



# General Assembly

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## **Draft Convention on the Use of Electronic Communications in International Contracts**

### **Compilation of comments by Governments and international organizations**

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## II. Compilation of comments

### B. Intergovernmental organizations

#### 1. Council of Europe

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[26 February 2005]

We welcome your work in the area of economic commerce, which is instrumental for “facilitating economic and social progress”, a statutory objective of the Council of Europe.

With the arrival of the technological revolution though, the opportunities for committing economic crimes such as fraud, including credit card fraud, have multiplied. Assets represented or administered in computer systems (electronic funds, deposit money) have become the target of manipulations like traditional forms of property. These crimes consist mainly of input manipulations, where incorrect data is fed into the computer, or by programme manipulations and other interferences with the course of data processing.

We would therefore like to draw your attention to the Council of Europe Convention on Cybercrime (ETS No. 185), which was opened for signature in Budapest in November 2001 and which entered into force in July 2004. This Convention has so far been ratified by 9 States and signed by 32 (European and non-European) States. More States are expected to become Parties to the Convention in the near future.

The Convention on Cybercrime more specifically contains a provision (article 8) aiming at criminalizing any undue manipulation in the course of data processing with the intention to effect an illegal transfer of property. The computer fraud manipulations are criminalized if they produce a direct economic or possessory loss of another person’s property and the perpetrator acted with the intent of procuring an unlawful economic gain for himself or for another person.

Therefore, we should be grateful if, during the further negotiations of the UNCITRAL draft Convention on the Use of Electronic Communications in International Contracts, due account would be paid to this important Council of Europe treaty which is potentially of a global nature and to which all countries around the world could, in principle, become parties.<sup>1</sup>

#### *Notes*

<sup>1</sup> The text of the Convention is available in English, French and Russian from <http://conventions.coe.int/>.