



INTERPOL



**WORLD CUSTOMS ORGANIZATION
ORGANISATION MONDIALE DES DOUANES**

SPECIAL ARRANGEMENT

BETWEEN

**THE INTERNATIONAL CRIMINAL POLICE
ORGANIZATION – INTERPOL**

AND

THE WORLD CUSTOMS ORGANIZATION – WCO

**ON DIRECT ACCESS TO AND USE OF INTERPOL'S
STOLEN MOTOR VEHICLE DATABASE**

Preamble

The International Criminal Police Organization - INTERPOL (hereinafter referred to as "INTERPOL")

And

The World Customs Organization (hereinafter referred to as "the WCO"),

Considering Article 2 of the Memorandum of Understanding concluded between INTERPOL and the WCO of 9 November 1998, which came into force on that date,

Mindful that the INTERPOL General Assembly, by resolution AG-2001-RES-09, has authorized the Secretary General to determine with the WCO the conditions for direct access by that organization to the ASF Stolen Motor Vehicles database,

Noting that the WCO's mission is to enhance the effectiveness and efficiency of Customs Administrations, inter alia in the areas of security, the protection of society and revenue collection contributing to the economic and social well-being of the Nations covering cross border vehicle crime as part of this concept,

Whereas the WCO wants to facilitate the exchange of information relating to international vehicle crime.

Whereas INTERPOL has created a specific database for non-personal police information on stolen motor vehicles with an Automated Search Facility (hereinafter referred to as "ASF/SMV"), which is part of the INTERPOL Information System,

Having in mind that WCO is willing to facilitate in a complementary manner to the National Central Bureaus (hereinafter referred to as "NCBs") the exchange of INTERPOL information on Stolen Motor Vehicles with the national Customs administrations of its member countries,

Aiming to enhance the co-operation in order to make police-customs co-operation more efficient and avoid duplication of effort wherever possible,

Noting that the conditions under which the WCO shall benefit from direct access to ASF/SMV are governed by INTERPOL's Rules on the Processing of Data (hereinafter referred to as "RPD"), which entered into force on 1st July 2012, thereby replacing the Rules on the Processing of Information for the purposes of international police cooperation and their Implementing Rules as well as the Rules Governing Access by an Intergovernmental Organization to the INTERPOL Telecommunications Network and Databases,

Considering therefore that it is necessary to conclude a new Arrangement, that defines precisely the procedures and modalities for access to the INTERPOL Information System by the WCO,

Have agreed on the following:

ARTICLE 1

Purpose of the Special Arrangement

The purpose of this Special Arrangement is:

To improve international cooperation in combating the traffic in Stolen Motor Vehicles, by allowing the WCO to directly access and use the ASF/SMV database.

ARTICLE 2

Applicable legal framework

1. Direct access to and use of the ASF/SMV database by the WCO shall be governed by the RPD. To that end, the WCO shall be considered as an "international entity" as defined by Article 27 of the RPD.
2. The WCO accepts and agrees to comply with security rules and administrative procedures that may be established by INTERPOL's General Secretariat pursuant to the RPD.

ARTICLE 3

Access to INTERPOL's ASF/SMV database

1. The WCO shall have a direct access through the INTERPOL I-24/7 network to the ASF/SMV database, subject to the restrictions and confidentiality rules laid down by the sources of data.
2. Direct access rights to the ASF/SMV database shall be granted solely to one unit or department within the Secretariat of the WCO, and shall be limited to the consultation of data.
3. In case consultation of the ASF/SMV database by the WCO triggers a positive query result, a discovery alarm shall be simultaneously sent both to INTERPOL's General Secretariat and to the NCB which reported the theft of the Motor Vehicle, as foreseen by Article 104 of the RPD. If the consultation was initiated by a national customs authority, a discovery alarm shall also be sent to the NCB of the country of that customs authority.
4. The direct access rights granted to the Secretariat of the WCO shall become effective only after expiration of 45 days' notice given to INTERPOL's member countries, as foreseen by Article 109 of the RPD.

ARTICLE 4
Exchange of information

1. The Parties agree that the exchange of information between them in the framework of the Special Arrangement shall be made in one of the common working languages of INTERPOL and the WCO.
2. The Parties acknowledge that sharing any information with third Parties shall only be conducted in accordance to and with strict compliance with the RPD, particularly Article 67, which concerns the forwarding of data.

