

Green Light for Ratification of CoE's E-Evidence Treaty

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News

The European Parliament gave green light for EU Member States to ratify the Second Additional Protocol to the Convention on Cybercrime. The Additional Protocol builds on the 2001 Budapest Convention on Cybercrime and regulates the cross-border exchange of electronic evidence in criminal proceedings. On 17 January 2023, the [European Parliament decided to give its consent](#) to the draft Council Decision. Previously, the Committee on Civil Liberties, Justice and Home Affairs (LIBE) had issued a [recommendation](#) to this effect. An opposite motion by MEP *Birgit Sippel* (S&D, Germany) to refuse the approval of the draft Council Decision due to concerns about fundamental rights and data protection violations was rejected by the majority of MEPs in LIBE.

After the EP's consent (as required by Art. 218(6) TFEU), the Council can now adopt the act. Since the EU cannot become a party to the Protocol, the Council's decision will enable Member States to act jointly in the interest of the EU and ratify the CoE treaty. The Second Additional Protocol will enter into force when it has been ratified by five State Parties. It was opened for signature on 12 May 2022 (→ [eu crim 2/2022, 128](#)).

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