Convention on Cybercrime on enhanced co-operation and disclosure of electronic evidence: Second Additional Protocol

2021/0383(NLE) - 17/01/2023 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted, by 436 votes to 168, with 35 abstentions, a legislative resolution on the draft 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 cooperation and disclosure of electronic evidence.

Following the recommendation of the Committee on Civil Liberties, Justice and Home Affairs, Parliament gave its consent to the Council's draft decision.

The draft Council decision aims to authorise Member States to ratify, in the interest of the EU, the second additional protocol to the Convention on Cybercrime on enhanced cooperation and disclosure of electronic evidence.

The objective of the protocol is to strengthen cooperation on cybercrime and the collection of electronic evidence of a criminal offense for the purpose of specific investigations or criminal proceedings. The protocol recognises the need for increased and more efficient cooperation between States and the private sector, and greater clarity or legal certainty for service providers and other entities regarding the circumstances under which they may respond to requests from criminal justice authorities in other Parties for the disclosure of electronic evidence.

The protocol also recognises that effective conditions and guarantees in terms of protecting fundamental rights are essential for effective cross-border cooperation for criminal justice, including between the public and private sectors. To this end, the protocol follows a rights-based approach and provides for conditions and guarantees that conform to international human rights instruments, including the 1950 Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms.

The protocol also provides for strong safeguards for the protection of privacy and personal data.