ARTICLE 5
Security and Data Protection Officer

1. In accordance with Article 111.2(b) of the RPD, INTERPOL's General Secretariat shall provide access rights to individual users designated by the WCO in conformity with established procedures.
2. In accordance with Article 117 of the RPD, the WCO shall appoint a Security Officer to carry out the security operations for the WCO in the INTERPOL Information System.
3. In accordance with Article 121 of the RPD, the WCO shall designate a Data Protection Officer who shall be responsible for organizing and carrying out monitoring of processing errors.
4. The WCO shall provide INTERPOL's General Secretariat with the list of its officials within the designated unit or department of the Secretariat to be granted I-24/7 and/or https accesses, and shall inform the General Secretariat every time such list is updated.

ARTICLE 6
Supervision and Monitoring of Data access

1. The Parties agree that the I-24/7 Virtual Private Network (VPN) devices shall be managed by INTERPOL's General Secretariat.
2. To ensure the compliance with the scope of the Special Arrangement and the RPD, the Parties agree that INTERPOL's General Secretariat shall retain the right to regularly conduct audits on queries done by the WCO on the ASF/SMV database.
3. To enable INTERPOL's General Secretariat to conduct such reviews, WCO shall provide the reference number of an original file connected to the specific query. The original file number shall appear in the data access procedure as a mandatory field.
4. Audit procedures shall be initiated and conducted by staff members of INTERPOL's General Secretariat that have been specifically designated therefor.

ARTICLE 7

General Obligations

1. INTERPOL shall provide the WCO with the required training material, including instruction on the INTERPOL Information system, the ASF/SMV database, and the RPD.
2. The WCO shall access the INTERPOL Information system and the ASF/SMV database only for the purpose of prevention, detection and investigation of international vehicle crime and other crimes related to it, and within the limits of their mandate.
3. The WCO shall ensure that access to the INTERPOL Information system, the ASF/SMV database is limited only to authorize personnel, and that it does not jeopardize the security of INTERPOL's network, databases and the data recorded therein.
4. The WCO undertakes to inform INTERPOL as soon as they are aware of any attempt or risk to undermine the terms and conditions of the present Special Arrangement.
5. The WCO shall notify INTERPOL promptly of any reported or suspected unauthorized use of INTERPOL data, and state what action has been taken to resolve the matter.
6. INTERPOL and the WCO shall each designate a person to act as a focal point with a view to ensuring the implementation of the present Special Arrangement.

ARTICLE 8

Liability

1. WCO is responsible for compliance with the terms and conditions laid down in this Special Arrangement.
2. INTERPOL shall not be liable in the case that the use of information by the WCO is prejudicial to an individual's or entity's interests, or if the WCO has not respected the purpose of the present Special Arrangement (article 2 above).

ARTICLE 9

Technical Arrangements

The WCO shall ensure that it has the appropriate infrastructure and security measures set forth in the appended documents (*STD15: I-24-7 Secure Network Code of Interconnection* and *STD25: I-24/7 Network, Desktop and Operating System Security Requirements*) in place prior to accessing INTERPOL's Information system and the ASF/SMV database.

ARTICLE 10
Settlement of Disputes

Any dispute between INTERPOL and the WCO concerning the interpretation or implementation of this Special Arrangement shall be settled amicably through conciliation.

ARTICLE 11
Entry into force, Amendments to and Termination

1. This Special Arrangement shall enter into force 60 days after the signature of INTERPOL and the WCO.
2. An evaluation of the implementation of the present Special Arrangement will be made 12 months after it entered into force, in order to determine whether such a co-operation between the parties is satisfactory to them and to international police cooperation, and thus if the Special Arrangement can remain in force or should be terminated.
3. This Special Arrangement may be amended by mutual consent between the INTERPOL and WCO at any time. The INTERPOL and the WCO shall enter into consultations with respect to the amendment of this Special arrangement at the written request of either of them.
4. This Special Arrangement may be terminated by each party with one month's notice, unless point 5 hereafter applies.
5. Nevertheless, in case of breach of a commitment either by a party or by an authorized personnel, or in case this cooperation is likely to be prejudicial to a party, one party may terminate the present Special Arrangement without notice, after enforcement of article 10 above.

**For the International Criminal Police
Organization – INTERPOL**

**For the World Customs Organization -
(WCO)**

**Mr. Jürgen Stock
Secretary General**



on 10. 11. 2016 (date)

in Bali / Indonesia (place)

**Mr. Leigh Winchell
Deputy Director (Enforcement)
Compliance & Facilitation Directorate**



on 10 November 2016 (date)

in Bali, Indonesia (place)