



**COOPERATION ARRANGEMENT**

**BETWEEN**

**THE EUROPEAN AGENCY FOR THE MANGEMENT OF OPERATIONAL  
COOPERATION AT THE EXTERNAL BORDERS OF THE MEMBER STATES  
OF THE EUROPEAN UNION**

**AND**

**THE EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS**

## Preamble

The European Union Agency for Fundamental Rights (FRA) and the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex),

Hereafter referred to individually as 'the Party' or collectively as 'the Parties',

**Having regard** to the Council Regulation<sup>1</sup> establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, of which its main task is to render more effective the application of existing and future Union measures relating to the management of external borders, while the responsibility for the control and surveillance of external borders remains with the Member States,

**Considering** that the Council in its recent Conclusions<sup>2</sup> with 29 measures for reinforcing the protection of the external borders and combating illegal immigration underlined that all measures and actions taken as a consequence of these conclusions shall fully respect human rights, the protection of persons in need of international protection and the principle of non-refoulement,

**Recalling** the provisions of the Schengen Borders Code,<sup>3</sup> according to which border guards have to fully respect human dignity, protecting persons in need of international protection and respecting the principle of non-refoulement,

**Taking note** that the Stockholm Programme calls for an integrated management of the external borders, which should not prevent access to protection systems by those entitled to it and which highlights the need for special attention for people and groups, who are in a vulnerable situation, and unaccompanied minors<sup>4</sup> in particular,

**Considering** that the Frontex Multiannual Plan 2010–2013 has identified 'humanity' as one of the core values which shall be endorsed, shared, lived and performed by each member of staff and which shall form the foundation of Frontex' activities at all levels,

**Having regard** to Article 4 of the Council Regulation<sup>5</sup> establishing a European Union Agency for Fundamental Rights setting out the tasks of FRA,

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<sup>1</sup> Council Regulation (EC) No. 2007/2004 of 26 October 2004.

<sup>2</sup> JHA Council, 25–26 February 2009.

<sup>3</sup> Cf. Articles 3, 6 and recital 20 of Regulation (EC) No. 562/2006 of 15 March 2006.

<sup>4</sup> The Stockholm Programme – An open and secure Europe serving and protecting the citizens, 10–11 December 2009.

<sup>5</sup> Council Regulation (EC) No 168/2007 of 15 February 2007.

**Considering** the added value of inter-agency cooperation in order to foster a common understanding of fundamental rights, as well as to attain their respective objectives,

**Have agreed** as follows:

### **Article 1 Purpose**

The purpose of this Cooperation Arrangement is to establish a cooperation framework between the FRA and Frontex with the overall objective of strengthening the respect of fundamental rights in the field of border management and in particular in Frontex activities, including, *inter alia*, those listed below in Articles 3–9.

### **Article 2 Common approach to fundamental rights**

1. The Parties will cooperate to foster a common understanding of fundamental rights in the context of border management across the European Union and coordinate their actions, where appropriate.
2. To achieve this, the Parties will consider the development of appropriate tools to identify existing differences as regards fundamental rights issues at an operational or practical level, affecting Frontex activities. Where feasible, the Parties will consider the possibility and appropriateness to approximate existing practices. Where appropriate, the Parties will collaborate in the development of good practices, guidance notes, incident reporting mechanisms, and similar initiatives.

### **Article 3 Joint Operations**

The FRA may offer on request its expertise to Frontex in the different phases of a joint operation. This may include advice on how to mainstream fundamental rights considerations in the design, implementation and evaluation of joint border operations, as well as other activities considered appropriate by the Parties.

## **Article 4 Risk Analysis**

1. The Parties will hold consultations with a view to strengthening the capacity to collect data and information on the situation at the border, including an appreciation of the likely protection and assistance needs of vulnerable individuals and groups, particularly as regards unaccompanied minors and other children at risk, victims of trafficking and persons in need of international protection.
2. For this purpose, the FRA will offer, on request, methodological guidance to Frontex for relevant data collection and the development of related risk indicators.
3. The Parties will also consider the possibility for cooperating in the drafting of analytical reports on issues of mutual concern.

