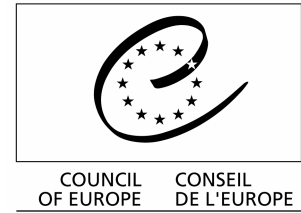


Web site: www.coe.int/cybercrime



Strasbourg, 5 June 2007

T-CY (2007) 01 rev

THE CYBERCRIME CONVENTION COMMITTEE (T-CY)

INFORMATION DOCUMENT CONCERNING THE T-CY

Secretariat Memorandum
prepared by
the Directorate General of Human Rights and Legal Affairs

1. Owing the dangers of cybercrime and the need for common minimum technical and legal standards to fight such crime at a global level, the Convention on cybercrime [ETS N° 185] was prepared.
2. This Convention, which was prepared by Council of Europe member States and Canada, Japan, South Africa and the United States, entered with force on 1 July 2004. Its Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ETS N° 189) entered into force on 1 March 2007.
3. The Convention is the only binding international instrument dealing with cybercrime. It has received widespread international support and is open to all States.
4. The Convention provides for consultations of the Parties (see Article 46 in Appendix 1 to this memorandum), in particular :

“The Parties shall, as appropriate, consult periodically with a view to facilitating :

 - a the effective use and implementation of this Convention, including the identification of any problems thereof, as well as the effects of any declaration or reservation made under this Convention;
 - b the exchange of information on significant legal, policy or technological developments pertaining to cybercrime and the collection of evidence in electronic form;
 - c consideration of possible supplementation or amendment of the Convention.”
5. In order to carry out these consultations, the second meeting of the Parties will take place in Strasbourg on 20 and 21 March 2006.
6. the T-CY at its 1st meeting in 2006 (see T-CY(2006)4 in particular noted the widespread international support for the convention on cybercrime and recognized the need for States, international organisations, academia and the private sector to continue to work together to fight cybercrime.
7. At its 2nd meeting (see the agenda of the 2nd meeting T-CY(2007)1 OJ), the representatives of States Party to the Convention will be called upon to elect its Chair and Vice-Chair.
8. The T-CY will also be called upon to hold an exchange of views on the present situation concerning the Convention. The present state of

ratifications and signatures to the Convention and its Protocol is contained in Appendix II to this memorandum.

9. In addition, the T-CY will consider co-operation between States, international organizations, academia and the private sector (see item 5 of the agenda) and questions and comments on certain specific matters or provisions of the Convention and its Protocols and their effectiveness (see item 6 of the agenda).
10. It is clear that cybercrime is very extensive and any available information concerning statistics and co-ordination at a national level will be welcome (see item 7 of the agenda).
11. Information will be provided concerning the Octopus Conference on “Co-operation against cybercrime” which will take place immediately before the T-Cy (11 to 12 June 2007, Strasbourg) which all members of the T-CY may attend.

APPENDIX I

ARTICLE 46 OF THE CONVENTION ON CYBERCRIME

Article 46 – Consultations of the Parties

- 1 The Parties shall, as appropriate, consult periodically with a view to facilitating:
 - a the effective use and implementation of this Convention, including the identification of any problems thereof, as well as the effects of any declaration or reservation made under this Convention;
 - b the exchange of information on significant legal, policy or technological developments pertaining to cybercrime and the collection of evidence in electronic form;
 - c consideration of possible supplementation or amendment of the Convention.
- 2 The European Committee on Crime Problems (CDPC) shall be kept periodically informed regarding the result of consultations referred to in paragraph 1.
- 3 The CDPC shall, as appropriate, facilitate the consultations referred to in paragraph 1 and take the measures necessary to assist the Parties in their efforts to supplement or amend the Convention. At the latest three years after the present Convention enters into force, the European Committee on Crime Problems (CDPC) shall, in co-operation with the Parties, conduct a review of all of the Convention's provisions and, if necessary, recommend any appropriate amendments.
- 4 Except where assumed by the Council of Europe, expenses incurred in carrying out the provisions of paragraph 1 shall be borne by the Parties in the manner to be determined by them.
- 5 The Parties shall be assisted by the Secretariat of the Council of Europe in carrying out their functions pursuant to this article.

APPENDIX II**Convention on Cybercrime
CETS No.: 185**

Treaty open for signature by the member States and the non-member States which have participated in its elaboration and for accession by other non-member States

Opening for signature

Place: Budapest
Date : 23/11/2001

Entry into force

Conditions: 5 Ratifications including at least 3
member States of the Council of Europe
Date : 1/7/2004

