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Strasbourg, 8 April 2008

THE CYBERCRIME CONVENTION COMMITTEE (T-CY)

3rd Multilateral Consultation of the Parties to the Convention on cybercrime [ETS No 185]

Strasbourg, 3 and 4 April 2008

MEETING REPORT¹

BRIEF FOREWORD

The T-CY welcomed the growing and widespread international support for the Convention on Cybercrime and invited those States which had not already done so to become Parties as soon as possible.

It underlined the important achievements of the Project on cybercrime and in particular took note of the non-binding Guidelines adopted by the Octopus Interface Conference on co-operation against cybercrime concerning “co-operation between law enforcement and Internet service providers in the investigation of cybercrime.”

The T-CY made a number of proposals to facilitate the implementation of the Convention and, in particular, requested States to provide, where they had not already done so, information concerning points of contact for the 24/7 network, translations of the Convention and country profiles.

The T-CY also took note of certain international instruments relevant to cybercrime, the work of certain committees and the Internet Governance Forum (IGF).

¹ For further information concerning the T-CY and the Project on cybercrime please see: www.coe.int/cybercrime

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REPORT

I. INTRODUCTION

1. The Cybercrime Convention Committee (T-CY) met in G Building, Council of Europe, Strasbourg on 3 and 4 April 2008. This meeting took place within the framework of Article 46 of the Convention on Cybercrime [ETS No 185] (hereafter “the Convention”) which provides that “The Parties shall, as appropriate, consult periodically ...” .
2. The T-CY was opened by Ms Margaret KILLERBY (Secretary a.i. to the T-CY) who welcomed the participants to the 3rd meeting of the Parties.
3. The list of participants and the agenda, which refers to the documents for each agenda item, appear in **Appendices I and II** respectively.
4. The T-CY warmly thanked the outgoing Chair, Mr Henrik KASPERSEN (Netherlands), for his major contribution to the work of the Council of Europe in the field of cybercrime and in particular for chairing both the T-CY and the Committee of experts which prepared the Convention.
5. Ms Betty SHAVE (United States) was elected Chair and Ms Cristina SCHULMAN (Romania) was elected Vice-Chair by the States Party to the Convention.
6. The T-CY welcomed Ms Brigitte MABANDLA, Minister of Justice and Constitutional Development of the Republic of South Africa, who informed the T-CY about the current state of legislation in South Africa concerning cybercrime.

II. EXCHANGE OF VIEWS ON THE PRESENT SITUATION CONCERNING THE CONVENTION ON CYBERCRIME [ETS NO 185] AND ITS ADDITIONAL PROTOCOL [ETS NO. 189]

a. **State of signatures, ratification and accession**

i. General matters

7. The T-CY took note of the current state of signatures and ratifications of the Convention on cybercrime (**see Appendix III**). It underlined the fact that very many non-European States have also shown considerable interest in the provisions of the Convention and that, at a world level, virtually all new legislation and draft legislation follow closely the provisions of the Convention.
8. The T-CY in particular:
 - welcomed the growing and widespread international support for the Convention;
 - noted that those States, which were not already Parties to the Convention were closely examining the provisions of the Convention and most of these States intended to become Parties as soon as possible in particular in order to be able to make full use of the procedural provisions concerning international co-operation. Austria, Germany, Ireland, Italy, Spain and the United Kingdom were likely to become Parties in 2008;
 - noted that since its last meeting Slovakia had become a Party to the Convention, Georgia had signed the Convention on 1 April and Azerbaijan intended to sign the Convention in the first half of 2008;

- took note of the legislative and other steps being taken by States in order to become Parties to the Convention, recognised that the delay in ratification was usually due to the sometimes lengthy legislative processes and encouraged these States to speed up the ratification process;
 - noted that Costa Rica and Mexico had been invited to accede to the Convention, the Philippines would be invited to accede and the Dominican Republic had made a request to be invited to accede;
9. The T-CY took note of the current state of signatures and ratifications of the Additional Protocol to the Convention on cybercrime concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems [ETS n° 189] (hereinafter the "Protocol") (**see Appendix IV**) and welcomed the signature of this Protocol by the Minister of Justice and Constitutional Development of South Africa.
 10. The T-CY welcomed the information relating to cybercrime contacts and co-operation with the following non-European countries: Argentina, Australia, Bahrain, Botswana, Brazil, Colombia, Chile, China, Costa Rica, Dominican Republic, Egypt, India, Indonesia, Laos, Malaysia, Morocco, Nigeria, Peru, Philippines, Singapore, Sri Lanka, Trinidad and Tobago, Vietnam, and with regional organizations such as the Organisation of American States (OAS).
 11. The T-CY encouraged States and international organizations or other bodies to promote the Convention in particular in those States with which they have historical links or special relationships or with States in the same region.
 - ii. Contact points
 12. The T-CY reminded States to provide, before or when becoming Parties to the Convention, all relevant information required under the provisions of the Convention and, in particular, concerning the point of contact for the 24/7 network under Article 35.
 13. The T-CY called on Armenia, Bosnia and Herzegovina and Ukraine, which are Parties to the Convention, to establish such contact points as a matter of urgency. The T-CY invited States to inform the Council of Europe of any changes concerning contact points.
 14. The T-CY agreed to merge the Directory of Contact Points of the G8 Lyon-Roma High-tech Crime Subgroup and the list of contact points established under the Convention.
 15. Furthermore the T-CY underlined the need to strengthen the effective operation of contact points and to consider the need for specialized judicial authorities and prosecutors. The T-CY requested the Consultative Council of European Prosecutors (CCPE) and EUROJUST to consider this matter further.
 16. The T-CY requested the Project on cybercrime to prepare, in co-operation with the Committee of experts on the operation of European Conventions on co-operation in criminal matters (PC-OC) and the G8 Network:
 - a report dealing in particular with the nature, role, powers, legal basis and institutional e-mail addresses of contact points and to submit it to the next meeting of the T-CY.

