

Thank you, Madame chair,

Georgia would like to share the following observations concerning the chapter 3 of the CND:

There is no doubt that the strength of the provisions under chapter 3 is essential for effective criminal justice response to cybercrime in domestic context as well as the international cooperation.

### **Cluster 1**

We in overall support the inclusion of provisions of cluster 1 in the treaty.

#### *Article 40*

However, we share the concerns raised by many other delegations regarding subparagraph 2.e of article 40. We cannot accept extension of jurisdiction extraterritorially solely based on the data belonging to the nationals of the state.

#### *Article 42*

We believe article 42 provisions are among the most crucial parts of this treaty. We strongly support some of the elements of the existing wording, among others, incorporating the principles of legality, necessity and proportionality as well as the requirement of protection of personal data. We wish to make a reference to a specific human rights instrument, at minimum, the international covenant on civil and political rights in the provisions in question.

### **Cluster 2**

We fully support including procedural measures under articles 43 to 46. However, **we oppose the wording of article 46 paragraph 1 that allows extraterritorial extension of searches in a broad and vague language.**

We are ready to support inclusion of articles 47 and 48 (real time collection of traffic data and interception of content) based on certain conditions. The less is the extent of criminalization and the greater is the strength of the safeguards the more support we could offer for these provisions. More specifically we wish to have requirements of mandatory judicial supervision, notification to data subjects and effective remedies to challenge the legality of such measures.

We oppose including article 49 in the treaty due to primarily being subject of domestic law domain.

### **Cluster 3**

#### *Article 50*

We support including article 50 subject to the extent of criminalization. We however reserve the right not to fully accept the existing formulation of the article.

*Articles 51, 52, 53, 54 and 55*

We oppose including articles 51 to 55. We believe these provisions while having analogues in UNTOC are only relevant for serious organized criminality and could be of no relevance in cybercrime context. In any event, where necessary UNTOC would sufficiently cover the appropriate needs.

I thank you Madame chair.