The expert meeting was dedicated to practical measures for improving direct cooperation between law enforcement authorities and private sector service providers, notably when service providers are located in another country.

It was attended by representatives from all MS (except for Greece), from Europol, members of the Council General Secretariat, the European Parliament LIBE secretariat, the Counter-Terrorism Coordinator's office, and an independent expert supported by the Commission. Two of the MS participating are also members of the Council of Europe Budapest Convention on Cybercrime Convention Committee (CoE T-CY) Bureau. The expert meeting took place in a positive and constructive atmosphere, and many participants contributed to the discussion, generating a large amount of useful ideas and feedback for the ongoing reflection process.

After a brief background introduction by the Commission, the first part of the meeting focused on the legal framework for the direct cooperation between law enforcement authorities and service providers. It was found that there is a wide variety in MS' approaches. Some MS do not allow their authorities to make direct request, and only a few MS have a specific framework for direct requests to service providers in EU MS or in 3rd countries. Most MS apply their domestic requirements, even though this has an effect in other countries. Moreover it came out from the discussion that the majority of MS does not have legislation allowing service providers established in the MS to respond to direct requests from law enforcement authorities from other MS or 3rd countries. In some MS it is even prohibited for service providers to respond to requests from other countries' authorities. Several MS suggested a more harmonised approach could be beneficial, especially within the EU, although concerns of service providers would have to be taken into account. Notably issues with the authentication of foreign authorities were mentioned.

The discussion also focussed on applicable data protection rules, notably the conditions imposed by article 39 of the Policy Cooperation Data Protection Directive relevant for direct cooperation with US-based service providers. As it was indicated that the interpretation of applicable data protection rules might vary, some MS suggested that guidance could facilitate direct cooperation.

In the second part of the meeting, the discussion turned to the problem definition and the practical ideas on how to enhance direct cooperation. MS broadly confirmed the accuracy of the problem definition as included in the December 2016 progress report. MS then engaged in an open exchange of views on options presented, including the creation of a single point of contact on the law enforcement/judiciary side, training on the different policies and procedures of service providers, the negotiation of agreements with service providers, and the standardisation of forms used by law enforcement authorities. MS also discussed the use of an electronic platform to facilitate direct cooperation. Europol presented the SIRIUS project, as part of which an interactive platform will be developed to
support online investigation, followed by a presentation on the CoE T-CY Octopus platform, which provides for a static repository of information of relevant law enforcement procedures to facilitate direct cooperation.

All options presented received support from many MS, and constructive feedback was provided as regards pro's and con's and the possible role of the European Union. Generally, MS underlined the importance of improving direct cooperation, and its complementarity as regards other channels to obtain cross-border access to electronic evidence.