

[www.coe.int/cybercrime](http://www.coe.int/cybercrime)

Strasbourg, 11 December 2023



T-CY (2023)14

## Cybercrime Convention Committee (T-CY)

### **T-CY Workplan**

for the period

**January 2024 – December 2025**

Adopted by the 29<sup>th</sup> T-CY Plenary (Bucharest, 11-12 December 2023)

Document prepared by the T-CY Bureau

## Content

<b>1</b>	<b>Functions of the Cybercrime Convention Committee (T-CY)</b> .....	<b>3</b>
<b>2</b>	<b>Workplans 2012 – 2023</b> .....	<b>3</b>
<b>3</b>	<b>Strategic directions of the workplan 2024-2025</b> .....	<b>4</b>
<b>4</b>	<b>Objectives and actions 2024-2025</b> .....	<b>6</b>
<b>5</b>	<b>Appendix</b> .....	<b>8</b>

### Contact

Alexander Seger  
Executive Secretary  
Cybercrime Convention Committee (T-CY)  
Directorate General of Human Rights and Rule of Law  
Council of Europe, Strasbourg, France

Tel +33-3-9021-4506  
Email: [alexander.seger@coe.int](mailto:alexander.seger@coe.int)

## 1 Functions of the Cybercrime Convention Committee (T-CY)

- 1 The Cybercrime Convention Committee (T-CY) is the mechanism enabling the “Consultations of the Parties” in line with Article 46 Budapest Convention on Cybercrime which states that the Parties to the Convention “shall ... consult periodically... with a view to facilitating”:
  - “the effective use and implementation of this Convention”;
  - “the exchange of information”;
  - “the consideration of possible supplementation or amendment of the Convention”.
- 2 Article 46 is thus the legal basis for the activities of the T-CY. The consultations are to be governed by a “flexible” procedure, leaving it to the Parties to decide how and when to convene.
- 3 The operation and activities of the T-CY are, therefore, defined by [Rules of Procedure](#) as adopted by the T-CY. These state in Article 1 that in pursuance of its functions the T-CY shall:
  - Undertake assessments of the implementation of the Convention by the Parties;
  - Adopt opinions and recommendations on the interpretation and implementation of the Convention, including Guidance Notes;
  - Consider preparing draft legal instruments;
  - Adopt opinions requested by Council of Europe bodies;
  - Review the functioning of 24/7 points of contact;
  - Encourage accessions to the Budapest Convention;
  - Promote common positions of the Parties in international fora;
  - Engage in dialogue with relevant international organisations;
  - Promote capacity building;
  - Establish working groups to address specific questions.

## 2 Workplans 2012 – 2023

- 4 The T-CY had previously adopted an Action Plan for the period 2012 – 2013, a [Workplan](#) for the period 2014 – 2015, a [Workplan](#) for 2016 – 2017, a [Workplan](#) for 2018 – 2019/20<sup>1</sup>, one for [2021](#), and one for [2022 – 2023](#). Under these workplans, the T-CY, among other things:
  - Carried out three cycles of assessments covering the [preservation](#) provisions of the Convention, the functioning of [mutual legal assistance](#) and [sanctions and measures](#) and ensured follow up to the recommendations of resulting from these assessments;
  - Adopted 13 [Guidance Notes](#);
  - Established and concluded work on [transborder access to data](#), on [cloud evidence](#); and on [undercover investigations and extension of searches](#);
  - Prepared a [mapping study on cyberviolence](#); and adopted a recommendation leading to the setting up of [an online tool on cyberviolence](#);
  - Prepared draft templates for [MLA requests for subscriber information](#) and for [preservation requests](#);
  - Supported the process of [signatures, ratification and accessions](#) to the Convention. During this period, the number of Parties increased to 68 and 23 States had signed it or been invited to accede as of October 2023;
  - Contributed to the streamlining of the accession procedures to Council of Europe conventions;
  - Pursued common positions in several international meetings;

---

<sup>1</sup> In the light of the COVID-19 Pandemic and the postponement of the 23<sup>rd</sup> T-CY Plenary from June 2020 to 30 November 2020, T-CY members had agreed in May 2020 to extend the workplan to December 2020.

- Promoted capacity building as an international approach and closely cooperated with the capacity building activities of the Council of Europe, in particular the [Cybercrime Programme Office of the Council of Europe \(C-PROC\)](#) in Romania;
  - Documented the [use of the Budapest Convention in practice](#);
  - Contributed to the [Octopus Community](#) with its country wikis, legal profiles and tool on international cooperation;
  - Invited additional international organisations to join the T-CY as observers;
  - Facilitated common positions by the Parties in the UN Ad Hoc Committee tasked to elaborate a United Nations treaty on “the use of information and communication technologies for criminal purposes”;
  - Doubled the number of annual plenary meetings;
  - Launched the fourth cycle of T-CY assessments covering Article 19 of the Convention; and importantly
  - Negotiated the [Second Additional Protocol to the Budapest Convention on enhanced cooperation and disclosure of electronic evidence](#).
- 5 With this important work accomplished, including the successful negotiation and opening for signature in May 2022 of the Second Additional Protocol (2AP), the Budapest Convention will remain highly relevant for years to come.

