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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 2nd Meeting of the T-CY Protocol Drafting Group (Strasbourg 31 January – 2 February 2018)

Summary report

The 2nd meeting of the T-CY Protocol Drafting Group was held at the Council of Europe in Strasbourg on 1 and 2 February 2018 with pre-meetings on 31 January. It was chaired by Erik Planken (Netherlands), Chair of the T-CY, and opened by Jan Kleijssen, Director of Information Society and Action against Crime, DG 1, Council of Europe.

47 experts appointed by the governments of Albania, Andorra, Australia, Belgium, Canada, Chile, Czech Republic, Dominican Republic, Estonia, Finland, France, Germany, Italy, Japan, Netherlands, Norway, Portugal, Romania, Senegal, Serbia, Slovakia, Spain, Switzerland, Tonga, Ukraine, United Kingdom and USA as well as two experts of the European Commission, invited ad-hoc, participated.

The PDG,

- welcomed the contributions and the progress made by subgroups;
- took note of developments at the level of the European Union regarding electronic evidence and criminal justice in cyberspace and agreed that close coordination in the drafting of the Additional Protocol to the Budapest Convention and the preparation of relevant legal instruments by the European Union should be continued;
- held detailed discussions on:
 - "language of requests;
 - "audio-video hearings";
 - "emergency MLA";
 - "direct MLA"
- Reviewed progress made on:
 - "jurisdiction";
 - "transborder access";
- Discussed updates on:
 - "joint investigations";
 - "direct cooperation with providers";
 - "conditions and safeguards";
 - "special investigative means";
 - "expedited MLA for subscriber information" and "international production orders";
- agreed to hold consultations with civil society, data protection and industry organisations within the framework of the Octopus Conference from 11 to 13 July 2018.