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Cybercrime Convention Committee (T-CY)

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

Summary report of the 4th Meeting of the T-CY Protocol Drafting Group (Strasbourg, 17 – 19 September 2018)

Summary report

The 4th meeting of the T-CY Protocol Drafting Group was held in Strasbourg on 18 and 19 September 2018 with pre-meetings on 17 September. It was opened by Jan Kleijssen (Director of Information Society and Action against Crime, DG 1, Council of Europe) and chaired by Cristina Schulman (Romania, Chair of the T-CY).

Thirty six experts appointed by the governments of Albania, Argentina, Australia, Canada, Chile, Estonia, Finland, France, Germany, Italy, Japan, Mauritius, Netherlands, Norway, Portugal, Romania, Senegal, Spain, Switzerland, United Kingdom and USA as well as an expert of the European Commission, invited ad-hoc, participated.

The PDG welcomed the contributions and the progress made by subgroups and held detailed discussions on:

- "Video conferencing";
- "Endorsement model/expedited mutual legal assistance";
- "Direct cooperation with providers".

The PDG discussed updates on:

- "Extending searches and access based on credentials";
- "Jurisdiction";
- "Joint investigations and joint investigation teams";
- "Investigate techniques".

The PDG took note of the discussion paper on "Conditions for obtaining subscriber information in relation to static and dynamic IP addresses".

The PDG agreed to put the following items on the agenda of the PD Plenary on 28-29 November 2018:

- In view of detailed discussions:
 - "Video conferencing";
 - "Jurisdiction";
 - "Endorsement model";
- In view of updates:
 - "Direct cooperation with providers";
 - "International production orders";
 - "Extending searches/access based on credentials";
 - "Joint investigations and joint investigation teams";
 - "Investigative techniques".

The PDG agreed to:

- hold consultations on 26 November 2018 with data protection experts in view of identifying conditions to be met with respect to direct cooperation with providers and extending searches;
- make a summary report public.