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COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

T-CY (2020)33

Cybercrime Convention Committee (T-CY)

T-CY 23

23rd Plenary of the T-CY

Virtual meeting, 30 November 2020

Meeting report

1 Introduction

The 23rd Plenary of the T-CY Committee, meeting online on 30 November 2020 due to the COVID-19 pandemic, was chaired by Cristina SCHULMAN (Romania) and opened by Jan KLEIJSSSEN (Director of Information Society and Action against Crime, DG 1, Council of Europe). More than 130 representatives of 57 Parties, Observer and Ad-hoc Observer States, as well as of international organisations and Council of Europe committees participated.

The regular plenary session was followed by a meeting of the T-CY Protocol Drafting Plenary from 1 to 3 December 2020.

2 Decisions

The T-CY decided:

Agenda item 1: Opening of the meeting and adoption of the agenda

- To adopt the agenda;

Agenda item 2: Bureau elections

- To thank the outgoing Bureau for its contribution to the work of the T-CY;
- To elect Cristina SCHULMAN (Romania) as Chair and Pedro VERDELHO (Portugal) as Vice-chair of the T-CY.
- To elect as Bureau members:
 - Albert ANTWI-BOASIAKO (Ghana);
 - Miriam BAHAMONDE BLANCO (Spain);
 - Camila BOSCH CARTAGENA (Chile);
 - Vanessa EL KHOURY-MOAL (France);
 - Benjamin FITZPATRICK (USA);
 - Justin MILLAR (United Kingdom);
 - Gareth SANSOM (Canada);
 - Nathan WHITEMAN (Australia).

Agenda item 3: Terms of Reference for the preparation of the 2nd Additional Protocol

- To extend the Terms of reference for the negotiations to May 2021 to permit finalisation of the draft Protocol.

Agenda item 4: T-CY workplan 2021

- To adopt the T-CY workplan for 2021.

Agenda item 5: Relevant international developments

- To take note of the updates provided on relevant international developments by UNODC, the European Union Commission, ENISA, the Commonwealth Secretariat as well as Brazil.

Agenda item 6: Conclusions and next meeting of the T-CY

- To hold the 8th Protocol Drafting Plenary and T-CY 24 from 5 to 7 May 2021.

3 Appendix

3.1 Agenda

Plenary T-CY 23
Monday, 30 November 2020, 12h00 – 17h00
<p>1. Opening of the 23rd Plenary and adoption of the agenda / <i>Ouverture de la 23^{ème} session plénière et adoption de l'ordre du jour</i></p> <p>Note: In October 2020, the T-CY amended Article 4 of its Rules of Procedure to permit meetings and decision making by virtual means (paragraph 4.6) / <i>Note: En octobre 2020, le T-CY a modifié l'Article 4 de son Règlement intérieur pour permettre les réunions et la prise de décision par des moyens virtuels (paragraphe 4.6)</i></p>
<p>2. T-CY Bureau elections* / <i>Election du Bureau T-CY*</i></p> <p>T-CY members are invited to elect the chair, vice-chair and members of the Bureau in line with Article 6 of the Rules of Procedure, and "in accordance with an equitable distribution of posts, taking into account in particular, geographical distribution, gender balance and legal systems." / <i>Les membres du T-CY sont invités à élire le président, le vice-président et les membres du Bureau conformément à l'Article 6 du Règlement intérieur, et "conformément à une répartition équitable des postes, compte tenu en particulier de la répartition géographique, de la parité des sexes et des systèmes juridiques."</i></p> <p>In order to facilitate elections in this virtual meeting, Parties wishing to express an interest or require clarifications are encouraged to contact the Secretariat by 23 November 2020 / <i>Afin de faciliter les élections dans le cadre de cette réunion virtuelle, les Parties souhaitant exprimer un intérêt ou demander des éclaircissements sont encouragées à contacter le Secrétariat avant le 23 novembre 2020.</i></p> <p>(See also the results of the T-CY Elections 2018) / <i>(Voir aussi les résultats des Elections T-CY 2018 – version anglaise uniquement)</i></p>
<p>3. Terms of Reference for the preparation of the 2nd Additional Protocol to the Budapest Convention* / <i>Mandat pour la préparation d'un projet de 2^{ème} Protocole à la Convention de Budapest*</i></p> <p>T-CY members are invited to consider extending the terms of reference for the preparation of the 2nd Additional Protocol by five months, that is, to May 2021, so as to permit finalisation of the draft Protocol / <i>Les membres du T-CY sont invités à envisager une extension de cinq mois du mandat pour la préparation du 2^{ème} Protocole Additionnel, c'est-à-dire jusqu'à mai 2021, afin de permettre la finalisation du projet de protocole.</i></p>
<p>4. T-CY workplan 2021* / <i>Plan de travail T-CY 2021*</i></p> <p>T-CY members are invited to consider the draft T-CY workplan for 2021 (document T-CY(2020)14) prepared by the Bureau in view of adoption / <i>Les membres du T-CY sont invités à examiner le projet de Plan de travail 2021 (document T-CY(2020)14), version anglaise uniquement) préparé par le Bureau en vue de son adoption.</i></p>