iii. Translations of the Convention

17. In addition to the original languages (English and French) the cybercrime website currently contains translations in the following 12 languages (Arabic, Dutch, German, Hungarian, Italian, Indonesian, Portuguese, Romanian, Russian, Slovak, Spanish and Turkish – see the website).
18. The T-CY invited participants to send the Secretariat translations of the Convention into other languages so that these translations could be included on the website and provide assistance to persons and States requiring such translations.

b. Implementation of the Convention in national legislation – Consideration of the implementation of Article 1.d concerning the definition of traffic data and of Article 2 concerning illegal access to computer systems

i. Traffic data

19. The T-CY agreed that it was necessary to make a clear distinction between traffic data as defined in Article 1.d of the Convention and content data.

ii. Illegal access

20. The representative of the European Commission informed the T-CY that the European Commission would publish a detailed report in May or June this year on the implementation of the Council Framework Decision 2005/222/JHA of 24 February 2005 on attacks against information systems. This will include information on how EU member States implemented provisions on illegal access.

c. Consideration of the replies of the Parties to the questionnaire on the practical implementation of the Convention

21. The T-CY took note of the replies to the above questionnaire sent by the following: Bulgaria, Germany, Hungary, Romania, Russia, Slovakia, United States. The Committee requested those Parties which had not done so or those Parties wishing to update their replies to send their replies as soon as possible to the Secretariat.
22. The T-CY decided to consider these replies at its next meeting.

d. Consideration of specific difficulties arising out of international co-operation between the Parties / between Parties and other States

23. One particular difficulty pointed out by the T-CY was the question of the effective follow up to requests for expedited preservation and other preliminary measures through formal requests for mutual legal assistance. It was proposed, among other things, that 24/7 contact points and competent authorities for mutual legal assistance should strengthen their cooperation with each other.

e. Mutual legal assistance in computer related cases

24. The T-CY thanked the PC-OC for providing information concerning mutual legal assistance in computer-related cases from the following States: Armenia, Bosnia and Herzegovina, Bulgaria, Canada, Greece, Hungary, Latvia, Luxembourg, Malta, Poland, Portugal, Romania, Slovakia, Slovenia, Switzerland and Sweden. The T-CY was informed that the PC-OC would obtain additional replies and the T-CY agreed to examine these replies at its next meeting.

25. The T-CY noted that the 2nd Additional Protocol to the Convention on mutual assistance in criminal matters [ETS No 182] is very useful for co-operation in the field of cybercrime as it enables direct contacts between the authorities of the Parties to take place.
26. In addition the T-CY recognized that useful mutual assistance could also be provided by the PC-OC contact points, EUROJUST and the European Judicial Network.
27. The T-CY took note of a proposal by Romania concerning the preparation by the T-CY of a checklist for use between the 24/7 contact points for requests for expedited preservation of computer data and requested the Project on cybercrime to present a draft for consideration by the T-CY at its next meeting.

f. Difficulties to ascertain the location of servers and owners

28. The T-CY noted that sometimes it could be very difficult to locate servers and identify the owners of the servers and delay in locating servers could prevent law enforcement from taking action in sufficient time and Mr Gareth Sansom (Canada) made a PowerPoint presentation on the problem of location: cyberspace versus geographic space which provided much useful information on this matter.
29. The T-CY recognized that many jurisdictional difficulties arose owing to the ease by which servers could be changed rapidly from country to country or make use of Bots. The T-CY agreed that further consideration should be given to questions of jurisdiction in the light of technological developments and invited the Project on cybercrime to submit a report on this matter to the next meeting of the T-CY.

g. Consideration of establishing common rules for ISPs and their relations with law enforcement

30. See IIIb. below

h. Available training (by international bodies or by States)