### **3 Strategic directions of the workplan 2024-2025**

- 6 Since the opening for signature of the 2AP in May 2022, two States had ratified it and an additional 41 States had signed it by December 2023. Five ratifications are necessary for its entry into force. Promoting additional signatures and in particular ratification by States will be a priority in 2024 and 2025. Upon entry into force, the T-CY and its Secretariat will also need to assume additional functions.
- 7 Core functions of the T-CY include the preparation of Guidance Notes and the assessment of implementation of the Convention. Completion of the ongoing assessment of Article 19 on the “search and seizure of stored computer data” will be an important task in 2024. Additional Guidance Notes will need to be prepared in 2024-2025.
- 8 The T-CY will also need to consider, if and when appropriate, legal, policy or technological developments as well as good practices, for example with respect to ransomware, cryptocurrencies or artificial intelligence, but also with regard to challenges to the freedom of expression arising from laws on cybercrime.
- 9 Further to the UN General Assembly of Resolution 74/247 (December 2019), a new treaty process related to cybercrime commenced in 2022 at the level of the United Nations. The T-CY should continue to support that process to ensure that a future UN agreement is consistent with the principles of the Budapest Convention on Cybercrime including by providing for the necessary human rights and rule of law safeguards.
- 10 In the light of this, the objectives of the T-CY in 2024-2025 are as follows:
- Objective 1: Support signature, ratification and entry into force of the Second Additional Protocol to the Budapest Convention

T-CY members are encouraged to facilitate signature and ratification of the Second Protocol by their respective governments. The T-CY Bureau and T-CY members are also encouraged to raise awareness of this Protocol and its benefits, provide an understanding of the Protocol’s provisions, and assist interested States in identifying the necessary steps towards signature and ratification. C-PROC may support Parties in their efforts through capacity building activities.

- Objective 2: Support the quality of implementation of the Convention and its Protocols by the Parties

The preparation of Guidance Notes as well as assessments of implementation of the Convention are among the core functions of the T-CY. In 2024, the T-CY will focus on the completion of the assessment of Article 19 of the Convention, that is, the 4<sup>th</sup> cycle of assessments. The T-CY will prepare additional Guidance Notes, and may also review and update existing Guidance Notes, if necessary. Furthermore, the T-CY will coordinate with the Cybercrime Programme Office of the Council of Europe (C-PROC) regarding capacity building activities in support of the Convention and its Protocols.

- Objective 3: Enlarge membership in the Convention on Cybercrime and Protocols

The effectiveness of the Convention and its Protocols increases the more States join them. Therefore, the T-CY will engage in dialogue with States that already signed it or been invited to accede to encourage completion of the process of ratification or accession. The T-CY will also reach out to other States prepared to implement the provisions of the Convention and engage in effective international cooperation in order to encourage accession.

- Objective 4: Ensure the continued relevance of the Budapest Convention

Consideration of significant legal, policy or technological developments related to cybercrime and electronic evidence is also among the core functions of the T-CY, and this may include, if and when appropriate, topics such as ransomware, crypto-currencies or artificial intelligence.

Cybercrime and electronic evidence are transversal challenges that affect other areas of work of the Council of Europe. Therefore, the T-CY will need to increase the engagement with other relevant bodies of the organisation. Examples include the Lanzarote Convention Committee regarding the protection of children against online sexual exploitation and sexual abuse, the Consultative Committee on Data Protection, the Steering Committee on Counter-Terrorism (CDCT), the MONEYVAL anti-money laundering evaluation mechanism or bodies dealing with artificial intelligence.

With the 2AP, the Budapest Convention will remain the most relevant international treaty on cybercrime in the years to come. Since the start of the UN treaty process in February 2022 (further to UN General Assembly Resolution 74/247), T-CY members helped ensure that the principles of the Budapest Convention are taken into account as in the negotiation of this additional international treaty. The T-CY will continue to facilitate coordination and common positions by the Parties to rely on the experience of the Budapest Convention so that international responses are effective, meet human rights and rule of law requirements, and maintain a free and open Internet. Once such a new treaty is available, the T-CY will explore possible synergies with the Budapest Convention on Cybercrime.

As governments increasingly make use of cybercrime laws to address issues related to hate speech, hate crime, disinformation or similar, the T-CY may explore options to provide guidance on reconciling cybercrime legislation with principles of the freedom of expression and the rule of law.

