

Strasbourg, 25 March 2022

T-PD-BUR(2022)55RAPAbr

**CONSULTATIVE COMMITTEE OF THE CONVENTION  
FOR THE PROTECTION OF INDIVIDUALS WITH REGARD TO  
AUTOMATIC PROCESSING OF PERSONAL DATA**

**(Convention 108)**

**55<sup>th</sup> meeting of the Bureau**

Paris, 23 – 25 March 2022

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**ABRIDGED REPORT**

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

- Item 1           **Opening of the meeting<sup>1</sup>**
- Item 2           **Adoption of the agenda**  
The Bureau adopted the agenda.
- Item 3           **Statement by the Chair**  
The Bureau took note of the information provided by the Chair.
- Item 4           **Statement by the Secretariat**  
The Bureau took note of the information provided by the Secretariat.
- Item 5           **Convention 108+ State of play**  
The Bureau took note of the information provided by the Secretariat on the signatures and ratifications of the Protocol amending Convention 108 (CETS No. 223, hereafter Convention 108+): 44 signatures out of which, 17 ratifications. Since the December Bureau meeting, Armenia and Romania deposited the instruments of ratification of the Amending Protocol CETS No. 223, and Albania signed it.
- The Bureau took note of the information provided by the Minister for Justice and Peace of Costa Rica, the expert and the Secretariat on the latest developments regarding Costa Rica's request for accession. The Bureau welcome the announced expected conclusion of the Costarican legislative process concerning the bill updating the data protection legislation. The exchange of views showed that a number of technical elements for clarification regarding the system of data protection in Costa Rica is still needed to finalise the opinion of the Committee on the request. Upon reception and analysis of these elements, the text of the draft opinion will be updated and circulated for written comments for discussion at next meetings.
- Item 6           **Evaluation and review mechanism under Convention 108+**  
The Bureau took note of the information provided by the Secretariat on the "Elements of draft rules of Procedure for the Evaluation and review mechanism under Convention 108+", held an exchange of views and instructed the Secretariat to update the document accordingly for further discussion at next meetings. It also instructed the Secretariat to prepare for the June Plenary meeting a presentation reflecting the discussion at the Bureau on the implications of a potential test phase.
- Item 7           **Digital identity**  
The Bureau took note of the information provided by the expert on the state of play of the Draft Guidelines on digital identity, held an exchange of views and instructed the Secretariat to further amend the text reflecting the discussion and send it for written comments with a view to its finalisation and adoption at the June Plenary meeting.
- Item 8           **Inter-state exchanges of data for Anti-Money Laundering/Countering Financing of Terrorism, and tax purposes**  
The Bureau took note of the information provided by the rapporteur and the Secretariat on the latest draft document, held an exchange of views, and instructed the Secretariat, under the guidance of the Rapporteur, to gather further written comments on the text for discussion at next meetings, focusing on the part related to AML/CFT, which is more advanced, leaving for consideration at a later stage the part on exchanges for tax purposes.

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<sup>1</sup> 82 participants in total, 46 women and 36 men

