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## **Cybercrime Convention Committee (T-CY)**

# **T-CY 26**

### **26<sup>th</sup> Plenary Meeting of the Cybercrime Convention Committee**

### **Agenda (draft)**

Tuesday, 10 May, (10h00) – Wednesday, 11 May (18h00) 2022  
Council of Europe (Hemicycle), Strasbourg, France and online

**Document prepared by the T-CY Bureau**

## Draft agenda

(Please note that agenda items marked with \* are for decision by the members representing contracting Parties to the Budapest Convention)

1. Opening of the 26th Plenary and adoption of the agenda
2. State of signatures, ratifications and accessions to the Budapest Convention and its Protocols
<p>3. Information provided by Parties and Observers</p> <p>Participants are invited to present information on legislative developments, major cases, important events, training provided to other countries, including by international organisations etc. Signatories and States invited to accede are invited to report on progress made towards ratification/accession to the Budapest Convention on Cybercrime and its Protocol on Xenophobia and Racism.</p> <p>Brief interventions (2 minutes per intervention).</p>
<p>4. Guidance Notes* (Action 2.1 of the T-CY workplan)</p> <p>T-CY members are invited to decide on the topics for further Guidance Notes. The following topics are proposed by the T-CY Bureau:</p> <ul style="list-style-type: none"> <li>▪ <u>Guidance Note on ransomware</u>. This issue is highly relevant for many Parties; a GN would show how different substantive, procedural and international cooperation provisions of the Convention may be used for criminal investigations or proceedings.</li> <li>▪ <u>Guidance Note on the scope of procedural powers and international cooperation provisions of the Convention</u>. The text of the Convention on Cybercrime is rather clear that the procedural powers and the provisions on international cooperation are applicable not only to cybercrime (Articles 2 to 11 of the Convention) but also "other offences committed by means of a computer system"; and "the collection of evidence in electronic form of a criminal offence" (see Article 14.2. b and c. and similarly Article 23). This is again confirmed in the Second Additional Protocol to the Convention. However, this scope is not always fully understood, and the laws of some countries limit the application of procedural powers or provisions for international cooperation to a set of cybercrimes. A Guidance Note underlining how key procedural and international cooperation provisions could be applied to a range of offences, for example, to online child sexual abuse, gender-based online violence and other forms of cyberviolence, COVID-19 related offences, manipulation of sports competitions and others, would be of practical and strategic benefit.</li> </ul>
<p>5. T-CY assessments* (Action 2.2 of the T-CY workplan)</p> <p>T-CY members are invited to decide on provisions to be assessed in the fourth round of assessments. The following is proposed by the T-CY Bureau:</p> <p>To assess <u>Article 19 of the Budapest Convention on "search and seizure of stored computer data"</u>. This topic is of interest for a number of reasons:</p> <ul style="list-style-type: none"> <li>– Article 19 is a core procedural power under the Convention. Sharing of information and experience on norms and practices in Parties would facilitate further reforms in current and future Parties where necessary.</li> <li>– Article 19.2 ("authorities shall be able to expeditiously extend the search or similar accessing to the other system" under certain conditions) is linked to the question of extension of</li> </ul>

<p>searches that remains of interest to the T-CY and is currently being dealt with by the T-CY Working Group on Undercover Investigations and Extension of Searches.</p> <p>Should T-CY 26 agree on this topic, possible timelines may be as follows (<a href="#">see also Article 2 of the Rules of Procedure</a>):</p> <ul style="list-style-type: none"><li>– May 2022: T-CY 26 to agree on topic following proposal by the Bureau</li><li>– June-Oct 2022: Bureau to prepare draft questionnaire</li><li>– November 2022: T-CY 27 to consider and adopt questionnaire</li><li>– December 2022: Secretariat to circulate questionnaire for replies by [March 2023]</li><li>– June/July 2023: Initial comments by Bureau to T-CY 28 on replies received</li><li>– Nov/Dec 2023: Draft assessment report presented to T-CY 29</li><li>– Mid-2024: Review of the assessment report by the T-CY in view of adoption</li></ul>
<p>6. Working Group on undercover investigations and extension of searches (Action 4.1 of the T-CY workplan)</p> <p>The working group will provide the Plenary with an update on work underway as foreseen in the Terms of Reference for this group.</p>
<p>7. First Protocol to the Budapest Convention on Xenophobia and Racism: 20th anniversary (January 2022) (Action 2.4 of the T-CY workplan)</p> <p>T-CY members and observers are invited to make suggestions regarding the 20th anniversary of this Protocol on 28 January 2023.</p>
<p>8. UN treaty process (Action 4.4 of the T-CY workplan)</p> <p>T-CY members and observers are invited to exchange views regarding the <a href="#">Ad hoc committee to elaborate an international convention on countering the use of ICTs for criminal purposes</a></p>
<p>9. Capacity building (Action 2.5 of the T-CY workplan)</p> <p>T-CY members and observers will be provided with an update on activities of the Cybercrime Programme Office of the Council of Europe (C-PROC) in Romania</p>
<p>10. Financial resourcing of the T-CY (Action 5.1 of the T-CY workplan)</p>
<p>11. Any other business</p>
<p>12. Date of the 27<sup>th</sup> T-CY Plenary*</p> <p>T-CY members are invited to decide on the proposal to hold T-CY 27 on 29-30 November 2022.</p>