

Item 5

Second Protocol on enhanced cooperation and disclosure of electronic evidence

Implementation of Article 8 on giving effect to orders from another Party for expedited production of subscriber information and traffic data

## Article 8

### Giving effect to orders from another Party for expedited production of subscriber information and traffic data

#### Aim:

expeditious production of subscriber information and traffic data to another Party

#### Purpose:

- complementary to mutual legal assistance mechanisms
- more streamlined and efficient, easier process of formulating the order to a foreign service provider

#### Scope:

- production of stored **subscriber information** or **traffic data**
- specific enforcement mechanism for **orders issued under Article 7**

## Article 8

### Giving effect to orders from another Party for expedited production of subscriber information and traffic data

1 Each Party shall adopt such legislative and other measures as may be necessary to empower its competent authorities **to issue an order to be submitted as part of a request** to another Party for the purpose of compelling a service provider in the requested Party's territory to produce specified and stored a subscriber information, and b traffic data in that service provider's possession or control which is needed for the Party's specific criminal investigations or proceedings.

2 Each Party shall adopt such legislative and other measures as may be necessary **to give effect to an order** under paragraph 1 submitted by a requesting Party.

## Article 8 - Reservations and declarations

Article	Declarations
8.4	A Party may declare at the time of signature of this Protocol or when depositing its instrument of ratification, acceptance or approval, and at any other time, that <b>additional supporting information is required to give effect to orders under paragraph 1.</b>
Article	Declarations
8.10	Each Party shall, at the time of signature of this Protocol or when depositing its instrument of ratification, acceptance or approval, communicate to the Secretary General of the Council of Europe and keep up to date the contact information of the authorities designated:  <b>a to submit an order under this article; and</b> <b>b to receive an order under this article.</b>
Article	Declarations
8.11	11. A Party <b>may</b> , at the time of signature of this Protocol or when depositing its instrument of ratification, acceptance or approval, declare that it <b>requires that requests by other Parties under this article be submitted to it by the central authority of the requesting Party, or by such other authority as mutually determined between the Parties concerned.</b>

## Article 8 – Reservations

Article	Reservation
8.13	At the time of signature of this Protocol or when depositing its instrument of ratification, acceptance, or approval, a Party <b>may reserve the right not to apply this article to traffic data.</b>

### Amendments in domestic law:

- What amendments to domestic law do Parties intend to make to implement paragraphs 1 and 2 of Article 8 (and possibly other paragraphs of Article 8)?
- In relation to paragraph 2: How do Parties intend to give effect to an order issued under paragraph 1?

### Competent authorities

- Which authorities do Parties consider empowering as competent to issue an order under Article 8.1?
- Which authorities do Parties consider designating as competent under Article 8.10.a and 8.10.b?

**Do Parties intend to make the declaration under Art. 8.11 requiring that requests by other Parties under this article be submitted to it only by central or authorities mutually determined?**

### Other questions/implementation challenges