- Item 9      **Interpretation of Article 11 of the modernised Convention 108**  
The Bureau took note of the information provided by the rapporteur, the leading expert and the Secretariat, held an exchange of views and noted that there was a wide agreement on the strategic importance of the topic. The leading expert shall prepare for the June Plenary meeting a strategic orientation document defining the steps to be taken in tackling the issue.
- Item 10     **Contractual clauses in the context of transborder data flows**  
The Bureau took note of the information provided by the rapporteur and the expert, held an exchange of views and instructed the Secretariat, under the guidance of the Rapporteur, to gather further written comments on the text to be discussed at next meetings.
- Item 11     **Cooperation with other Council of Europe bodies and entities**  
The Bureau took note of the recent hearing of the T-PD Chair by the PACE Committee on Culture, Sciences, Education and Media related to contact tracing applications, as well as her participation in the first meeting (kick-off) of the new Committee of experts on Integrity of Online Information (MSI-INF) under the supervision of CDMSI and expressed the usual readiness of the T-PD to assist the new body in the performance of their work related to cross-cutting issues. It held an exchange of views with Mrs. Laurence Lwoff, Secretary of the DH-BIO regarding the latest work of DH-BIO notably in the field of AI and biomedicine, as well as in the field of genomics, including the forthcoming November event dedicated to this topic. Finally, the Bureau took on the information provided by the Secretariat regarding the forthcoming first Plenary meeting of CAI which will be attended by the first vice-Chair of the T-PD, as well as on the CDMSI activities and the Tromsø Convention.
- Item 12     **Major developments and activities in the field of data protection**  
The Bureau took note of the information provided by the Chair and the Secretariat regarding the Conference hosted by the Council of Europe Committee of Ministers Chair on 28 January promoting “Convention 108+ as the global privacy standard, building a free data transfer area preserving human dignity”. In this respect, the Bureau proposed to hold a tour de table on the occasion of the next Plenary in June asking for T-PD members to briefly present the state of play of signature/ratification processes in their respective countries with a view to identifying potential assistance to be provided to help boosting the process. The Bureau also took note of the information provided by the Secretariat on its contribution to the 2022 Digital Partnership meeting, the Winter Law School of the European Law Students’ Association ELSA, as well as to the International Association of Privacy Professionals Intensives session in France.
- Item 13     **Observers**  
The Bureau took note of the letter sent by the Organisation of American States (OAS) requesting for being invited to take part in the work of the T-PD. Information has been transmitted by the Secretariat on the relevant procedure under article 4bis.1 of the Rules of procedures. This request will be placed on the agenda of the June plenary session of the T-PD. The Bureau also took note of the latest developments and activities carried out by ICRC and the AFPDP in the field of protection of personal data and privacy.

- Item 14      **Next meetings in 2022**  
The Bureau confirmed the dates of the next plenary meetings to be held on 15-17 June 2022 and 16-18 November 2022, as well as of the next Bureau meetings on 21-23 September 2022 and 14-16 December 2022.
- Item 15      **Stefano Rodotà Award**  
The Bureau took note of the information provided by the Secretariat and instructed it to invite the two 2022 winners to make a presentation of their works at the next Plenary meeting.
- Item 16      **Data Protection Commissioner**  
The Bureau took note of the information provided by the Data Protection Commissioner as regards his latest visit to the Council of Europe in February 2022 and in relation to the state of play on the new Council of Europe Regulation on the protection of personal data by the Committee of Ministers (replacing the Secretary General's Regulation of 17 April 1989 instituting a system of data protection for personal data files at the Council of Europe). The Chair informed the Bureau that the Director General of Administration of the Council of Europe had formally requested the Bureau to provide an opinion, in accordance with article 10 bis § 3 (b) of its rules of procedure, on the latest draft by 20 April 2022 in order to include it on the Council of Europe Committee of Ministers' agenda in May 2022. The Bureau accepted this request.
- Item 17      **Any Other Business**  
The Bureau took note of the information provided by the Chair as regards the forthcoming elections of the Bureau, to be held during the 2022 November Plenary meeting. The Secretariat will prepare a note on the procedure to be distributed for the June Plenary meeting.

## **APPENDIX I**

### **AGENDA**

	<b>1. Opening of the meeting</b>
<a href="#">T-PD(2021)42RAPAbr</a> <i>Pro memoria</i>	Abridged report of the 42 <sup>nd</sup> Plenary meeting (17-19 November 2021)
<a href="#">T-PD-BUR(2021)54RAPAbr</a> <i>Pro memoria</i>	Abridged report of the 54 <sup>th</sup> Bureau meeting (20-21 December 2021)
<a href="#">T-PD(2021)WP2022-2025</a>	Work programme of the Committee 2022-2025
<a href="#">T-PD(2017)Rules</a> <i>Pro memoria</i>	Rules of procedure
	<b>2. Adoption of the agenda</b>
	<b>3. Statement by the Chair</b>
	<b>4. Statement by the Secretariat</b>
	<b>5. Convention 108+ State of play</b>
	<u>Required action:</u> The Bureau will take note of the information provided by the Secretariat.
<ul style="list-style-type: none"> <li>- <a href="#">Consolidated text of the modernised version of Convention 108</a></li> <li>- <a href="#">Explanatory report of the modernised Convention 108</a></li> <li>- <a href="#">Amending Protocol</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">Convention 108+: chart of signatures and ratification</a></li> <li>• <a href="#">Convention 108: chart of signatures and ratifications</a></li> </ul>
<a href="#">T-PD(2020)08rev</a> <a href="#">Expert Report - Costa-Rica</a>	<p>Costa-Rica</p> <p>Expert: Mr. Franck Dumortier, Senior Consultant, Cybersecurity-Law</p> <p>Costa Rica Representatives (TBC)</p> <p><u>Required action:</u> The Bureau will take note of the information provided by the secretariat and will hold an exchange of views on the latest developments and decide on the necessary follow up.</p>
	<b>6. Evaluation and review mechanism under Convention 108+</b>
<a href="#">Terms of Reference</a> <i>Pro memoria</i>	ToR of the Working Group on the evaluation and review mechanism
<a href="#">T-PD(2021)9rev</a> <i>New 14/03/2022</i>	Document prepared by the Secretariat
<a href="#">T-PD(2021)9Mos</a>	<u>Required action:</u> The Bureau will take note of the information provided by the Secretariat, will hold an exchange of views on the Draft Rules of

