

**Resolution of the European Conference
of Data Protection Authorities**

Limassol, 27 – 28 April 2017

**Resolution on the modernisation of the Convention for the Protection of
Individuals with regard to Automatic Processing of Personal Data [ETS No. 108,
hereafter ‘Convention 108’]**

The European Data Protection Authorities, assembled in their Spring Conference of 2017 hereby:

Regret that the procedure for the modernisation of Convention 108, which started in 2011 and has been followed with great interest by them, has been considerably delayed and encourages all parties to reach resolutions,

Understand that the outstanding issues concern the voting rights of the European Union, national security exceptions, transborder data flows and the question of entry into force of the modernised provisions,

Take note of the need to ensure consistency with the EU General Data Protection Regulation and the EU Directive applying data protection rules in the area of law enforcement, both which will be fully applicable in May 2018,

Commit to close cooperation between data protection authorities in the application of these data protection rules, which is essential to enforce data subjects’ rights in cross-border cases,

Therefore are deeply concerned that further delay of the finalisation of the modernisation could create legal difficulties in relation to the application of those EU legal instruments, which would ultimately be detrimental both to individuals and regulators concerned,

Recognise that several ways of delivering a modern data protection Convention exist, such as an amending protocol or a revised Convention,

Stress that the effort to modernise Convention 108 should in no way result to lower the level of the protection currently afforded,

- Express their strong support for the negotiations taking place at the Council of Europe and encourage the negotiating parties to renew their efforts to find appropriate final solutions to the outstanding issues whilst ensuring a high level of data protection, and to enable the modernised Convention to enter into force as soon as possible and, in any case, in May 2018 at the latest;
- Call upon the governments of Council of Europe Member States and the European Union to reach a political agreement at the 127th Ministerial Session of the Committee of Ministers to be held in Nicosia on 19 May 2017, enabling a rapid finalisation of the modernisation.

The Spring Conference of Data Protection Authorities mandates the host of the Conference to submit this Resolution to the Cyprus Chairmanship of the Committee of Ministers of the Council of Europe, in view of the 127th Ministerial Session of the Committee of Ministers.