31. The T-CY recognized that, although the Convention provides a comprehensive legal solution for all States, serious technical problems also have to be considered and training (police, prosecutors, judges and lawmakers) is particularly important to fight cybercrime.
32. The T-CY regretted that there was no overall data base indicating the training available at an international level but noted that the European Police Office (EUROPOL) and the European Police College (CEPOL) were working closely together to provide training for European Union States.
33. The T-CY underlined the need to provide appropriate forensic training in cybercrime not only for police officers but also to judges and prosecutors. The T-CY therefore invited the Consultative Council for European Prosecutors (CCPE) and the Consultative Council for European Judges (CCJE) to consider this matter.

i. Examples of public and private partnerships for the purpose of blocking of websites in the light of the recent relevant work carried out by the Council of Europe (Recommendation CM/Rec(2007)16 and Recommendation CM/Rec(2008)6)

34. The T-CY took note of Recommendation CM/Rec(2007)16 of the Committee of Ministers on measures to promote the public service value of the Internet (see in particular part V on security to the Appendix to the Recommendation which provides that "Member States should engage in international legal co-operation as a means of developing and strengthening security on the

Internet and observance of international law in particular by:-promoting the safer use of the Internet and of ICTs, particularly for children, fighting against illegal content and tackling harmful and, where necessary, unwanted conduct through regulation, the encouragement of self-regulation, including the elaboration of codes of conduct, and the development of adequate technical standards and systems.”

35. The T-CY also took note of Recommendation CM/Rec(2008)6 of the Committee of Ministers on measures to promote the respect for freedom of expression and information with regard to Internet filters. It noted in particular the Appendix to the Recommendation which contains the following Guidelines:

- using and controlling Internet filters in order to fully exercise and enjoy the right to freedom of expression and information;
- appropriate filtering for children and young people;
- use and application of Internet filters by the public and private sector.

j. Statistics concerning the extent of cybercrime and reports from international bodies or States

36. The T-CY recognized the importance of ascertaining the extent of cybercrime and the likely areas of growth in the future. Such information enabled States to plan for the future in particular concerning the necessary human and financial resources. This information was essential in order to take sufficient steps to deal with serious crime on the Internet.

37. The T-CY was informed that a proposal had been made by France to the European Union to collect statistics on different types of crime.

III INFORMATION CONCERNING THE PROJECT ON CYBERCRIME

a. Activities to date and work plan

38. The T-CY noted the progress made under the Project on cybercrime which was launched in September 2006 and has since helped to establish the Convention as a global guideline for the development of cybercrime legislation and a framework for international co-operation. In addition to European countries, it has so far supported legislative work in a wide range of countries and detailed analyses for Argentina, Brazil, Colombia, Egypt, India, Indonesia, Nigeria and Philippines.

39. The project is currently funded from the budget of the Council of Europe and voluntary contributions from Estonia and Microsoft. The T-CY called on other States and bodies to make additional contributions available so that the Project can be fully implemented.

b. Octopus Interface Conference “Co-operation against cybercrime” (1 and 2 April 2008) and its guidelines for co-operation between law enforcement and Internet service providers in the investigation of cybercrime

40. Many T-CY participants had attended the above Conference which took place in Strasbourg on 1 and 2 April 2008 as part of the Project on cybercrime. For the Conference conclusions (**See Appendix VI**).

41. The T-CY welcomed the results of this global Conference and took note of the several reports prepared under the Project. It welcomed the organization of the Project's global conference immediately prior to the T-CY and recommended that this practice be continued in the future if possible.
42. The T-CY took note of the adoption by the Conference of the non-binding Guidelines for co-operation between law enforcement and internet service providers in the investigation of cybercrime (**see Appendix V to this report**). The T-CY recognized that they could be useful to promote co-operation in this field.

c. Country profiles

43. The T-CY welcomed the following 27 country profiles on cybercrime legislation which have been included on the website: Albania, Argentina, Armenia, Austria, Brazil, Bulgaria, Italy, China, Croatia, Cyprus, Czech Republic, Dominican Republic, France, Germany, Hungary, Lithuania, Morocco, Mexico, Moldova, Portugal, Romania, Slovak Republic, "the former Yugoslav Republic of Macedonia", The Philippines, Turkey, Ukraine, The United States of America.
44. The T-CY underlined the usefulness of the country profiles as a tool for analyzing the implementation of the Convention in national law as well as for the exchanges of good practices and experience.
45. The T-CY encouraged participants to contribute to the preparation and, where necessary, to the updating of the profiles concerning their States.

IV. EXCHANGE OF VIEWS ON CO-OPERATION BETWEEN STATES, INTERNATIONAL ORGANISATIONS, ACADEMIA AND THE PRIVATE SECTOR

46. The T-CY underlined the need to promote public and private partnerships in order to fight cybercrime and noted that such partnerships could play an important role in preventing the criminal use of the Internet.
47. The desirability of close co-operation between the T-CY and the G8 Lyon-Roma High-Tech Crime Subgroup was stressed in particular to ensure proper co-ordination between the contact points for the 24/7 network.