<p>Compilation of Comments</p> <p><a href="#">T-PD(2018)21rev11</a>  <a href="#">T-PD(2018)20rev11</a>  <i>Pro memoria</i></p>	<p>Procedure together with written comments received and decide on the necessary follow-up.</p> <p>Pro memoria: - Expert report on the evaluation and review mechanism under Convention 108+: process and rationale and questionnaire</p>
<p><a href="#">T-PD-BUR(2021)5</a>  <a href="#">Information note on the procedures of various monitoring mechanisms</a>  <i>Pro memoria</i></p>	<p>Document prepared by the Secretariat</p>
	<p><b>7. Digital identity</b></p>
<p><a href="#">T-PD(2021)2rev5</a>  <i>New 21/03/2022</i></p> <p><a href="#">T-PD(2021)2rev4Mos</a>  Compilation of comments  <i>New 14/03/2022</i></p>	<p>Expert: Mr. Pat Walshe, Director of Privacy Matters</p> <p><u>Required action:</u> The Bureau will take note of the information provided by the expert, the secretariat and will hold an exchange of views on the Draft Guidelines together with written comments received and decide on the necessary follow-up.</p>
	<p><b>8. Inter-state exchanges of data for Anti-Money Laundering/Countering Financing of Terrorism, and tax purposes</b></p>
<p><a href="#">T-PD(2021)8rev</a>  <i>New 21/03/2022</i></p> <p><a href="#">T-PD(2021)8Mos</a>  Compilation of comments  <i>New 09/03/2022</i></p> <p><a href="#">T-PD(2021)4rev</a>  <i>Pro memoria</i></p> <p><a href="#">T-PD(2014)05</a>  <i>Pro memoria</i></p>	<p>Presentation by the rapporteur and the secretariat</p> <p><u>Required action:</u> The Bureau will take note of the information provided by the rapporteur, the expert and the Secretariat on the draft Guidelines together with written comments received, will hold an exchange of views, and decide on the necessary follow-up.</p>
	<p><b>9. Interpretation of Article 11 of the modernised Convention 108</b></p>
<p><a href="#">T-PD(2021)7</a></p>	<p>Presentation by the rapporteur and the secretariat.</p> <p><u>Required action:</u> The Bureau will take note of the information provided by the rapporteur and the Secretariat and decide on the necessary follow-up.</p>
	<p><b>10. Contractual clauses in the context of transborder data flows</b></p>
<p><a href="#">T-PD(2022)1rev</a>  <i>New 21/03/2022</i></p> <p><a href="#">T-PD(2022)1Mos</a></p>	<p>Expert: Pr. Pablo Palazzi, Director of the Center of Technology and Society (CETyS) of the Universidad de San Andrés</p>