5. Cooperation on cybercrime: relevant international developments / *Coopération en matière de cybercriminalité : développements internationaux pertinents*

Members and observers, including international organisations, are invited to share information on relevant international developments regarding cybercrime and e-evidence / *Les membres et les observateurs, y compris les organisations internationales, sont invités à partager des informations sur les développements internationaux pertinents en matière de cybercriminalité et de preuves électroniques.*

6. Next meeting of the T-CY* / *Prochaine réunion du T-CY*

T-CY members are invited to decide on the proposal to hold T-CY 24 and the Protocol Drafting Plenary from 5 to 7 May 2021 / *Les membres du T-CY sont invités à se prononcer sur la proposition de tenir le T-CY 24 et la Réunion plénière de rédaction du Protocole du 5 au 7 mai 2021*

This proposal is subject to the availability of funding / *Cette proposition est soumise à la disponibilité des fonds.*

3.2 List of participants

Bureau members

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

Parties

COUNTRY	NAME	INSTITUTION
ALBANIA	Diana Stillo SILA	Head of Unit Department of Foreign Jurisdiction Relations Ministry of Justice
ARGENTINA	Marcos SALT	Member of the Advisory Committee Against Computer-Related Crimes
ARGENTINA	Nicolas VIDAL	Responsible for the Office for Cybersecurity, Cybercrime and Digital Matters Ministry of Foreign Affairs

ARGENTINA	Alana LOMONACO	Ministry of Foreign Affairs Cybercrime and Digital Matters Office for Cybersecurity
ARGENTINA	Horacio AZZOLIN	Cybercrime Prosecutor
ARGENTINA	Mauro MELONI	Personal Data Protection National Agency
AUSTRALIA	Nathan WHITEMAN	Director Cross-Border Data & Cybercrime Section Department of Home Affairs
AUSTRALIA	James VLANDIS	Cross-Border Data & Cybercrime Section Department of Home Affairs
AUSTRIA	Susanne PALKO	Federal Ministry of the Interior, Criminal Intelligence Service Austria
BELGIUM	Delphine WYNANTS	Attachée au service des Infractions et Procédures Particulières de la Direction générale Législation, Libertés et Droits fondamentaux Service Public Fédéral Justice
BOSNIA AND HERZEGOVINA	Sabina BARAKOVIĆ	Expert Adviser Sector for IT and Telecommunication Systems Ministry of Security
CANADA	Gareth SANSOM	Deputy-Director Criminal Law Policy Section Department of Justice
CANADA	Jacqueline PALUMBO	Head, Treaty Negotiations Department of Justice Canada International Assistance Group / Criminal Law Operations
CANADA	Thomas BEVERIDGE	Counsellor, International Criminal Operations Mission of Canada to the EU
CANADA	Normand WONG	Criminal Law Policy Section Counsel Justice Canada
CANADA	Philip LUPUL	Deputy Director and Senior Counsel Legal Affairs Division, Global Affairs Canada
CHILE	Pablo Andres CASTRO HERMOSILLA	Cybersecurity Coordinator Ministry of Foreign Affairs
CHILE	Camila BOSCH CARTAGENA	Lawyer Money Laundering, White Collar, Environmental, Cyber and Organized Crimes Unit Public Prosecution Office
CHILE	Daniel SOTO BETANCOURT	Public Prosecutor's Office
COLOMBIA	Diana Carolina KECAN CERVANTES	Counselor of Foreign Affairs, Cybersecurity Desk, Crime Prevention Office Ministry of Foreign Affairs of Colombia
COSTA RICA	Juan Carlos CUBILLO MIRANDA	Deputy Attorney from the Fiscalía General de la República (Costa Rican Attorney General Office)
CROATIA	Ivan GLAVIĆ	Deputy State Attorney County State Attorney's Office in Zagreb
CZECH REPUBLIC	Jakub PASTUSZEK	Head of the International Criminal Law Unit Ministry of Justice

