



Strasbourg, 27 March / mars 2007

T-CY (2008) 1 OJ ann

**MULTILATERAL CONSULTATION AMONG THE CONTRACTING STATES
TO THE CONVENTION ON CYBERCRIME [CETS No.:185]**

**(The Cybercrime Convention Committee T-CY)
Third meeting**

Strasbourg, 3 (9:30) – 4 April (17:30) 2008
(G Building, Room G02)

The meeting of the T-CY will follow the Octopus Interface Conference on co-operation against cybercrime which will take place on the same premises on 1 and 2 April 2008

DRAFT ANNOTATED AGENDA¹

- 1. Opening of the meeting**
- 2. Election of the Chair and Vice-Chair by representatives of States Party to the Convention**

Representatives of Parties are invited to elect, at the beginning of the meeting, the Chair who will hold office until the next T-CY meeting in 2009 and at the same time (or at a later stage during this meeting) to elect the Vice-Chair who will hold office until the next meeting in 2009.

- 3. Adoption of the agenda**

Participants are invited to adopt the draft agenda and indicate at this stage whether they wish to raise any other business.

- 4. Exchange of views on the present situation concerning the Convention on Cybercrime (CETS No.:185) and its Protocol (CETS No.:189)**
 - a. State of signatures, ratifications and accession to the Convention and its additional Protocol (including progress made and likely future timetable);

Participants are invited to take note of the state of signatures and ratifications and, where appropriate, provide information concerning the steps being taken in their States to become Parties.

¹ Please note that working documents will not be distributed other than through the T-CY website /
Veillez noter que les documents de travail ne seront distribués que par le biais de site Web du T-CY.

States, which have not already done so, are also invited to notify the Secretariat concerning the point of contact for the 24/7 network under Article 35 and any changes concerning contact points.

States are invited to send the Secretariat (for inclusion on the website of the Council of Europe) any available translations of the Convention into languages other than those already on the website.

- 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 system and computer data;

Participants are invited to share national experience in defining traffic data and illegal access to computer systems and computer data in their legislation.

To facilitate this discussion participants are encouraged to consult the working document T-CY(2008)02, containing a compilation of some of the examples of national legislation.

- c. Consideration of the replies of the Parties to questions concerning the practical implementation of the Convention;

Participants are invited to discuss any practical difficulties arising from the implementation of the Convention. Working document T-CY(2008)01 could be usefully consulted for more information from some States Parties, who responded to the questionnaire.

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

Participants are invited to indicate any difficulties they have experienced as regards international co-operation in the field of cybercrime.

- 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 to 25 of T-CY (2007)03);

Participants are invited to take note of the replies to the questionnaire sent by the PC-OC concerning mutual assistance in computer related cases (see PC-OC(2008)08 PROV.

- f. Difficulties to ascertain the location of servers and owners (see paragraph 34 of T-CY (2007)03);

Participants are invited to discuss the difficulties of enforcement authorities to locate servers and identify their owners in time to take any necessary action.

- g. Consideration of establishing common rules for ISPs and their relations with law enforcement, in the light of the Guidelines prepared under the Project on Cybercrime (see also paragraph 16 of T-CY (2007)03);

When discussing this item participants are invited to take note of the Guidelines prepared by the Octopus Conference on co-operation between law enforcement and Internet service providers against cybercrime.

- h. Available training (by international bodies or by States) (see paragraph 14 of T-CY (2007)03);

Participants are invited to indicate available training of professionals to prevent and fight cybercrime at a national and international level.

- 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 (see paragraph 29 of T-CY (2007)03);

During their discussions participants are invited to take account of Recommendation CM/Rec(2007)16 on measures to promote the public service value of the Internet and Recommendation CM/Rec (2008)6 on measures to promote the respect for freedom of expression and information with regard to Internet filters.

- j. Time limits on the preservation of computer data (see Article 16 of the Convention) (see paragraph 21 of T-CY (2007)03);

Participants are invited to hold an exchange of views concerning national legislation and experience as regards preservation of computer data (see T-CY (2008)02).

- k. Statistics concerning the extent of cybercrime and reports from international bodies or States (see paragraphs 40 and 41 of T-CY (2007)03).

Participants are invited to provide general information on the extent of cybercrime, the likely trends especially concerning serious crime and any available statistics.

5. Information concerning the Project on Cybercrime

- a. Activities to date and workplan 2008

Participants are invited to take note of the Project on cybercrime Progress report. Further information will be provided orally by the Secretariat, in particular concerning the voluntary contributions which have been received.

- b. Octopus Interface Conference « Co-operation Against Cybercrime », 1-2 April 2008

Information concerning this Conference will be provided by the Secretariat and the Conference summary will be distributed.

- c. Country Profiles

Currently 26 country profiles are available on the cybercrime website. Participants coming from States without profiles are invited to contribute to a profile for their State.

6. Exchange of views on co-operation between States, international organisations, academia and the private sector

Participants are invited to provide information concerning their co-operation with States or bodies in order to fight cybercrime.

7. Other work carried out in the Council of Europe concerning specific matters relating to cybercrime

- 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 Hyderabad, India, 3 -6 December 2008

The Secretariat will provide information concerning the events organized by the Council of Europe during the second IGF meeting and the preparations for the third IGF meeting. Those participants who will represent their States or other bodies at the third IGF meeting are invited to inform the Secretariat.

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

The Secretariat will provide information concerning this recent and very important Convention.

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

The Secretariat will provide information about the ongoing work to ensure that counterfeit medicines which are also widely distributed on the Internet are properly criminalized.

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

The T-CY is invited to take note of this opinion (see T-CY (2008) INF 02) which, in particular, encourages States to become Parties to the Convention on cybercrime.

8. Any other business.

Participants are invited to indicate at the beginning of the meeting (see item 3 above) if they wish to raise any other matters.

9. Next meeting of the Cybercrime Convention Committee (T-CY).

The Secretariat will propose that the next meeting of the T-CY in 2009 immediately follows an Octopus Interface Conference.

10. Adoption of the abridged meeting report.

The Secretariat will prepare an abridged meeting report for adoption by the T-CY on 4 April 2008.