V. OTHER WORK CARRIED OUT BY THE COUNCIL OF EUROPE CONCERNING SPECIFIC MATTERS RELATING TO CYBERCRIME

a. Second Meeting of the Internet Governance Forum (IGF) (Rio de Janeiro, 12 - 15 November 2007) and preparations for the third IGF meeting (Hyderabad, India, 3 - 6 December 2008)

48. The Secretariat provided information about the 2007 IGF meeting and that the Council of Europe was the most active and visible intergovernmental organization present and provided the leading voice in much of the discussion concerning cybercrime, protecting children, the right to privacy and democratic participation on the Internet.
49. The Council of Europe had organized 15 events on the openness, security, access, diversity and critical Internet resources of the Internet, including two events specifically related to the Convention on cybercrime which, as a result, gained much publicity. A number of countries from South America showed a strong interest in acceding to the Convention and countries from other regions showed a serious interest in the Convention and for a direct bilateral follow-up with the Council of Europe..

50. The T-CY was informed that the Council of Europe is now preparing its participation at the next IGF meeting which will take place in Hyderabad (India), from 3 to 6 December 2008. India and a number of other countries could accede to the Convention on cybercrime during this meeting.

51. The Secretariat invited:

- participants in the T-CY to send it any suggestions for matters to be considered at the next IGF;
- those persons who would attend the IGF on behalf of their States or organizations to contact it in order to ensure maximum co-ordination and efficiency in the field of cybercrime.

b. Opening for signature of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No.: 201)

52. The T-CY was informed about the above recent Convention which had been signed by 27 States.

53. The briefing to the T-CY noted in particular the following articles of the above Convention:

- Article 6, which deals with education for children, requires Parties to provide children with information on the situations of risk of sexual exploitation and sexual abuse especially those involving the use of new information and communication and communication technologies;
- Article 20, which deals with offences concerning child pornography, is very similar to Article 9 of the Convention on cybercrime but, unlike Article 9, it is not restricted to offences committed through a computer system. In addition Article 20 requires Parties, unless they have made a reservation, to criminalise “knowingly obtaining access, through information and communication technologies, to child pornography”;
- Article 30, which contains principles concerning investigation, prosecution and procedural law, requires Parties to take measures to identify victims “in particular by analyzing child pornography material, such as photographs and audiovisual recordings transmitted or made available through the use of information and communication technologies.

c. Information concerning the work of the Group of Specialists on Counterfeit Pharmaceutical Products (PC-S-CP)

54. The T-CY was informed that, owing to the widespread circulation of counterfeit medicines and the absence in many countries of effective criminal sanctions, the PC-S-CP was preparing texts to ensure, *inter alia*, that such acts are properly criminalized. These texts would, subject to further approval by the relevant bodies within the Council of Europe, be included in a convention. Full account would be taken of the Convention on Cybercrime.

55. Any future Convention in this field should be open to all States and participation by non-European countries encouraged.

d. Opinion of CODEXTER on cyberterrorism and the use of the Internet for terrorist purposes

56. The T-CY took note of the above opinion of CODEXTER which was transmitted to the T-CY by the Committee of Ministers.

57. The opinion of CODEXTER in particular encouraged States to become Parties to the Convention on Cybercrime and indicated: "The effective implementation of the Cybercrime Convention would ensure that national legislation provides appropriate sanctions for cases involving serious attacks, including terrorist ones, on IT-based or IT-general infrastructures."

58. The T-CY noted the different views on the need for a specific instrument in this field.

VII ANY OTHER BUSINESS

59. The T-CY took note of the decisions adopted by the European Committee on crime problems (CDPC) at its 56th meeting concerning matters relating to cybercrime.

VIII. NEXT MEETING OF THE CYBERCRIME CONVENTION COMMITTEE (T-CY)

60. The T-CY agreed to hold its next meeting in March 2009, if possible immediately following an Octopus Conference on cybercrime.

61. The T-CY agreed to include the following items on its agenda:

- a. state of signatures, ratifications and accession to the Convention and its Protocol (including progress made and likely timetable)
- b. report concerning contact points (to be prepared by the Project on cybercrime)
- c. replies from Parties concerning the practical implementation of the Convention
- d. legal assistance in computer related cases
- e. check list for use between the 24/7 contact points for requests for expedited preservation of computer data (to be prepared by the Project on cybercrime)
- f. report on questions of jurisdiction in the light of technical developments which enable servers to be changed rapidly from country to country (to be prepared by the Project on cybercrime)

62. The T-CY agreed to invite to its next meeting all the categories of participants invited to its present meeting. In addition the committee considered that it would be useful to consider inviting States interested in acceding to the Convention and other international intergovernmental organizations.

63. The T-CY therefore invited all participants in the present meeting to send the Secretariat proposals concerning possible additional categories of participants at its next meeting. Participants are invited to send their proposals to the Secretariat (DG1.cybercrime@coe.int) not later than 1 September 2008.

