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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 2)/Council
No. Cion doc.:	14614/21 + ADD 1 + ADD 2
Subject:	Council decision authorising to ratify, in the interest of the European Union, the Second Protocol to the Convention on Cybercrime on enhanced co-operation and disclosure of electronic evidence. – Adoption

1. On 6 June 2019, the Council adopted the decision authorising the Commission to participate, on behalf of the Union, in the negotiations for the Second Additional Protocol to the Convention on Cybercrime on enhanced co-operation and disclosure of electronic evidence ('the Protocol').
2. The aim of the Protocol is to provide common rules at international level to enhance co-operation on cybercrime and the collection of evidence in electronic form for criminal investigations or proceedings.

3. The text of the Protocol was adopted by the Council of Europe Committee of Ministers on 17 November 2021 and was opened for signature on 12 May 2022.
4. On 25 November 2021, the Commission submitted to the Council:
 - a) A proposal for a Council Decision authorising Member States to sign, in the interest of the European Union, the Second Additional Protocol to the Convention on Cybercrime on enhanced co-operation and disclosure of electronic evidence (14612/21 + ADD 1)
 - b) A proposal for a Council Decision authorising Member States to ratify, in the interest of the European Union, the Second Additional Protocol to the Convention on Cybercrime on enhanced co-operation and disclosure of electronic evidence (14614/21 + ADD 1 + ADD 2)
5. On the COPEN E-Evidence meeting of 11 March 2022, delegations agreed to the text of the proposed Council Decisions, with some modifications. The texts resulting from this meeting are set out in documents 6791/22, 6792/22, 6793/22 and 6795/22.
6. The consent of the European Parliament is a precondition for the adoption of the Decision authorising the Member States to ratify the Protocol. The European Parliament gave its consent on 17 January 2023 (P9_TA(2023)0002).
7. In light of the above, and subject to confirmation by the Permanent Representatives' Committee, the Council is invited to:
 - adopt the decision authorising the Member States to ratify, in the interest of the European Union the said Protocol, as finalised by the legal-linguistic experts and set out in documents 6438/22 + ADD 1 and 14898/21.