## **Article 5 Training on Fundamental Rights for border guards**

1. The Parties shall cooperate in mainstreaming fundamental rights in the design, implementation and evaluation of training activities for national border guards when dealing with fundamental rights.
2. The Parties commit to share training plans and other information on a regular basis and may invite each other to attend training activities and workshops which are of mutual interest.
3. The FRA will offer its fundamental rights expertise to Frontex in the development and upgrading of Common Curricula. Frontex will inform the FRA about activities in this regard. When feasible, the Parties will strive to evaluate the impact on fundamental rights of such curricula. Any evaluation of this kind will be designed and implemented in close cooperation between the Parties.
4. The Parties shall join forces in the development of learning activities, tools and methodologies relating to fundamental rights for national border guards, including the identification and dissemination of good practices.
5. Frontex will consult with FRA when designing induction training for Frontex Joint Support Teams and other host or guest officers participating in joint operations in order to ensure a strong fundamental rights component in such trainings.

## **Article 6 Research**

1. The Parties will exchange information on upcoming research activities of mutual concern.
2. The Parties will invite each other to relevant expert meetings and, where appropriate, collaborate in research activities or forthcoming publications. They may organise peer reviews in this respect.
3. The Parties will exchange information on current migration issues and related policy developments.

## **Article 7 Return**

1. The Parties will collaborate with a view to ensuring that forced removals are carried out in full respect of fundamental rights, as well as in a humane and dignified manner.
2. The FRA will offer its expertise in the development and upgrading of good practices, codes of conducts and other guidance tools on the different operational aspects of removal operations that have a bearing on fundamental rights, such as the acquisition of travel documents or the standards of treatment during the removal by air, land or sea.
3. The Parties will collaborate in the creation or the reinforcement of independent return monitoring mechanisms, as an effective preventive guarantee to reduce the risk of fundamental rights violations during forced removals.

## **Article 8 Training on fundamental rights for Frontex staff**

1. The FRA shall assist Frontex in the assessment of training needs of Frontex staff in the area of fundamental rights and cooperate in the development of a specific fundamental rights training for Frontex staff. Such training shall take into account the different needs of Frontex operational units, with a mid-term view of establishing a sustainable mechanism for providing Frontex staff with the necessary fundamental rights knowledge required in their work.
2. The Parties will cooperate in the implementation of fundamental rights training for Frontex staff as well as in its evaluation.

**Article 9**  
**Work programmes and action plans**

1. The Parties will consult on activities of common interest to be reflected in their annual work programmes.
2. This Cooperation Arrangement may be complemented by action plans which are subject to regular reviews listing the concrete activities as well as respective timeline for implementation, whenever this is deemed necessary.

**Article 10**  
**Mutual assistance**

The Parties will assist each other, with a view to the implementation of their respective mandates and their annual work programmes, in establishing contacts and facilitate communication with the competent authorities of the Member States and other stakeholders, as appropriate.

**Article 11**  
**Contact Points**

1. For the implementation of this Cooperation Arrangement, the Frontex contact is the Senior External Relations Officer responsible for EU bodies and International Organisations
2. For the implementation of this Cooperation Arrangement, the FRA contact is the Programme Manager.

**Article 12**  
**Evaluation of the cooperation**

At least once a year, the Parties meet to evaluate the cooperation between them and propose ways for improvement.

### **Article 13 Expenses**

The Parties bear their own expenses that arise in the course of the implementation of the present Cooperation Arrangement, unless otherwise agreed on a case-by-case basis.

### **Article 14 Confidentiality**

1. Each Party undertakes to keep confidential any information, document or other material communicated to it as confidential by the other Party, not to disclose it to third parties without a prior written consent of the disclosing Party, and not to use any such information for any purpose other than the implementation of this Cooperation Arrangement.
2. For the purpose of this Arrangement, exchange of European Union (EU) classified information is limited up to the level RESTRICTED / RESTREINT UE. Each Party commits to respect all security measures related to the protection of EU classified information.
3. If, within the process of cooperation, the Parties agree that they need to exchange EU classified information above this level, a separate Memorandum of Understanding establishing detailed procedural rules has to be concluded.

### **Article 15 Settlement of disputes**

All disputes which may emerge in connection with the interpretation or application of the present Cooperation Arrangement shall be settled by means of consultations and negotiations between representatives of the Parties.

### **Article 16 Amendments and supplements**

1. This Cooperation Arrangement may be amended at any time by mutual consent between the Parties. All the amendments and supplements must be in writing.
2. The Parties enter into consultations with respect to the amendments of this Cooperation Arrangement at the request of either of them

**Article 17  
Termination**

This Cooperation Arrangement may be terminated in writing by either of the Parties with a six-month notice.

**Article 18  
Entry into force**

This Cooperation Arrangement enters into force on the day following its signature by both Parties.

FRA

Frontex

On the 26 May 2010

On the 26 May 2010



Morten KJAERUM

Director



Ilkka LAITINEN

Executive Director

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