APPENDIX I

LIST OF PARTICIPANTS / LISTE DE PARTICIPANTS

PARTICIPATING PARTIES TO THE CONVENTION ON CYBERCRIME PARTIES PARTICIPANT A LA CONVENTION SUR LA CYBERCRIMINALITE

BULGARIA / BULGARIE

M. Krassimir BOJANOV, Adjoint au Représentant permanent de la Bulgarie auprès du Conseil de l'Europe, STRASBOURG, France

CROATIA / CROATIE

Mr Ivan MIJATOVIC, Chief inspector, Ministry of the Interior, ZAGREB, Croatia

ESTONIA / ESTONIE

Mr Markko KÜNNAPU, Adviser, Criminal Police Department, Ministry of Justice, TALLINN, Estonia

FINLAND / FINLANDE

Mr Antti PIHLAJAMÄKI, Chief District Prosecutor, Prosecutor's Office of South-West Finland, TURKU, Finland

FRANCE

M. Fabien LANG, Commissaire de Police, Adjoint au Chef de l'OCLCTIC, Direction centrale de la Police Judiciaire, NANTERRE, France

Mme Setareh Marie AGHA BABAEI, Stagiaire, Direction Centrale de la police judiciaire (OCLCTIC), NANTERRE, France

HUNGARY / HONGRIE

Mr Zsolt SZABOLCSI, Senior detective, National Bureau of Investigation, High-tech Crime Department, BUDAPEST, Hungary

Ms Eszter VICZKO, Legal Adviser, Ministry of Justice, BUDAPEST, Hungary

ICELAND / ISLANDE

Ms Ragna ÁRNADÓTTIR, Director of Legal Affairs, Ministry of Justice and Ecclesiastical Affairs, REYKJAVÍK, Iceland; *Apologised / Excusé*

Mr Gunnar Narfi GUNNARSSON, Legal Expert, Directorate of Legal Affairs, Ministry of Justice and Ecclesiastical Affairs, REYKJAVÍK, Iceland; *Apologised / Excusé*

NETHERLANDS / PAYS-BAS

Mr Henrik W. K. KASPERSEN, Director Computer/Law Institute, Vrije Universiteit, De Boelelaan AMSTERDAM, The Netherlands

NORWAY / NORVEGE

Mr Erik MOESTUE, Police Prosecutor, National Criminal Investigation Service (NCIS), OSLO, Norway

ROMANIA / ROUMANIE

Ms Cristina SCHULMAN, Vice Chair of the Committee, Legal adviser – Department for International Law and Treaties Ministry of Justice, BUCHAREST, Romania

Ms Ioana Bogdana ALBANI, Chief Prosecutor, Head of the Cybercrime Unit, Prosecutor's Office attached to the High Court of Cassation and Justice, Directorate for the Investigation of Organised Crime and Terrorism, BUCHAREST, Romania

SLOVAKIA / SLOVAQUIE

Mr Miroslav TIZA, Prosecutor, The General's Prosecutors Office of the Slovak Republic, International Department, BRATISLAVA, Slovak Republic

UKRAINE

Mr Andrii FIALKOVSKYI, Advisor, National Security Council, KIEV, Ukraine

UNITED STATES OF AMERICA / ETATS-UNIS D'AMÉRIQUE

Ms Betty SHAVE, Chair of the Committee, Assistant Deputy Chief for International Computer Crime, Computer Crime and Intellectual property Section, US Department of Justice, WASHINGTON, DC

Mr Thomas DUKES, Trial Attorney, US Department of Justice, Computer Crime and Intellectual Property Section, WASHINGTON DC

OTHER PARTICIPANTS / AUTRES PARTICIPANTS

AZERBAÏJAN / AZERBAIDJAN

Mr Bakhtiyar N. MAMMADOV, Head of Legal and Human Resources Department, Ministry of Communications and Information Technologies, BAKU, Republic of Azerbaijan

CANADA

Mr Gareth SANSOM, Director, Technology & Analysis, Ministry of Justice, OTTAWA, Canada

CZECH REPUBLIC / REPUBLIQUE TCHEQUE

Mr Tomáš HUDEČEK, Ministry of Justice, International Section, PRAGUE 2, Czech Republic

GEORGIA / GEORGIE

Mr Levan JANIKASHVILI, Deputy Head of Operative, Technical Department, Ministry of Internal Affairs of Georgia, TBILISI, Georgia

Ms Natia GVAZAVA, Head of International Cooperation Unit, Ministry of Internal Affairs of Georgia, TBILISI, Georgia

GERMANY / ALLEMAGNE

Mr Alexander DÖRRBECKER, Deputy Head of Division, Federal Ministry of Justice, BERLIN, Germany

Ms Ivonne SCHWINDT, Assistant, Federal Ministry of Justice, BERLIN, Germany

GREECE / GRECE

Mr Theodoros MITRAKOS, Solicitor, Ministry of Justice, ATHEN, Greece; Apologised / Excusé

HOLY SEE / SAINT SIEGE

Apologised / Excusé

JAPAN / JAPON

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Mr Hiroyuki OSHIMA, Official, International Organized Crime Division, Foreign Policy Bureau, Ministry of Foreign Affairs, TOKYO, Japan

Mr Akira TAKANO, Consul (Attorney), Consulate General of Japan, STRASBOURG, France

