



Resolution No. 5

GA-2017-86-RES-05

Subject: Settlement of disputes under Article 135 of the INTERPOL's Rules on the Processing of Data

The ICPO-INTERPOL General Assembly, meeting in Beijing, China, from 26 to 29 September 2017, at its 86th session:

BEARING IN MIND Article 135 of INTERPOL's Rules on the Processing of Data (RPD),

CONCERNED about disputes brought before the General Assembly in connection with the application of the RPD, and the possible implications of such disputes for the work of the General Assembly,

STRESSES THAT concerted consultation remains the preferred means of resolving disputes under Article 135 of the RPD and therefore calls upon parties to do their utmost to resolve disputes through consultations;

DECIDES THAT, in order to facilitate the implementation of Article 135 of the RPD, the procedure below shall apply to pending and future disputes under Article 135:

I. Procedure concerning disputes under Article 135 of the RPD

- (1) A dispute which has not been resolved by concerted consultation shall be submitted to the Executive Committee.
- (2) The Executive Committee may decide as follows:
 - (a) To issue a final decision on the matter; or
 - (b) To submit the dispute for consideration and final decision of the General Assembly. A decision to refer a dispute to the General Assembly shall be done on an exceptional basis and shall require a two-thirds majority vote by the Executive Committee.
- (3) At any point in time, while a dispute is pending before the Executive Committee, the Executive Committee may decide to: (a) appoint a rapporteur or create a consultative body from among its members; (b) consult external experts who will report back to the Executive Committee. The Executive Committee shall not be bound by the opinion of the experts.

II. General Provisions concerning disputes under Article 135 of the RPD

- (1) The Executive Committee may decide to submit to the General Assembly questions emanating from a dispute concerning the interpretation of the Organization's Constitution and Rules. Such questions shall be phrased in general terms and neither the questions nor the General Assembly's decision shall refer to the specific dispute.
- (2) Nothing in the above procedure shall prevent:
 - (a) The settlement of disputes through amicable means agreed upon by the parties to the dispute;
 - (b) The General Secretariat or the Executive Committee from taking any interim decision or applying any temporary measures concerning the processing of data throughout the procedure of the settlement of disputes, in accordance with the Organization's Constitution and Rules;
 - (c) An examination of individual requests by the Commission for the Control of INTERPOL's Files in accordance with its governing rules.

Adopted