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COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Strasbourg, 28 May 2012

T-CY (2012)12 E

Cybercrime Convention Committee (T-CY)

**Criteria and procedures for accession to the
Budapest Convention on Cybercrime - Update**

Note by the Secretariat

The T-CY at its 6th Plenary (November 2011) decided:

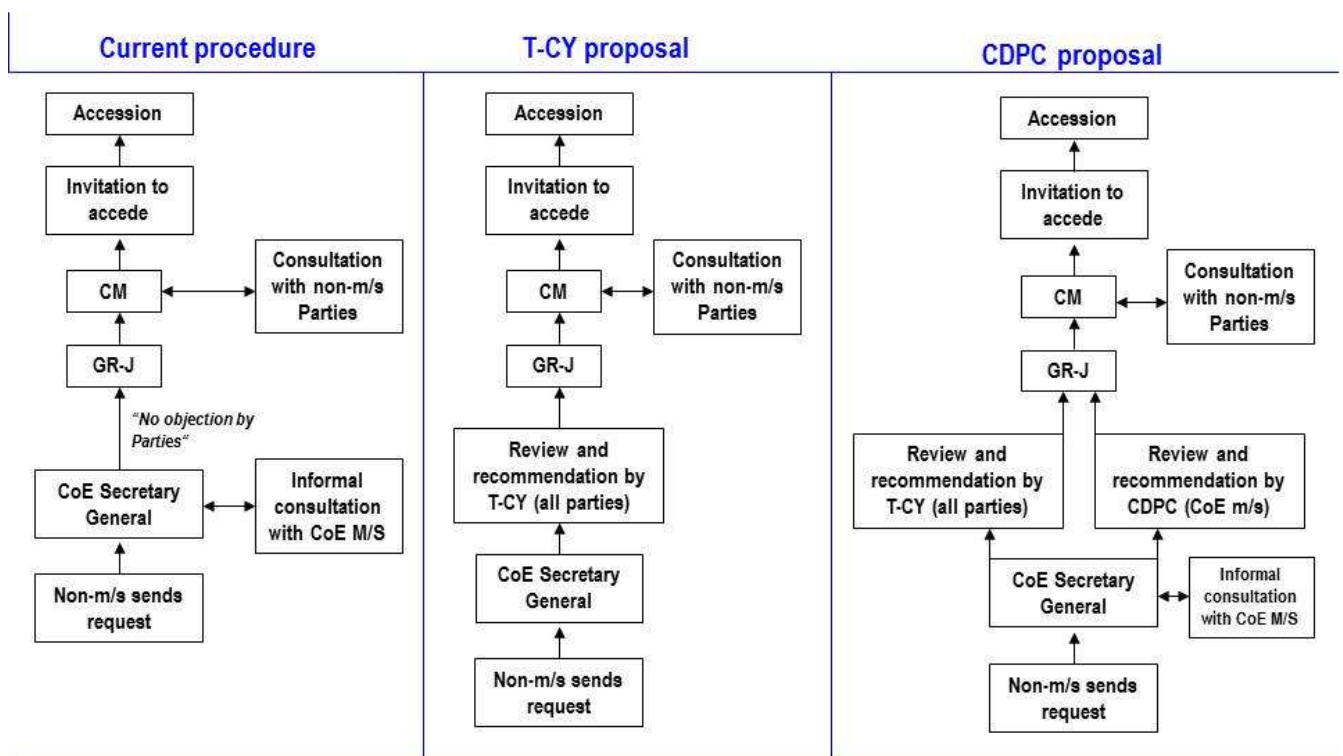
<p>Agenda item 6:</p> <ul style="list-style-type: none"> - To review and adopt the Opinion on accession criteria and procedure to be followed, in conformity with Article 37 of the Convention, as regards accession of non-member States (document T-CY(2011)3E rev as attached in Appendix 4). - To instruct the Secretariat to share it with the CDPC in view of further consultations. - To request the Bureau to subsequently finalise the opinion, and to instruct the Secretariat to submit it, thereafter, to the Committee of Ministers. 	<p>Accession criteria and procedure under Article 37 of the Convention on Cybercrime</p>
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Following consultations with the CDPC Plenary (December 2011), the Secretariat submitted the T-CY opinion to the Committee of Ministers as instructed.

The Rapporteur Group on Legal Co-operation (GR-J) discussed both opinions on 21 February and on 3 April 2012 without coming to a conclusion.

The item is again on the agenda of the GR-J on 7 June 2012.

The current procedure as well as the T-CY and CDPC proposals may be illustrated as follows:



Article 37 – Accession to the Convention

Budapest Convention on Cybercrime:
Accession procedure

- 1 After the entry into force of this Convention, the Committee of Ministers of the Council of Europe, after consulting with and obtaining the unanimous consent of the Contracting States to the Convention, may invite any State which is not a member of the Council and which has not participated in its elaboration to accede to this Convention. The decision shall be taken by the majority provided for in Article 20.d. of the Statute of the Council of Europe and by the unanimous vote of the representatives of the Contracting States entitled to sit on the Committee of Ministers.