MEXICO / MEXIQUE

Mr Rodrigo LABARDINI FLORES, Deputy Legal Adviser "B", Ministry of Foreign Affairs, MEXICO CITY, Mexico

Mr Guillermo VALLS ESPONDA, Agregado Legal para la Unión Europea y Suiza, Procuraduría General de la República / Embajada de México en España, MADRID, Spain

Mr J. Iván FLORES CONTRERAS, Liaison Office for EU of Ministry of Public Safety of Mexico, Mexico Embassy in Spain, MADRID, Spain

MOLDOVA

Mr Valentin COLIBAN, Deputy Chief of Informatization Directorate, Ministry of Informational Development, Chisinau, Republic of Moldova

PORTUGAL

Mr Pedro VERDELHO, Docente, Centre for Judiciary Studies, LISBOA, Portugal

RUSSIAN FEDERATION / FEDERATION DE RUSSIE

Mr Boris MIROSHNIKOV, Head of Department “K”, Ministry of Interior, MOSCOW, Russian Federation

Mr Mikhail SHURGALIN, Head of Section, Department of New Challenges and Threats, Ministry of Foreign Affairs, MOSCOW, Russian Federation

SPAIN / ESPAGNE

Mr Antonio ROMA VALDES, Public Prosecutor, Fiscalia SCI, Fiscalia de Santiago, SANTIAGO, Spain

Mr Luis Maria URIARTE VALIENTE, Prosecutor, Fiscalia General Del Estado, Fiscalia Provincial de Pontevedra, PONTEVEDRA, Spain

SWITZERLAND / SUISSE

Mme Christine MAGNIN, Unité Droit pénal international, Office fédéral de la Justice, BERNE, Switzerland

M. Nicolas BOTTINELLI, Unité entraide judiciaire, Office fédéral de la Justice, BERNE, Suisse

M. Mauro VIGNATI, Analyste Cybercrime, Federal Office of Police, BERN, Switzerland

Mr Adrian KOSTER, Juriste, Federal Office of Police, BERN, Switzerland;

TURKEY / TURQUIE

Mr Osman NIHAT SEN, Head of the Internet Department of the Telecommunications Authority, ANKARA, Turkey

Mr Erol AKTAY, Communications Expert at the Internet Department of the Telecommunications Authority, ANKARA, Turkey

Mr Dogan KILINC, Communications Expert at the Internet Department of the Telecommunications Authority, ANKARA, Turkey

Ms Özlem ALLIOĞLU, Lawyer, Radio and Television Supreme Council, ANKARA, Turkey

Mr Soner BASLI, System Analyst, Radio and Television Supreme Council, ANKARA, Turkey

Mr Nihat ÇAYLAK, Expert, Radio and Television Supreme Council, ANKARA, Turkey

UNITED KINGDOM / ROYAUME-UNI

Apologised / Excusé

EUROPEAN COMMITTEE ON CRIME PROBLEMS / COMITE EUROPEEN POUR LES PROBLEMES CRIMINELS (CDPC)

Mr Branislav BOHÁČIK, Head of Division for Judicial Co-operation in Criminal Matters, Ministry of Justice, BRATISLAVA, Slovak Republic

STEERING COMMITTEE ON THE MEDIA AND NEW COMMUNICATION SERVICES / COMITE DIRECTEUR SUR LES MEDIAS ET LES NOUVEAUX SERVICES DE COMMUNICATION (CDMC)

M. Thomas SCHNEIDER, Service des Affaires internationales, Office fédéral de la communication, BIENNE, Suisse

INTERNATIONAL TELECOMMUNICATION UNION (ITU) / UNION INTERNATIONALE DES TELECOMMUNICATIONS (UTI)

Mr Alexander NTOKO, Head, Corporate Strategy Division, International Telecommunication Union GENEVA, Switzerland

ORGANISATION FOR SECURITY AND CO-OPERATION IN EUROPE (OSCE) ACTION AGAINST TERRORISM UNIT (ATU) / ORGANISATION POUR LA SECURITE ET LA COOPERATION EN EUROPE (OSCE) UNITE D'ACTION CONTRE LE TERRORISME (UAT)

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**SECRETARIAT OF THE COUNCIL OF EUROPE
SECRETARIAT DU CONSEIL DE L'EUROPE**

**Council of Europe - Directorate General of Human Rights and Legal affairs
DG-HL
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INTERPRETERS / INTERPRETES

Mme Isabelle MARCHINI
Mme Pascale MICHLIN

APPENDIX II

AGENDA / ORDRE DU JOUR

1. Opening of the meeting / *Ouverture de la réunion*

Working documents / Documents de travail:

- Information document concerning the T-CY /
Document d'information concernant le T-CY T-CY(2008) INF 01
- Report of the second meeting of the Cybercrime Convention Committee /
Rapport de la deuxième réunion sur le Comité de la Convention Cybercriminalité
T-CY(2007)03

