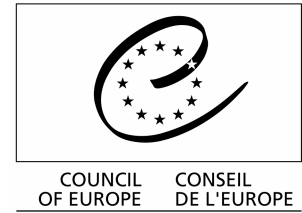


Web site: www.coe.int/economiccrime



Strasbourg, 16 January 2006

T-CY (2006) 01

THE CYBERCRIME CONVENTION COMMITTEE (T-CY)

INFORMATION DOCUMENT CONCERNING THE T-CY

Secretariat Memorandum
prepared by
the Directorate General of 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) will enter into force on 1 March 2006.
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 which is appended 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 first meeting of the Parties will take place in Strasbourg on 20 and 21 March 2006.
6. Invitation letters (without reimbursement of travel and subsistence expenses) will be sent to the following :
 - i) all Parties to the Convention; Albania, Bulgaria, Croatia, Cyprus, Denmark, Estonia, France, Hungary, Lithuania, Romania, Slovenia, “the former Yugoslav Republic of Macedonia”.
 - ii) all States which have signed the Convention;
 - iii) other Council of Europe member and observer States and representatives from the Parliamentary Assembly of the Council of Europe, the European Committee on Crime Problems (CDPC) and the Steering Committee of the Media and New Communication Services (CDMC);

iv) the following bodies (which should include representatives of their interested member States):

- ⇒ the African Union,
- ⇒ the Asia-Pacific Economic Co-operation (APEC),
- ⇒ the Association of South East Asian Nations (ASEAN),
- ⇒ the Commonwealth Secretariat,
- ⇒ the Organisation of American States (OAS),
- ⇒ l'Organisation intergouvernementale de la Francophonie,
- ⇒ the Organisation of the Islamic Conference (OIC).

v) the following bodies:

- ⇒ the European Network and Information Security Agency (ENISA),
- ⇒ the European Union (European Commission and Council of the EU),
- ⇒ the International Telecommunication Union (ITU),
- ⇒ Interpol,
- ⇒ the Organisation for Security and Co-operation in Europe (OSCE),
- ⇒ the United Nations Office on Drugs and Crime (UNODC).

7. Interested States, which have not been included in the above list, may seek to be included in one of the bodies listed under 6 iv) above. Interested bodies, which have not been included in the above list, in particular those in the private sector or international non-governmental bodies fighting cybercrime, may seek to be included as part of one of the delegations of the States listed under 6 above (subject to the approval of the delegation concerned).

8. As the meeting of the Parties aims in particular at dealing with the effective use and implementation of this Convention, the exchange of information relating to cybercrime and the collection of electronic evidence, it would be helpful if participants could have practical experience in these fields (such as law enforcement officials dealing with the 24/7 network or central authorities; Internet service providers) and be able to understand and communicate sufficiently in English or in French.

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.