<p>Compilation of comments</p> <p><a href="#">T-PD(2021)10</a></p> <p><a href="#">Model contract - Transborder data flows</a></p> <p><a href="#">Guide to Contractual clauses – Transfer of personal data</a></p> <p><a href="#">Standard Contractual Clauses</a> – EU</p>	<p><u>Required action:</u> The Bureau will take note of the information provided by the expert, the rapporteur and the secretariat on the draft document, will hold an exchange of views, and decide on the necessary follow-up.</p>
	<p><b>11. Cooperation with other Council of Europe bodies and entities</b></p>
	<p><u>Required action:</u> The Bureau will take note of the information provided by the Secretariat</p>
	<p><b>12. Major developments and activities in the field of data protection</b></p>
	<p><u>Required action:</u> The Bureau will take note of the information provided by the Secretariat</p>
	<p><b>13. Observers</b></p>
<p><a href="#">List of Observers</a></p> <p><a href="#">T-PD(2018)04Rev3</a></p> <p><i>Pro memoria</i></p>	<p><u>Required action:</u> The Bureau will take note of the information provided by the observers.</p>
	<p><b>14. Next meetings</b></p>
	<p>Dates of next meetings in 2022</p> <p><u>Bureau meetings:</u> 56<sup>th</sup> Bureau: 21-23 September 2022 57<sup>th</sup> Bureau: 14-16 December 2022</p> <p><u>Plenary meetings:</u> 43<sup>rd</sup> Plenary: 15-17 June 2022 44<sup>th</sup> Plenary: 16-18 November 2022</p>
	<p><b>15. Stefano Rodotà Award</b></p>
	<p><u>Required action:</u> The Bureau will take note of the Information provided by the Secretariat</p>
	<p><b>16. Data Protection Commissioner</b></p>
	<p><u>Required action:</u> The Bureau will take note of the information provided by the Commissioner</p>
	<p><b>17. Any Other Business</b></p>

## **APPENDIX II**

### **LIST OF PARTICIPANTS**

#### **MEMBERS OF THE BUREAU / MEMBRES DU BUREAU**

##### **ITALY / ITALIE**

Alessandra Pierucci, (Chair / Présidente)

##### **GEORGIA / GÉORGIE**

Tamar Kaldani, (first Vice-Chair / première Vice-présidente)

##### **SENEGAL / SÉNÉGAL**

Awa Ndiaye, (second Vice-Chair / deuxième Vice-présidente), Présidente, Commission de Protection des données personnelles (CDP)

##### **SWITZERLAND / SUISSE**

Caroline Gloor Scheidegger, Cheffe du Domaine de direction Relations internationales, Préposé fédéral à la protection des données et à la transparence (PFPDT)

##### **URUGUAY**

Gonzalo Sosa Barreto, Data Protection Manager, the Executive Council of the URCDP , AGESIC

##### **FORMER CHAIR / ANCIEN PRESIDENT**

Jean-Philippe Walter

#### **MEMBERS OF THE COMMITTEE / MEMBRES DU COMITÉ**

##### **ARGENTINA / ARGENTINE**

Eduardo Cimato – representative/representant, Director of the National Directorate of Personal Data Protection, Access to Public Information Agency (AAIP)

Agustina Sirvén – deputy/suppléant, Legal advisor, Access to Public Information Agency (AAIP)

##### **BULGARIA / BULGARIE**

Hristo Alaminov, Head of International Cooperation and Project Management Department, Commission for personal data protection

Mariya Zlatkova, Senior Expert International Cooperation and Project Management Department, Commission for personal data protection

##### **CABO VERDE / CAP VERT**

Faustino Varela Monteiro, Président, Commission de protection des données (CNPd)

Jose Maria Pina, Membre, Commission de protection des données (CNPd)

##### **CZECH REPUBLIC / RÉPUBLIQUE TCHÈQUE**

Jiří Maštálka – representative/representant, Lawyer, Office for Personal Data Protection

##### **FINLAND / FINLANDE**

Virpi Koivu – representative/representant, Senior Ministerial Adviser, Department for Democracy and Public Law, EU Law and Data Protection, Ministry of Justice



## **FRANCE**

Vincent Filhol – representative/représentant, Magistrat, Chargé de mission pour les affaires civiles et pénales internationales auprès du Directeur des affaires juridiques du Ministère de l'Europe et des Affaires étrangères

Najma Bichara - deputy/suppléant

Service des Affaires européennes et internationales, Commission nationale de l'informatique et des libertés (CNIL)