2. Election of the Chair and Vice-Chair by representatives of States Party to the Convention / *Election du Président et du Vice-Président par les représentants des Etats Parties à la Convention*

3. Adoption of the agenda / *Adoption de l'ordre du jour*

4. Exchange of views on the present situation concerning the Convention on Cybercrime (CETS No.:185) and its Additional Protocol (CETS No.:189) / *Echange de vues sur la situation actuelle concernant le Convention sur la cybercriminalité (STCE no. :185) et son Protocole additionnel (STCE no. :189)*

- a. State of signatures, ratifications and accession to the Convention and its additional Protocol (including progress made and likely future timetable) / *Etat des signatures, ratifications, adhésions à la Convention et à son protocole additionnel (y compris l'état d'avancement et le calendrier prévisionnel);*
- b. Implementation of the Convention in national legislation – Consideration of the implementation of Article 1.d concerning the definition of traffic data and of Article 2 concerning illegal access to computer systems / *Mise en œuvre de la Convention dans la législation nationale – examen de l'article 1.d concernant la définition des données relatives au trafic et de l'article 2 concernant a l'accès illégal aux systèmes informatiques ;*
- c. Consideration of the replies of the Parties to questions on the practical implementation of the Convention / *Considération des réponses des Parties aux questions concernant la mise en œuvre pratique de la Convention;*
- d. Consideration of specific difficulties arising out of international co-operation / *Examen de problèmes spécifiques découlant de la coopération internationale:*
 - between the Parties / *entre les Parties*
 - between Parties and other States / *entre les Parties et d'autres Etats;*
- e. Mutual legal assistance in computer related cases in particular in urgent cases in the light of information provided by the CDPC and the PC-OC, and consideration of the implementation of Articles 16 and 17 on expedited preservation of the Convention on Cybercrime (see paragraphs 21 – 25 of T-CY (2007)03) / *Entraide judiciaire dans les affaires informatiques, notamment en cas d'urgence, à la lumière des informations fournies par le CDPC et le PC-OC, et examen de la mise en œuvre des Articles 16 et 17*

sur la conservation rapide de la Convention sur la cybercriminalité (voir paragraphes 21 - 25 de T-CY (2007)03);

- f. Difficulties to ascertain the location of servers and owners (see paragraph 34 of T-CY (2007)03) / *Difficultés à déterminer la localisation des serveurs et des propriétaires (voir paragraphe 34 de T-CY (2007)03);*
- g. Consideration of establishing common rules for ISPs and their relations with law enforcement, in the light of the Study prepared under the Project on Cybercrime (see also paragraph 16 of T-CY (2007)03) / *Examen d'établissement des règles communes pour les FAI et leurs relations avec les services de répression à la lumière d'une étude préparée sous l'autorité du Projet sur la Cybercriminalité (voir aussi paragraphe 16 de T-CY (2007)03);*
- h. Available training (by international bodies or by States) (see paragraph 14 of T-CY (2007)03) / *Formations proposées (par les instances internationales ou les Etats) (voir paragraphe 14 de T-CY (2007)03);*
- i. Examples of public and private partnerships for the purpose of blocking of websites in the light of the recent relevant work carried out by the Council of Europe (Recommendation CM/Rec(2007)16 and Recommendation CM/Rec(2008)6) (see paragraph 29 of T-CY (2007)03) / *Exemples de partenariats publics et privés pour le blocage des sites Web, à la lumière des travaux récents menés au Conseil de l'Europe (Recommandation CM/Rec(2007)16 et Recommandation CM/Rec(2008)6) (voir paragraphe 29 de T-CY (2007)03) ;*
- j. Statistics concerning the extent of cybercrime and reports from international bodies or States (see paragraphs 40 and 41 of T-CY (2007)03) / *Statistiques concernant l'étendue de la cybercriminalité et rapports des instances internationales ou des Etats (voir paragraphes 40 et 41 de T-CY (2007)03).*

Working documents / Documents de travail:

- Information document concerning the T-CY /
Document d'information concernant le T-CY (item/point 4.a) T-CY(2008) INF 01
- Report of the second meeting of the Cybercrime Convention Committee
/ Rapport de la deuxième réunion sur le Comité de la Convention Cybercriminalité (items/points 4. b, c, d, e, f, g, h, i, j, k)
T-CY(2007)03
- The Convention on Cybercrime (CETS No.:185) and its explanatory report
La Convention sur la Cybercriminalité (STCE no. :185) et son rapport explicatif
(items/points 4.a, b, c, d, e, f, g);
- The Protocol to the Convention (CETS No.:189) and its explanatory report
Le Protocole à la Convention (STCE no. :189) et son rapport explicatif
(items/points 4.a, b, c, d, e, f, g) ;
- Replies of the Parties to questionnaire concerning
the practical implementation of the Convention /
Réponses des états Parties au questionnaire sur la mise en oeuvre de la Convention (item/point 4.c) T-CY (2008)01

