



Warsaw, 19 January 2009

Our ref: 786/20.01.2009
Please quote when replying.

Mr Ljupco Todorovski
Director of the Bureau for Public Safety
Ministry of Internal Affairs
former Yugoslav Republic of
Macedonia

Dear Director,

The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) and the Ministry of Internal Affairs of the former Yugoslav Republic of Macedonia, have concluded a Working Arrangement establishing operational cooperation between Frontex and the Ministry of Internal Affairs of the former Yugoslav Republic of Macedonia.

The text agreed upon by both sides is attached to this letter.

I would ask you to acknowledge receipt of this letter and confirm that the text attached hereto corresponds to what was agreed between the two parties and can therefore be deemed to be established as authentic and definitive. This text will be done in two languages. In case of any ambiguity in the interpretation, the English text shall prevail.

Please accept, Mr. Todorovski, the assurance of my highest consideration.

For Frontex,

A handwritten signature in blue ink, appearing to read "Ilkka Laitinen".

Ilkka Laitinen

Executive Director

Annex: Working Arrangement

Working Arrangement
establishing operational cooperation
between
the European Agency for the Management of Operational
Cooperation at the External Borders of the Member States of the
European Union (Frontex)
and
the Ministry of Internal Affairs of the former Yugoslav Republic of
Macedonia

Having regard to the Frontex Regulation¹, and in particular Article 14 thereof,

Referring to the decision of the Management Board of Frontex of 22 February 2007 to negotiate a Working Arrangement with the authorities of the former Yugoslav Republic of Macedonia competent in matters covered by the objectives and tasks of Frontex in accordance with the Frontex Regulation,

Based on their ambition to promote the development of broad cooperation leading to the readiness for unrestricted operational cooperation under the Frontex Regulation from the date of accession of the former Yugoslav Republic of Macedonia to the European Union,

Frontex and the Ministry of Internal Affairs of the former Yugoslav Republic of Macedonia (hereinafter Ministry of Internal Affairs), agree

On establishing operational cooperation based on the following principles, objectives, organisation and content of such cooperation:

1. PRINCIPLES

Frontex and the Ministry of Internal Affairs emphasise that the intended cooperation shall be developed gradually. The aim is to work towards a sustainable partnership.

¹ Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349, 25.11.2004, p. 1), as last amended.

2. OBJECTIVES

To counter illegal/irregular migration and related cross-border crime by means of border control as well as strengthen security at the borders between EU Member States² and the former Yugoslav Republic of Macedonia.

To develop good relations and mutual trust among border guard authorities at the borders between EU Member States and the former Yugoslav Republic of Macedonia.

The cooperation should facilitate measures taken by Frontex and the competent authorities of the former Yugoslav Republic of Macedonia in their joint efforts to fulfil their respective objectives and tasks.

3. ORGANISATION

Frontex and the Ministry of Internal Affairs intend to establish and maintain structured dialogue on the operational cooperation between the Executive Director of Frontex and the Assistant Director for Border Affairs and Migration of the Bureau for Public Safety of the Ministry of Internal Affairs.

Frontex and the Ministry of Internal Affairs are to designate Contact Points for the implementation of this Working Arrangement.

When necessary, expert working groups may be established with a view to considering specific issues and elaborating corresponding recommendations.

4. CONTENTS

Within the meaning of the Article 4 of Frontex Regulation, Frontex and the Ministry of Internal Affairs intend to exchange information between the Frontex Risk Analysis Unit and the Sector for Border Affairs and Migration. Restrictions to this exchange of information are to be justified by legal or operational reasons only.

The Sector for Border Affairs and Migration appoints a National Contact in the field of risk analysis to participate as an observer in relevant sessions of the meetings of the Frontex Risk Analysis Network (FRAN).

Frontex may provide the Sector for Border Affairs and Migration with relevant analytical products. The access to Frontex tailored Risk Analyses or other Risk Analyses information will be decided on a case by case basis by the Executive Director of Frontex.

Within the meaning of the Article 5 of Frontex Regulation, the cooperation in the field of training may take place on a case by case basis upon decision of the Executive Director of Frontex.

² The term "EU Member States" includes also the Schengen Associated Countries.

Technical cooperation in the field of research and development may take place within the meaning of the Article 6 of the Frontex Regulation and should be decided on a case by case basis by the Executive Director of Frontex.

Frontex may invite representatives of the Sector for Border Affairs and Migration to participate in Joint Operations as observers on a case by case basis upon decision of the Executive Director of Frontex. Participation in joint operations may take place only upon agreement of the hosting EU Member State.

Subject to the agreement of the hosting EU Member State, Frontex coordinated joint operations at borders between EU Member States and the former Yugoslav Republic of Macedonia should be conducted in close cooperation and with participation of the Sector for Border Affairs and Migration. Restrictions to this coordination are to be justified by legal or operational reasons only.

The Sector for Border Affairs and Migration may second national Border Police Officers to Focal Point Offices located at the external borders of the Member States of the EU on the basis of a proposal by Frontex and upon an agreement of the hosting Member State.

Frontex and the Sector for Border Affairs and Migration may explore possibilities to develop cooperation in the field of joint return operations as well as promote the active participation of the Sector for Border Affairs and Migration in Frontex coordinated joint return operations on a case by case basis as decided by the Executive Director of Frontex and upon agreement of the organising EU Member States.

The Sector for Border Affairs and Migration may be invited to participate in pilot projects launched by Frontex on a case by case basis as decided by the Executive Director of Frontex.

Frontex and the Sector for Border Affairs and Migration promote improvement of the operational interoperability between competent authorities of the EU Member States and the former Yugoslav Republic of Macedonia involved in border security management activities.

5. AMENDMENTS

Frontex and the Ministry of Internal Affairs may amend the present Working Arrangement based on their mutual consent.

6. FINANCIAL ASPECTS

The participation of the relevant authorities of the former Yugoslav Republic of Macedonia in Frontex coordinated activities may be financed by Frontex under the terms and conditions applied by Frontex. Details of such terms and conditions must be agreed separately on a case by case basis.

7. LEGAL STATUS

The present Working Arrangement shall not be considered as an international treaty. Practical implementation of its contents shall not be regarded as fulfilment of international obligations by the European Community and its institutions.

The present Working Arrangement shall enter into force on the day following the exchanging of letters between the Parties.