DENMARK	David CARL BEHRENS	Ministry of Justice, Head of Section
DOMINICAN REPUBLIC	Cesar MOLINE RODRIGUEZ	Cyber Security, E-commerce and Digital signature Director Dominican Institute for Telecommunications
ESTONIA	Markko KÜNNAPU	Adviser Ministry of Justice
FINLAND	Janne KANERVA	Counsellor of Legislation Legislative Affairs Ministry of Justice
FRANCE	Vanessa EL KHOURY-MOAL	Magistrate - Deputy head of the European and international negotiations in criminal matters Directorate for criminal affairs and pardons Ministry of Justice
FRANCE	Lisa SEGOVIA	HoD, Desk officer Ministry of Foreign Affairs
GEORGIA	Givi BAGDAVADZE	Head International Cooperation Unit Office of the Prosecutor General
GERMANY	Florian BOHUSCH	Federal Ministry of Justice and Consumer Protection Official
GERMANY	Philipp SCHNEIDER	Legal Officer Federal Ministry of Justice and Consumer Protection
GHANA	Albert ANTWI-BOASIAKO	National Cybersecurity Advisor
GHANA	Emmanuella NTIM DARKWAH	International Cooperation Officer National Cyber Security Centre
GREECE	Ioannis PAPATHANASIOU (Head of Delegation)	Ministry of Justice, Public Prosecutor
GREECE	Efstratios MATAKOULIAS	Police Lieutenant Colonel Deputy Director of Hellenic Cyber Crime Division
HUNGARY	Nóra BAUS	Cybersecurity Policy Expert, Ministry of Interior
ISRAEL	Haim WISMONSKY	Director, Cybercrime Department Israeli State Attorney's Office
ITALY	Francesco CAJANI	High Tech Crime Unit Counterterrorism Department Deputy Public Prosecutor Court of Law in Milan
JAPAN	Akari YAMAMOTO	Section Chief, International Investigative Operations Division, National Police Agency
JAPAN	Kazunori SONHARA	Deputy Director Policy Planning Division National Police Agency
JAPAN	Takeshi ISHIHARA	Principal Deputy Director International Safety and Security Cooperation Division, Foreign Policy Bureau, Ministry of Foreign Affairs
LATVIA	Kristina TIMOFJEVA	Senior inspector of 1st Unit of Operational cross-border cooperation (24/7) and SIS/SIRENE of International Cooperation Department of the Central Criminal Police Department

LIECHTENSTEIN	Dominic SPRENGER	Division for Security and Human Rights Office for Foreign Affairs Principality of Liechtenstein
LITHUANIA	Michail ZAJAC	Head of the Fifth Serious and Organized Crime Investigation Board, Cyber Crime Investigation Board, Lithuanian Criminal Police Bureau
MALTA	Mario SPITERI	Attorney General's Office
MAURITIUS	Karuna Devi GUNESH- BALAGHEE	Puisse Judge Supreme Court
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MOROCCO	Abdeljalil TAKI	DGST Ministère de l'intérieur
MOROCCO	Hamza ESSAID	Chef de département à La Présidence du Ministère Public
NETHERLANDS	Erik PLANKEN	Senior Policy Advisor Cybercrime Law Enforcement Department Ministry of Justice
NETHERLANDS	Bart BOONEN	Senior policy advisor, Law Enforcement Department, Ministry of Justice and Security
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NORWAY	Ellen BAARDVIK	Senior advisor Ministry of Justice and Public Security
PARAGUAY	Maria SOLEDAD MACHUCA	Deputy Attorney General of Cybercrime
PERU	Rocio GALA GALVEZ	Head of the international Judicial Cooperation and Extraditions Unit, Public Ministry
PERU	Lizet Nancy RODRIGUEZ ROCHA	Provincial Deputy Prosecutor and Alternate point of contact for the 24/7 Network
PHILIPPINES	Angela Marie DE GRACIA	State Counsel, Department of Justice
POLAND	Tomasz IWANOWSKI	Head of Cybercrime Division Department for Economic Crime National Prosecutor's Office
PORTUGAL	Pedro VERDELHO	Public Prosecutor General Prosecutor's Office of Lisbon
ROMANIA	Cristina SCHULMAN	Legal Adviser Directorate International Law and Judicial Cooperation Ministry of Justice
ROMANIA	Ioana ALBANI	GPO-DIOCT, Prosecutor
SERBIA	Branko STAMENKOVIC	Deputy Republic Prosecutor Republic Public Prosecutor's Office of Serbia
SLOVAKIA	Zuzana STOFOVA	Ministry of Justice of the Slovak Republic International Law Department