- Objective 5: Review the financial resourcing of the T-CY

Implementation of the Workplan 2024–2025 requires resources. It is recalled that T-CY 9 (June 2013) agreed on co-funding the T-CY through voluntary contributions. A number of Parties have since provided voluntary contributions to the project [Cybercrime@Octopus](#) and, since 2021, to the [Octopus Project](#). These helped ensure the functioning of the T-CY so far. With increased

membership in the T-CY, additional extra-budgetary funding will be required to ensure the functioning of the T-CY.

11 These priorities can be translated into the following actions.<sup>2</sup>

#### 4 Objectives and actions 2024-2025

<b>Objective 1</b>	<b>Support signature, ratification and entry into force of the Second Additional Protocol to the Budapest Convention</b>
Action 1.1	T-CY members to promote additional signatures of the Second Protocol and the process of ratification by their respective government. T-CY Plenaries to take stock of the status of signature and ratification by Parties.
Action 1.2	Prepare a concept regarding additional functions of the T-CY and Secretariat emanating from the 2AP.
Action 1.3	Policy dialogue and other assistance to promote implementation and ratification of the 2AP in addition to the Convention and the First Additional Protocol.
<b>Objective 2</b>	<b>Support the quality of implementation of the Convention and its Protocols by the Parties</b>
Action 2.1	Prepare Guidance Notes to facilitate the application of the Convention by the Parties. Review and update existing Guidance Notes if necessary.
Action 2.2	Complete the 4 <sup>th</sup> assessment cycle on Article 19 (search and seizure) of the Convention.
Action 2.3	Ensure compliance by Parties with Article 35 (24/7 points of contact) <ul style="list-style-type: none"> <li>▪ Secretariat to update the directory of contact points and to inform the T-CY should issues arise;</li> <li>▪ Parties to follow up at domestic levels if necessary.</li> </ul>
Action 2.4	Share experience in the implementation of the Protocol to the Budapest Convention on Xenophobia and Racism (ETS 189) by its Parties.
Action 2.5	Promote capacity building through the Cybercrime Programme Office of the Council of Europe (C-PROC) in Bucharest.
<b>Objective 3</b>	<b>Enlarge membership in the Convention on Cybercrime and its Protocols</b>
Action 3.1	Engage in policy dialogue with States that have signed or been invited to accede to the Convention but are not yet Parties in view of completing the process of ratification or accession. This may include T-CY missions to these countries.
Action 3.2	Support accession by States: <ul style="list-style-type: none"> <li>▪ Encourage States with the necessary level of legislation and capacities to request accession to the Budapest Convention;</li> </ul>

---

<sup>2</sup> This is with the understanding that the support of a Party regarding actions related to the First or Second Additional Protocol may be subject to its status regarding these instruments.

	<ul style="list-style-type: none"> <li>▪ Once an accession request and supplementary information have been received, T-CY members <ul style="list-style-type: none"> <li>- to participate actively in the consultations within their governments to reach a decision on the request;</li> <li>- to seek to have their governments participate actively in discussions on accession requests in CoE bodies;</li> </ul> </li> <li>▪ Parties to the Convention and the Council of Europe to provide or facilitate targeted technical assistance, if necessary, to help meet necessary requirements, either through the capacity building programmes of the CoE or other bi- or multilateral actions.</li> </ul>
<b>Objective 4</b>	<b>Ensure the continued relevance of the Budapest Convention</b>
Action 4.1	Identify and document significant legal, policy or technological developments as well as good practices, including, if and when appropriate, with respect to ransomware, cryptocurrencies, "ethical hacking", or artificial intelligence and challenges related to cybercrime and electronic evidence.
Action 4.2	Ensure transversal coordination with relevant Council of Europe bodies and appoint T-CY members to participate in the work of relevant committees.
Action 4.3	Ensure close coordination between the Parties, ensure representation of the T-CY and facilitate common positions in relevant international meetings on cybercrime, including in view of consistency of a future UN treaty on cybercrime with the principles of the Budapest Convention.
Action 4.4	Prepare a study on the use of cybercrime laws to counter hate speech, hate crime, disinformation and similar conduct in the light of principles of freedom of expression and the rule of law.
Action 4.5	Facilitate outreach to States interested in the experience of the Budapest Convention and its Protocols.
<b>Objective 5</b>	<b>Review the financial resourcing of the T-CY</b>
Action 5.1	The Secretariat to inform the T-CY at each Plenary on the status of T-CY financing in the light of the decision taken by the T-CY at the 9 <sup>th</sup> Plenary (June 2013).
Action 5.2	T-CY to take further decisions to ensure co-financing of the T-CY, if necessary.

## 5 Appendix

### 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.