Status as of: 5/6/2007

Member States of the Council of Europe

States	Signature	Ratification	Entry into force	Notes	R.	D.	A.	T.	C.	O.
Albania	23/11/2001	20/6/2002	1/7/2004				X			
Andorra										
Armenia	23/11/2001	12/10/2006	1/2/2007							
Austria	23/11/2001									
Azerbaijan										
Belgium	23/11/2001									
Bosnia and Herzegovina	9/2/2005	19/5/2006	1/9/2006				X			
Bulgaria	23/11/2001	7/4/2005	1/8/2005		X	X				
Croatia	23/11/2001	17/10/2002	1/7/2004							
Cyprus	23/11/2001	19/1/2005	1/5/2005							
Czech Republic	9/2/2005									
Denmark	22/4/2003	21/6/2005	1/10/2005		X		X	X		
Estonia	23/11/2001	12/5/2003	1/7/2004				X			
Finland	23/11/2001	24/5/2007	1/9/2007		X	X	X			
France	23/11/2001	10/1/2006	1/5/2006		X	X	X			
Georgia										
Germany	23/11/2001									
Greece	23/11/2001									
Hungary	23/11/2001	4/12/2003	1/7/2004		X	X	X			
Iceland	30/11/2001	29/1/2007	1/5/2007		X		X			
Ireland	28/2/2002									

Italy	23/11/2001									
Latvia	5/5/2004	14/2/2007	1/6/2007		X		X			
Liechtenstein										
Lithuania	23/6/2003	18/3/2004	1/7/2004		X	X	X			
Luxembourg	28/1/2003									
Malta	17/1/2002									
Moldova	23/11/2001									
Monaco										
Montenegro	7/4/2005			55						
Netherlands	23/11/2001	16/11/2006	1/3/2007				X	X		
Norway	23/11/2001	30/6/2006	1/10/2006		X	X	X			
Poland	23/11/2001									
Portugal	23/11/2001									
Romania	23/11/2001	12/5/2004	1/9/2004				X			
Russia										
San Marino										
Serbia	7/4/2005			55						
Slovakia	4/2/2005									
Slovenia	24/7/2002	8/9/2004	1/1/2005				X			
Spain	23/11/2001 r									
Sweden	23/11/2001									
Switzerland	23/11/2001									
the former Yugoslav Republic of Macedonia	23/11/2001	15/9/2004	1/1/2005				X			
Turkey										
Ukraine	23/11/2001	10/3/2006	1/7/2006		X		X			
United Kingdom	23/11/2001									

Non-member States of the Council of Europe

States	Signature	Ratification	Entry into force	Notes	R.	D.	A.	T.	C.	O.
Canada	23/11/2001									
Costa Rica										
Japan	23/11/2001									
Mexico										
South Africa	23/11/2001									

United States	23/11/2001	29/9/2006	1/1/2007		X	X	X			

Total number of signatures not followed by ratifications:	22
Total number of ratifications/accessions:	21

Additional Protocol to the Convention on cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems
CETS No.: 189

Treaty open for signature by the States which have signed the Treaty ETS 185.

Opening for signature

Place: Strasbourg
Date : 28/1/2003

Entry into force

Conditions: 5 Ratifications.
Date : 1/3/2006

Status as of: 5/6/2007

Member States of the Council of Europe

States	Signature	Ratification	Entry into force	Notes	R.	D.	A.	T.	C.	O.
Albania	26/5/2003	26/11/2004	1/3/2006							
Andorra										
Armenia	28/1/2003	12/10/2006	1/2/2007							
Austria	30/1/2003									
Azerbaijan										
Belgium	28/1/2003									
Bosnia and Herzegovina	9/2/2005	19/5/2006	1/9/2006							
Bulgaria										
Croatia	26/3/2003									
Cyprus	19/1/2005	23/6/2005	1/3/2006							
Czech Republic										
Denmark	11/2/2004	21/6/2005	1/3/2006		X			X		
Estonia	28/1/2003									
Finland	28/1/2003									
France	28/1/2003	10/1/2006	1/5/2006			X				
Georgia										
Germany	28/1/2003									
Greece	28/1/2003									
Hungary										
Iceland	9/10/2003									
Ireland										

Italy																				
Latvia	5/5/2004	14/2/2007	1/6/2007																	
Liechtenstein																				
Lithuania	7/4/2005	12/10/2006	1/2/2007			X														
Luxembourg	28/1/2003																			
Malta	28/1/2003																			
Moldova	25/4/2003																			
Monaco																				
Montenegro	7/4/2005				55															
Netherlands	28/1/2003																			
Norway																				
Poland	21/7/2003																			
Portugal	17/3/2003																			
Romania	9/10/2003																			
Russia																				
San Marino																				
Serbia	7/4/2005				55															
Slovakia																				
Slovenia	26/2/2004	8/9/2004	1/3/2006																	
Spain																				
Sweden	28/1/2003																			
Switzerland	9/10/2003																			
the former Yugoslav Republic of Macedonia	14/11/2005	14/11/2005	1/3/2006																	
Turkey																				
Ukraine	8/4/2005	21/12/2006	1/4/2007			X														
United Kingdom																				

Non-member States of the Council of Europe

States	Signature	Ratification	Entry into force	Notes	R.	D.	A.	T.	C.	O.
Canada	8/7/2005									
Japan										
South Africa										
United States										

Total number of signatures not followed by ratifications:	20
Total number of ratifications/accessions:	11