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## 2022 Meeting of the 24/7 Network of Contact Points of the Budapest Convention on Cybercrime

The Hague, Netherlands  
21 October 2022

### **Summary Report**

The Secretariat of the Cybercrime Convention Committee (T-CY), with the support of iPROCEEDS-2, GLACY+, CyberEast, CyberSouth and Octopus projects, organised the sixth annual meeting of the 24/7 Network of contact points under the Budapest Convention on Cybercrime, at the Europol Headquarters in The Hague, Netherlands, on 21 October 2022.

The 2022 annual meeting focused on the responsibilities of the 24/7 Network pursuant to article 35 of the Budapest Convention, in particular, the provisions on technical advice, collection of evidence, provision of legal information, locating of suspects, domestic capabilities as well as the new responsibilities and their implementation introduced by the Second Additional Protocol to the Budapest Convention.

This year 56 countries attended the event and discussed the promotion of the contact points at domestic level, the updates and developments of their capacities and shared examples of good practices and successful investigations supported by the Network. The meeting was attended by 72 delegates in presence and 27 online, representing contact points of the following 57 countries: Albania, Algeria, Armenia, Australia, Azerbaijan, Argentina, Belgium, Bosnia And Herzegovina, Brazil, Bulgaria, Cyprus, Canada, Chile, Colombia, Costa Rica, Czech Republic, Denmark, Dominican Republic, Estonia, Finland, France, Georgia, Ghana, Hungary, Italy, Japan, Jordan, Latvia, Lebanon, Lithuania, Liechtenstein, Luxemburg, Malta, Mauritius, Moldova, Montenegro, Morocco, Netherlands, Norway, Paraguay, Peru, Poland, Romania, San Marino, Senegal, Serbia, Slovakia, Slovenia, Spain, Sri Lanka, Sweden, Trinidad & Tobago, Tunisia, Turkiye, Ukraine, the UK, and the USA.

Moderation was ensured by Daniel CUCIURIANU, Project Manager at Cybercrime Programme Office (C- PROC), being responsible for the management of the Network on behalf of the Council of Europe. Delegates of the Council of Europe, Interpol, Europol, Eurojust, SIRIUS Project were present and contributed to the debates.

In the opening part, the representative of Europol, Emmanuel KESSLER mentioned that the Network will deal in the near future with a higher number of requests, considering the signature and ratification of the Second Additional Protocol to the Budapest Convention. He encouraged the promotion of the network and reminded the role played by Budapest Convention in international cooperation. Mr. KESSLER added that there are more and more

countries designing their cybercrime legislation in accordance with the provisions of the Cybercrime Convention while not being a Party to the Treaty.

Virgil SPIRIDON, Deputy of Romanian National Police and former Head of Operations at C-PROC, ex-manager of the 24/7 network emphasized the relevance of capacity building in the promotion and implementation of the Budapest Convention. He underlined the importance of keeping the network operational and accommodating new members. Mr. Spiridon emphasized the fact that the network shall look for solutions to accommodate the new responsibilities under the Second Additional Protocol to the Budapest Convention.

The first session started with a brief overview by the moderator on his role within the Network and Directory, the topics and outcomes of the previous annual meeting of the Network organized on 24 November 2021 and capacity building support provided by the Cybercrime Programme Office (C-PROC) during this period.

The capacity building support offered by the Council of Europe, through five projects under implementation, was presented by the Project managers of C-PROC Office, Catalina STROE, Nina LICHNER and Giorgi JOKHADZE who introduced the delegates with the outcomes of GLACY+, CyberEast, CyberSouth, Octopus and iPROOCEEDS-2.

The introductory session covered the progress made during 2022 in relation to the Network, including support provided to countries willing to join the Budapest Convention to the establishment of their national 24/7 contact point, support to strengthening 24/7 contact points in the Parties to the Budapest Convention interested in establishing a second contact point, as well as the instruments and resources available for the 24/7 contact points. Lastly, an update on the Directory was given. The Directory was completed, comprising 67 members that are Parties to the Budapest Convention; Nigeria being the latest addition.

At the end of the first session, the delegates of the participating countries presented the domestic updates in relation to 24/7 contact points activity and cybercrime developments.

Sweden stressed the fact that the request for data preservation can be submitted by using also the CoE template. On another note, the representative of Sweden briefed the audience on the latest discussion related to the fully implementation of the Budapest Convention.

Mauritius added that currently there is no law in place to oblige ISP to retain data. The ISP have their own policies and rules for data retention.

The Spain delegate complemented that data retention varies from country to country and in Spain the ISP have 3 – 4 months for data retention and 90 days for data preservation.

Romania 24/7 Contact Point underlined that there are two contact points established at the level of National Police and Prosecutor's Office. National Police is the entity who receives the request and submit it to the Prosecutor's Office, who at their end request the ISP to preserve data. It was also mentioned that Romania does not have any specialised laws on data retention, but the good terms the institutions are with the ISP, makes possible the request of preservation. On a last note, it was mentioned that the majority of requests are coming from the USA.