SLOVAKIA	Branislav BOHACIK	General Prosecutor s Office of the Slovak Republic Prosecutor
SLOVENIA	Toni KASTELIC	Head of Computer Investigation Centre, Criminal Police Directorate
SPAIN	Maria Elvira TEJADA DE LA FUENTE	Head, Cybercrime Prosecutor’s Office, General Prosecutor’s Office
SPAIN	Miriam BAHAMONDE BLANCO	Prosecutor Adviser of the Directorate General for International Legal Cooperation and Human Rights Ministry of Justice
SPAIN	Álvaro DE LOSSADA TORRES-QUEVEDO	Head of the Logical Security Unit within the Cybersecurity Central Brigade National Police
SRI LANKA	Jayantha FERNANDO	Director/ Legal Advisor, ICTA & Director, Sri Lanka CERT & Chairman LK Domain Registry
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UNITED STATES OF AMERICA	Hannah MAYER	U.S. Department of Justice, Office of Privacy and Civil Liberties, Attorney Advisor
UNITED STATES OF AMERICA	Katherine HARMAN-STOKES	Acting Director Office of Privacy and Civil Liberties, US Department of Justice

Observer States

COUNTRY	NAME	INSTITUTION
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BRAZIL	Fernanda TEIXEIRA SOUZA DOMINGOS	Coordinator of the Advisory Group on Cybercrime of the MPF's Criminal Chamber Federal Prosecution Service
BRAZIL	Anamara OSÓRIO	Deputy Head of the International Cooperation Unit Federal Prosecution Service
BRAZIL	Flávio SILVEIRA DA SILVA	Federal Criminal Expert - Deputy Head of Technology and Qualification in the Cybercrime Division
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BRAZIL	Daniele GOSENHEIMER RODRIGUES	Head of the International Legal Cooperation Unit, Federal Police
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Ad-hoc observers

COUNTRY	NAME	INSTITUTION
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Observer organisations

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COUNCIL OF THE EU	Maria CASTILLEJO	Political Administrator
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UNODC	Marie-Line BILLAUDAZ	Cybercrime Officer
UNODC	Neil WALSH	Chief of Cybercrime and Anti-Money Laundering

Experts

ORGANISATION	NAME	POSITION
CONSULTANT	Betty SHAVE	Consultant

Council of Europe Committees

ORGANISATION	NAME	POSITION
T-ES (Lanzarote Convention Committee)	Claude JANIZZI	Conseiller de direction 1re classe Service des droits de l'enfant / Service des relations internationales Ministère de l'Education nationale, de l'Enfance et de la Jeunesse Luxembourg
T-ES (Lanzarote Convention Committee)	Maria José CASTELLO-BRANCO	Legal Adviser, Civil Justice Unit, International Affairs Department, Directorate General for Justice Policy, Ministry of Justice, Lisbonne, Portugal

Council of Europe Secretariat

Name	Details
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Jorg POLAKIEWICZ	Director, Directorate of Legal Advice and Public International Law
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Alexander SEGER	Executive Secretary of the Cybercrime Convention Committee Head of Cybercrime Division Head of Cybercrime Programme Office (C-PROC) Information Society - Action against Crime Directorate Directorate General Human Rights and Rule of Law alexander.seger@coe.int
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Ioana LAZAR	Senior Project Officer Cybercrime Programme Office (C-PROC) Bucharest Council of Europe
Céline DEWAELE	Programme Assistant Cybercrime Division Information Society - Action against Crime Directorate Directorate General of Human Rights and Rule of Law

Interpreters

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