
128th Session of the Committee of Ministers (Elsinore, 18 May 2018)

5. Draft Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data

Reference documents
CM(2018)2-final, CM(2018)2-addfinal

Decisions

The Committee of Ministers

1. took note of Parliamentary Assembly Opinion No. 296 (2017) on the draft Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108);
2. adopted the Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108), as it appears in document CM(2018)2-final, and, as an instrument related to the Protocol, endorsed the Explanatory Report, as it appears in document CM(2018)2-addfinal;
3. stressed the importance of a speedy accession to the Protocol by the maximum number of the current States Parties to Convention No. 108 in order to facilitate the formation of an all-encompassing legal regime of data protection under the modernised Convention, as well as to ensure the fullest possible representation of States within the Convention Committee;
4. decided to open the Protocol for signature on 25 June 2018 during the 3rd part-session of the Parliamentary Assembly, in Strasbourg;
5. urged member States and other Parties to the Convention to take without delay the necessary measures to allow the entry into force of the Protocol within three years from its opening for signature and to initiate immediately, but in any case no later than one year after the date on which the Protocol has been opened for signature, the process under their national law leading to ratification, approval or acceptance of this Protocol;
6. underlined that, following the entry into force of the amended Convention in accordance with the provisions of Article 37(2) of the Protocol, only those States that have ratified, approved or accepted the Protocol shall be bound by the obligations arising from the amended Convention;
7. instructed its Deputies to examine bi-annually, and for the first time one year after the date of opening for signature of the Protocol, the overall progress made towards ratification on the basis of the information to be provided to the Secretary General by each of the member States and other Parties to the Convention at the latest one month ahead of such an examination.