On their turn, the USA confirm that there are a lot of requests addressed to their country. By comparison to the past years, the USA used to receive much more requests than to send. Nowadays, the situation changed a lot: the number of the requests sent is higher than the one received.

Serbia representative added that since the beginning of the year, Serbia adopted the templates provided by the Council of Europe and a new law on Crypto Assets.

Chile paid tribute to the Convention and stated that since being a Party to the Treaty, the Network helped to get very quick responses to their requests, while not sending to many on their side. The 24/7 contact of point is within the Prosecutor's Office, who send the preservation request to ISP to preserve data for 90 days. In June 2022 the country passed a law that criminalises computer related fraud.

The second session focused on the responsibilities of the 24/7 Network, other than the preservation of data. The moderator explained in detail the provisions of article 35 of the Budapest Convention, with a focus on how the Network may be of great use in the provision of technical advice, collection of evidence, the provision of legal information, and locating of suspects.

In addition to this, it was discussed and explained how to make the Network more efficient, emphasizing rules and good practices. Furthermore, the debate touched the topic on processing requests received by the 24/7 CoP. The session was closed by a presentation of the Armenia representative, putting into evidence a good example of international cooperation on cybercrime and electronic evidence, facilitated by the Network.

The last session covered the responsibilities provided by the Second Additional Protocol to the Cybercrime Convention as well as the new responsibilities assigned to the 24/7 Network, the cooperation with online service providers and MLA requests.

The new provisions of Article 9 and 10 of the Second Additional Protocol, make room for more effective international criminal justice response, facilitating expedited disclosure of stored computer data in an emergency. A particular interest was offered to the topic of mutual assistance in an emergency and the subject involved into discussion the representatives of Europol, Eurojust and Interpol.

A number of representatives backed the proposal of optimising the operation of the 24/7 Network, by developing a specific application to track received and sent requests, to hold searchable, up-to-date database of contact points and to make the information available in a more suitable format that would help automatic processing.

Also, the 24/7 delegates raised the issue of the fact that the updates of 24/7 Network Directory are only distributed in .doc format. It was agreed that there is a need for a modern tool that will respect data protection while running operational processes.

The last session was dedicated to synergies with other Networks and a presentation of Sirius project was ensured by the Eurojust and Europol representatives.

The 24/7 POC meeting concluded with several proposals that were put forward on how to further improve the functioning of the Network

- The Council of Europe will continue to update the Directory and share it with the Network. Members are requested to provide information on any changes as soon as possible. A new version of the Directory will be released in December 2022.
- The Council of Europe will continue to guide new members and support the establishment of the 24/7 contact points.
- The C-PROC, through its cybercrime capacity building projects, will continue to promote the use of templates and to assist with training activities.
- New synergies with other Networks will be sought – SIRIUS, INTERPOL.
- The 24/7 Contact Points Network is a valuable channel to facilitate international cooperation among Parties to the Budapest Convention and can play even a greater role within the new framework to be introduced by the Second Additional Protocol.

## **CONTACT**

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## PROGRAM

21 October 2022	
9h30	<p><b>Opening session</b></p> <ul style="list-style-type: none"> <li>• Council of Europe, Daniel CUCIURIANU, Project Manager iPROCEES-2</li> <li>• Europol, European Cybercrime Centre, Edvardas SILERIS, Head of EC3</li> <li>• Romanian Police, Virgil SPIRIDON, Deputy Head of the Romanian Police and former manager of the 24/7 Network</li> </ul>
9h45	<p><b>Introductory panel: Update on the functioning of the 24/7 Network since the 2021 annual meeting</b></p> <ul style="list-style-type: none"> <li>• Outcome and conclusions of the 2021 annual meeting</li> <li>• Directory of 24/7 contact points</li> <li>• Capacity building support provided by C-PROC to 24/7 contact points</li> <li>• Progress made within the members of the Network</li> </ul> <p><b>(Inputs by participants)</b></p>
11h15	<i>Coffee break</i>
11h30	<p><b>Making the Network more efficient: Good practices, rules, templates and other tools for the processing of requests received</b></p> <ul style="list-style-type: none"> <li>• Processing of requests received by contact points: sharing of good practices, rules, templates and other tools</li> <li>• Promoting the Network at the domestic level</li> <li>• Examples of international cooperation on cybercrime and e-evidence facilitated by the Network</li> </ul> <p><b>(Inputs by participants)</b></p>
13h00	<i>Lunch break</i>
14h30	<p><b>The Second Additional Protocol to the Convention on Cybercrime on enhanced cooperation and disclosure of e-evidence: what responsibilities for the 24/7 Network</b></p> <ul style="list-style-type: none"> <li>• New responsibilities of the 24/7 Network under the Second Additional Protocol to the Budapest Convention <ul style="list-style-type: none"> <li>- Cooperation with online service providers</li> <li>- Facilitating MLA requests</li> </ul> </li> <li>• National perspective on the implementation of the new responsibilities</li> <li>• Synergies with other Networks</li> <li>• Sirius project</li> </ul> <p><b>(Inputs by participants)</b></p>
16h00	<b>Summary and the way forward</b>