Russian Federation
<b>SWEDEN</b>	Cecilia RIDDSELIUS	Director of the Central Authority Ministry of Justice Division for Criminal Cases and International Judicial Co-operation
<b>TUNISIA</b>	Mohamed MESSAI	Conseiller à la Cour d'Appel de Tunis Ministère de l'Intérieur
<b>TUNISIA</b>	Selsebil NAIRI	Juge Tribunal de 1ere instance Grombalia Ministère de la Justice

**Ad-hoc observers**

<b>COUNTRY</b>	<b>NAME</b>	<b>INSTITUTION</b>
<b>REPUBLIC OF KOREA</b>	Seungjin CHOI	Cybercrime Investigator, International cooperation Cybercrime Investigation Division, Forensic Science Investigation Department, Supreme Prosecutors' Office in South Korea
<b>REPUBLIC OF KOREA</b>	Yoonhoo KIM	Director / Cybercrime investigation and prosecution Cybercrime Investigation Division, Forensic Science Investigation Department, Supreme Prosecutors' Office in South Korea
<b>REPUBLIC OF KOREA</b>	Yonghwa HONG	Prosecutor of Gwangju, District Prosecutors' Office, Supreme Prosecutor's Office
<b>REPUBLIC OF KOREA</b>	Byungkook YOO	Prosecutor of Changwon District Prosecutors' Office, Supreme Prosecutors' Office
<b>REPUBLIC OF KOREA</b>	Doobong Lee	Director General of Forensic Science Investigation Department, Supreme Prosecutors' Office / Overall management and tasks Forensic Science Investigation Department, Supreme Prosecutors' Office
<b>REPUBLIC OF KOREA</b>	Gu Jun NAM	Director General of the Cyber Bureau Korean National Police
<b>REPUBLIC OF KOREA</b>	Byeong Il KWAK	Section Chief of the Cyber International Cooperation Korean National Police
<b>REPUBLIC OF KOREA</b>	Sang Eun LEE	Senior Inspector Korean National Police
<b>REPUBLIC OF KOREA</b>	Keong Mo JEONG	Digital Forensic Examiner Korean National Police
<b>SINGAPORE</b>	Kannan GNANASIHAMANI	Senior Director (Technology Crime) Attorney-General's Chambers of Singapore
<b>SINGAPORE</b>	Yi HON	Deputy Team Leader (Technology Crime) Attorney-General's Chambers of Singapore

### Observer organisations

<b>ORGANISATION</b>	<b>NAME</b>	<b>POSITION</b>
<b>COMMONWEALTH</b>	Shakirudeen ALADE	Programme Assistance - Cyper Capability Programmes
<b>EUROPEAN COMMISSION</b>	Tjabbe BOS	Policy officer, Cybercrime Unit , Directorate General for Migration and Home Affairs (DG HOME)

<b>EUROPEAN COMMISSION</b>	Manuel GARCÍA SÁNCHEZ	Directorate-General for Justice and Consumers International Data Flows and Protection
<b>EUROJUST</b>	Daniela BURUIANA	Chair of the Task Force on cybercrime National member for Romania EUROJUST
<b>INTERPOL</b>	Milos MIJOMANVIC	Digital Crime Officer
<b>INTERPOL</b>	Kim DONG UK	Project Manager Glacy+
<b>SELEC</b>	Snejana MALEEVA	Director General SELEC

### Experts

ORGANISATION	NAME	POSITION
<b>CONSULTANT</b>	Betty SHAVE	Consultant
<b>EXPERT</b>	Fernanda TEIXEIRA SOUZA DOMINGOS	Federal Prosecutor Coordinator of São Paulo Cybercrime Unit Deputy Coordinator of the National Support Group on Cybercrime Federal Prosecution Service - Brazil
<b>EXPERT</b>	Neide CARDOSO DE OLIVEIRA	Federal Circuit Prosecutor in Rio de Janeiro Coordinator of the National Support Group about cybercrimes of the Federal Prosecution Service in Brazil Federal Prosecution Service in Brazil
<b>EXPERT</b>	Melissa BLAGITZ	Federal Prosecutor Federal Prosecution Service in Brazil

### Council of Europe Committees

ORGANISATION	NAME	POSITION
<b>CDMSI (Steering Committee on Media and Information Society)</b>	Emir POVLAČIĆ	Head of Division for Licensing, Digitalization and Coordination in Broadcasting, Communications Regulatory Agency
<b>T-ES (Lanzarote Convention Committee)</b>	Maria José CASTELLO-BRANCO	Legal Adviser, Civil Justice Unit, International Affairs Department, Directorate General for Justice Policy, Ministry of Justice, Lisbonne, Portugal