

**Amendments to the Convention for the protection of individuals with regard to
automatic processing of personal data (ETS No. 108) allowing the European
Communities to accede**

(adopted by the Committee of Ministers, in Strasbourg, on 15 June 1999)

[Explanatory Memorandum](#)

Article 1

Paragraphs 2, 3 and 6 of Article 3 of the Convention shall read as follows:

"2 Any State or the European Communities may, at the time of signature or when depositing their instrument of ratification, acceptance, approval or accession, or at any later time, give notice by a declaration addressed to the Secretary General of the Council of Europe:

a that they will not apply this Convention to certain categories of automated personal data files, a list of which will be deposited. In this list they shall not include, however, categories of automated data files subject under their domestic law to data protection provisions. Consequently, they shall amend this list by a new declaration whenever additional categories of automated personal data files are subjected to data protection provisions under their domestic law;

b that they will also apply this Convention to information relating to groups of persons, associations, foundations, companies, corporations and any other bodies consisting directly or indirectly of individuals, whether or not such bodies possess legal personality;

c that they will also apply this Convention to personal data files which are not processed automatically.

3 Any State or the European Communities which have extended the scope of this Convention by any of the declarations provided for in sub-paragraph 2.b or c above may give notice in the said declaration that such extensions shall apply only to certain categories of personal data files, a list of which will be deposited.

6 The declarations provided for in paragraph 2 above shall take effect from the moment of the entry into force of the Convention with regard to the State or the European Communities which have made them if they have been made at the time of signature or deposit of their instrument of ratification, acceptance, approval or accession, or three months after their receipt by the Secretary General of the Council of Europe if they have been made at any later time. These declarations may be withdrawn, in whole or in part, by a notification addressed to the Secretary General of the Council of Europe. Such withdrawals shall take effect three months after the date of receipt of such notification."

Article 2

1 A new paragraph 3, reading as follows, shall be inserted in Article 20 of the Convention:
"Every Party has a right to vote. Each State which is a Party to the Convention shall have one vote. Concerning questions within their competence, the European Communities exercise their right to vote and cast a number of votes equal to the number of Member States that are Parties to the Convention and have transferred their competencies to the European Communities in the field concerned. In this case, those member States of the Communities do not vote, and the other member States may vote. The European Communities do not vote when a question which does not fall within their competence is concerned."

2 Paragraphs 3 and 4 of Article 20 of the Convention shall be renumbered as paragraphs 4 and 5, respectively, of the same article.

Article 3

Article 21, paragraph 2 of the Convention shall read as follows:

"Any proposal for amendment shall be communicated by the Secretary General of the Council of Europe to the member States of the Council of Europe, to the European Communities, and to every non-member State which has acceded to or has been invited to accede to this Convention in accordance with the provisions of Article 23."

Article 4

Article 23 of the Convention shall read as follows:

"Article 23 – Accession by non-member States or the European Communities

1 After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may invite any non member State of the Council of Europe to accede to this Convention by a decision taken by the majority provided for in Article 20.d of the Statute of the Council of Europe and by the unanimous vote of the representatives of the Contracting States entitled to sit on the committee.

2 The European Communities may accede to the Convention.

3 In respect of any acceding State, or of the European Communities on accession, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe."

Article 5

Article 24 of the Convention shall read as follows:

"Article 24 – Territorial Clause

1 Any State or the European Communities may at the time of signature or when depositing their instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.

2 Any State or the European Communities may at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory specified in the declaration. In respect of such territory the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General."

Article 6

Article 27 of the Convention shall read as follows:

"Article 27 – Notifications

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, the European Communities, and any State which has acceded to this Convention of:

a any signature;

b the deposit of any instrument of ratification, acceptance, approval or accession;

c any date of entry into force of this Convention in accordance with Articles 22, 23 and 24;

d any other act, notification or communication relating to this Convention."