## **GERMANY / ALLEMAGNE**

Stefan Niederer, Senior Data Protection Officer, Division 14 – European and International Affairs, Office of the Federal Commissioner for Data Protection and Freedom of Information

## **IRELAND / IRLANDE**

Sean O'Shea – deputy/suppléant, Administrative Officer, Department of Justice, Civil Justice and Equality Legislation, Regulation and Reform

Michael X. Kearney, Department of Justice, Civil Justice and Equality Legislation, Regulation and Reform

## **REPUBLIC OF MOLDOVA / RÉPUBLIQUE DE MOLDOVA**

Victoria Muntean – representative/représentant, Deputy Director, National Center for Personal Data Protection

Angela Colomiicenco - deputy/suppléant Interim Head of Legal Division, National Center for Personal Data Protection

## **MEXICO / MEXIQUE**

Francisco Javier Acuña Llamas – deputy/suppléant, Commissioner, National Institute of Transparency, of Access to Information and Data Protection (INAI)

Laura Sofía Gómez Madrigal, Director General for International Affairs, National Institute of Transparency, of Access to Information and Data Protection (INAI)

Stefania Natalia Ávila Justiniana, National Institute of Transparency, of Access to Information and Data Protection (INAI)

Daniela Elliot Dávalos Casanova, National Institute of Transparency, of Access to Information and Data Protection (INAI)

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## **MOROCCO / MAROC**

Salwa Dchieche, Cadre, Commission Nationale de contrôle de la protection des Données à caractère Personnel (CNDP)

Amine Kabbaj, Chargé de mission, Commission Nationale de contrôle de la protection des Données à caractère Personnel (CNDP)

Mouna Lafrem, Cadre, Commission Nationale de contrôle de la protection des Données à caractère Personnel (CNDP)

Fatima Zahrae Lebied, Cadre, Commission Nationale de contrôle de la protection des Données à caractère Personnel (CNDP)

## **POLAND / POLOGNE**

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### **PORTUGAL**

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### **SERBIA / SERBIE**

Gordana Mohorović – representative/représentant, Assistant Secretary General, Office of the Commissioner for Information of Public Importance and Personal Data Protection

### **SLOVAK REPUBLIC / RÉPUBLIQUE SLOVAQUE**

Angela Sobolčiková – adviser/conseiller, Department of Legal Services, The Office for Personal Data Protection

### **SPAIN / ESPAGNE**

Pablo Manuel Mateos Gascueña – representative/representant, Data Protection Sub-inspector, International Division, Spanish Agency of Data Protection

Enrique Factor Santoveña, Data Protection Agency (AEPD)

### **TURKEY / TURQUIE**

Demet Arslaner Keklikkiran – representative/représentant, Head of Department for Legal Affairs, Personal Data Protection Authority

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Rebecca Stewart – deputy/suppléant, International Data Free Flows and Trade, International Data Unit, Department for Digital, Culture, Media and Sport (DCMS)

Blandine Cassou-Mounat – adviser/conseiller, Principal Policy Adviser – International Regulatory Cooperation Directorate, Information Commissioner's Office (ICO)

Kate Range, Head of Legal Services, Information Commissioner's Office (ICO)

Henry Osborne, Policy Advisor, National Security and Law Enforcement, Department for Digital, Culture, Media and Sport (DCMS)

### **OBSERVERS / OBSERVATEURS**

#### **BRAZIL / BRÉSIL**

Virgínia de Melo Dantas Trinks, Technical Advisor, National Data Protection Authority

Matheus Knispel da Costa, Advisor to the Division for Technology Promotion II, Ministry of Foreign Affairs

Juliana Muller Reis Jorge, General Coordinator of Institutional and International Relations

George Neves Lodder, Federal Prosecutor

**COMMISSIONER OF DATA PROTECTION, ABU DHABI GLOBAL MARKET (ADGM) / COMMISSAIRE DE LA PROTECTION DES DONNÉES, MARCHÉ MONDIAL D'ABOU DHABI (ADGM)**

Sami Mohammed, Commissioner of Data Protection

Sayid Madar, Head of Operations, Office of Data Protection Commissioner

**EUROPEAN COMMISSION / COMMISSION EUROPÉENNE**

Manuel García Sánchez, Policy Officer, International Data Flows and Protection, DG Justice and Consumers