- Replies to the questionnaire of the PC-OC concerning mutual legal assistance in computer related cases / *Réponses au questionnaire du PC-OC sur l'entraide judiciaire dans les affaires liées à l'informatique* (item/point 4.e) PC-OC (2007) 15 PROV
- Recommendation CM/Rec(2007)16 of the Committee of Ministers to member states on measures to promote the public service value of the Internet / *Recommandation CM/Rec(2007)16 du Comité des Ministres aux Etats membres sur des mesures visant à promouvoir la valeur de service public de l'Internet* (item/point 4.i)
- Recommendation CM/Rec(2008)6 of the Committee of Ministers to member states on measures to promote the respect for freedom of expression and information with regard to Internet filters / *Recommandation CM/Rec(2008)6 du Comité des Ministres aux Etats membres sur les mesures visant à promouvoir le respect de la liberté d'expression et d'information au regard des filtres internet* (item/point 4.i)
- "National legislation implementing the Convention on Cybercrime - Comparative analysis and good practices", prepared by Prof. Dr. Lorenzo Picotti, Law University of Verona (Italy) – English only (item 4.b)
- "The effectiveness of international co-operation against cybercrime: examples of good practice", prepared by Pedro Verdelho (Portugal)– English only (item 4.e)
- "Guidelines for the cooperation between law enforcement and internet service providers against cybercrime", prepared by Cormac Callanan (Ireland) Marco Gercke (Germany) – English only (item 4.g)

5. Information concerning the Project on Cybercrime / Informations concernant le Projet sur Cybercriminalité

- a. Activities to date and workplan 2008 / *Les activités à ce jour et le programme des travaux 2008*

Working documents / Documents de travail:

- Progress Report of the Project on Cybercrime / *Rapport de Progrès de Projet sur la Cybercriminalité*
 - Report of the second meeting of the Cybercrime Convention Committee / *Rapport de la deuxième réunion du Comité de la Convention Cybercriminalité*, T-CY(2007)3
 - *Studies prepared under the Project on Cybercrime / Les études préparées sous le Projet sur la Cybercriminalité*
- b. Octopus Interface Conference « Co-operation Against Cybercrime », 1-2 April 2008 / *la Conférence Octopus Interface « Coopération contre le Cybercriminalité », 1-2 avril 2008 ;*
- c. Country Profiles / Les profils des états

6. Exchange of views on co-operation between States, international organisations, academia and the private sector / *Echange de vues sur la coopération entre les Etats, les organisations internationales, le milieu de la recherche et le secteur privé*

Working documents / Documents de travail:

- Report of the second meeting of the Cybercrime Convention Committee / *Rapport de la deuxième réunion du Comité de la Convention Cybercriminalité*
T-CY(2007)3
- Cybercrime and the European Union / *La Cybercriminalité et l'Union Européenne*
T-CY(2007)02

7. Other work carried out in the Council of Europe concerning specific matters relating to cybercrime / *Autres travaux menés par le Conseil de l'Europe sur des sujets spécifiques relatifs à la cybercriminalité*

- a. Information concerning the Second Meeting of the Internet Governance Forum (IGF), Rio de Janeiro, 12 - 15 November 2007 and preparations for the Third IGF meeting in New Delhi, December 2008 / *Les informations sur "Internet Governance Forum", Rio de Janeiro, 12-15 novembre 2007 et les préparations pour la troisième réunion a New Delhi, décembre 2008*

Working documents / Documents de travail:

- Summary of the Chairman of the Second Meeting of the IGF / *Sommaire du Président de la Deuxième Réunion du IGF*
- b. Opening for signature of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No.: 201) / *Ouverture à la signature de la Convention du Conseil de l'Europe pour la protection des enfants contre l'exploitation et les abus sexuels (STCE no. : 201)*

Working documents / Documents de travail:

- Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse and its Explanatory Report / *Convention du Conseil de l'Europe pour la protection des enfants contre l'exploitation et les abus sexuels et son Rapport Explicatif ;*
- c. Information concerning the work of the Group of Specialists on Counterfeit Pharmaceutical Products (PC-S-CP) / *Information concernant les travaux du Groupe de Spécialistes sur les Produits Pharmaceutiques Contrefaits (PC-S-CP)*

Working documents / Documents de travail:

- Final Report of the PC-S-CP / *Rapport Final du PC-S-CP*
- d. Opinion of CODEXTER on cyberterrorism and use of the Internet for terrorist purposes / *Avis du CODEXTER sur le cyberterrorisme et l'utilisation de l'Internet à des fins terroristes*

Working documents / Documents de travail:

- Information Document concerning the Opinion of CODEXTER on cyberterrorism and use of Internet for terrorist purposes /

- 8. Any other business / Divers**
- 9. Next meeting of the Cybercrime Convention Committee (T-CY) / Prochaine réunion du Comité de la Convention Cybercriminalité (T-CY)**
- 10. Adoption of the abridged meeting report / Adoption du rapport abrégé de la réunion**

APPENDIX III

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: 8/4/2008

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	1/4/2008									
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	8/1/2008	1/5/2008		X	X	X			
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:	22