



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Strasbourg, 30 October 2012

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**THE CONSULTATIVE COMMITTEE OF THE CONVENTION
FOR THE PROTECTION OF INDIVIDUALS
WITH REGARD TO AUTOMATIC PROCESSING OF PERSONAL DATA [ETS No. 108]**

(T-PD)

Observers - State of play and admission criteria

DG I - Human Rights and Rule of Law

Convention 108 - Chapter V – Consultative Committee
Article 18 – Composition of the committee

1. A Consultative Committee shall be set up after the entry into force of this convention.
2. Each Party shall appoint a representative to the committee and a deputy representative. Any member State of the Council of Europe which is not a Party to the convention shall have the right to be represented on the committee by an observer.
3. The Consultative Committee may, by unanimous decision, invite any non-member State of the Council of Europe which is not a Party to the convention to be represented by an observer at a given meeting.

Rules of Procedure

Article 3: Observers

1. Any member State of the Council of Europe which is not a Party to the Convention shall communicate to the Secretary General of the Council of Europe the name, address and functions of the person appointed as its observer and, if necessary, of his adviser. The person appointed as observer shall retain office until the member State has notified the Secretary General of the Council of Europe that he has been replaced.
2. Any non-member State of the Council of Europe that is not a Party to the Convention shall communicate the name, address and functions of the person appointed as its observer, in accordance with the conditions laid down in Article 18, paragraph 3 of the Convention.
3. Abstentions, which may be accompanied by an explanatory statement, shall not prevent the Committee from reaching a decision in accordance with Article 18, paragraph 3 of the Convention.
4. The following Council of Europe bodies may send a delegate to meetings of the Committee, without the right to vote but with defrayal of expenses at the charge of their respective Votes of the Ordinary Budget:
 - the Parliamentary Assembly
 - the Congress of Local and Regional Authorities of the Council of Europe
 - the European Court of Human Rights
 - the Commissioner for Human Rights of the Council of Europe
 - the Conference of INGOs enjoying participatory status with the Council of Europe
 - the Steering Committee for Human Rights (CDDH)
 - the European Committee on Legal Co-operation (CDCJ)
 - the European Committee on Crime Problems (CDPC)
 - the Steering Committee on the Media and New Communication Services CDMC).
5. The Data Protection Commissioner of the Council of Europe may also participate in the meetings of the Committee, without the right to vote but with defrayal of his or her expenses.
6. Meetings are by default open to observers and experts referred to in Articles 3, 4 and 4 bis unless stated otherwise.

Article 4: Experts

1. The Committee may, by a majority of the votes cast, decide to invite a person or an Organisation to appoint an expert to participate in the work of the Committee on a specific subject or to be available for consultation during an entire meeting or for part of it.
2. The Organisation concerned shall communicate to the Secretary General of the Council of Europe, the name, address and functions of the appointed representative.

Article 4 bis: International Institutions and Organisations

1. The Committee may, by unanimity of the votes cast, decide to invite international institutions and Organisations to send one or more delegates to attend its meeting.
2. The Committee may, by a majority of the votes cast, decide to withdraw such an invitation.

Observers as of 1 November 2012

- Canada
- Australia
- United-States of America
- International Labour office (last participation in 2005)
- International Chamber of Commerce
- Hague Conference
- European Privacy Association
- International Conference of data protection and privacy Commissioners
- Europol
- Interpol
- Organisation for Economic Co-operation and Development (OECD)
- European Union
- French-Speaking Association of Personal Data Protection Authorities (AFADPD)
- Ibero-American Network of Data Protection (RIPD)
- International Commission on civil status (ICCS)
- Personal Information Protection Commission (PIPC)
- Internet Society (ISOC)

Admission criteria of 'international institutions and organisations' (article 4bis of the rules of procedure)

Proposal

The following criteria could be used by the T-PD when examining a request to be granted observer status :

- broad experience in the field of data protection and privacy;
- ability to actively contribute to the work of the T-PD;
- representativeness at European level or at another regional level;
- willingness to promote the Convention, its values and potential beyond the Council of Europe;
- interest for the T-PD to provide a multi-stakeholder dimension to its work and to associate other stakeholders to it.

Reference : Appendix to Resolution Res(2003)8

Participatory status for international non-governmental organisations with the Council of Europe.

"2. Participatory status may be granted by the Council of Europe to INGOs:

- a. which are particularly representative in the field(s) of their competence, fields of action shared by the Council of Europe;
- b. which are represented at European level, that is to say which have members in a significant number of countries throughout greater Europe;
- c. which are able, through their work, to support the achievement of that closer unity mentioned in Article 1 of the Council of Europe's Statute;
- d. are capable of contributing to and participating actively in Council of Europe deliberations and activities;
- e. which are able to make known the work of the Council of Europe among European citizens."