Ralf Sauer, Deputy Head of Unit, International Data Flows and Protection, DG Justice and Consumers

Alisa Vekeman, International Data Flows and Protection, DG Justice and Consumers

**EUROPEAN DATA PROTECTION SUPERVISOR (EDPS) / LE CONTRÔLEUR EUROPÉEN DE LA PROTECTION DES DONNÉES (CEPD)**

Claire-Agnès Marnier, Legal Officer

Elora Fernandes, Trainee

Olivier Matter, Legal & Policy Officer

**FRENCH-SPEAKING ASSOCIATION OF PERSONAL DATA PROTECTION AUTHORITIES / ASSOCIATION FRANCOPHONE DES AUTORITÉS DE PROTECTION DES DONNÉES PERSONNELLES (AFAPDP)**

Marine Revel, Chargée de mission

**INTERNATIONAL COMMITTEE OF THE RED CROSS / COMITÉ INTERNATIONAL DE LA CROIX-ROUGE (ICRC)**

Luca Bettoni, Legal Advisor, Data Protection Office

Massimo Marelli, Head of Data Protection Office

**JAPAN / JAPON**

Toshihiko Osawa, Director, Personal Information Protection Commission, Japan

**THE PHILIPPINES / LES PHILIPPINES**

Frances Aira G. Sy, Attorney III, Policy Review Division, Privacy Policy Office, National Privacy Commission, Pasay City, Metro Manila

Erwin D. Espenilla, Head Executive Assistant, Office of the Privacy Commissioner, National Privacy Commission

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Erlaine Vanessa D. Lumanog, Attorney IV, Policy Review Division, Privacy Policy Office, National Privacy Commission

**REPUBLIC OF KOREA / RÉPUBLIQUE DE CORÉE**

Euna Choi, Deputy General Researcher, Korea Internet & Security Agency (KISA)

Sooyoun Choung, Korea Internet & Security Agency (KISA)

## **INVITED GUESTS / INVITÉS**

### **COSTA RICA**

Fiorella Salazar Rojas, the Minister of Justice and Peace

Gidget Ramirez Hernandez, Ministerial Office, Ministry of Justice and Peace

## **EXPERTS**

Presentation by the expert, Mr. Joe Cannataci, Head of the Department of Information Policy & Governance, Faculty of Media & Knowledge Sciences, University of Malta

Franck Dumortier, Senior Consultant, Cybersecurity-Law

Pablo Palazzi, Director of the Center of Technology and Society (CETyS) of the University of San Andrés

Pat Walshe, Director, Privacy Matters

### **COUNCIL OF EUROPE BODIES AND SECRETARIAT / ORGANES ET SECRETARIAT DU CONSEIL DE L'EUROPE**

**Directorate General Human Rights and Rule of Law /  
Direction générale Droits de l'Homme et État de droit (DG I)**

**Human Rights Directorate / Direction des droits de l'Homme  
Human Rights Policy and Co-operation Department / Service des politiques et de la coopération  
en matière de droits de l'Homme  
Committee on Bioethics / Comité de Bioéthique (DH-BIO)**

Laurence Lwoff, Head of Bioethics Unit/Chef de l'Unité Bioéthique

**Directorate - Information Society and Action against Crime /  
Direction - société de l'information et lutte contre la criminalité**

**Action against Crime Department / Service de la lutte contre la criminalité  
Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of  
Terrorism / Comité d'experts sur l'évaluation des mesures de lutte contre le blanchiment des  
capitaux et le financement du terrorisme (MONEYVAL)**

Daniil Burda, Administrator / Administrateur

Lorena Ungureanu, Project Assistant / Assistante de projet

**Information Society Department / Service de la société de l'information**

Patrick Penninckx, Head of Department / Chef de Service

**Data Protection Unit / Unité de la protection des données**

Isabelle Servoz-Gallucci, Secretary of the Committee / Secrétaire du Comité

Péter Kimpian, Programme Advisor / Conseiller de programme

Anne Boyer-Donnard, Principal Administrative Assistant / Assistante administrative principale

Bohumila Ottova, Assistant / Assistante

**INTERPRETERS / INTERPRÈTES**

Léa Ouedraogo  
Roopa Sukthankar