

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 Polícia Nacional de Cabo Verde

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

Referring to the decision of the Management Board of Frontex of 25 May 2007 to negotiate a working arrangement with the authorities of Cape Verde 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 a broad cooperation, Frontex and all relevant authorities of Cape Verde competent in the field of border security management, which for the purposes of this Working Arrangement, are represented by the Polícia Nacional de Cabo Verde (hereinafter National Police of Cape Verde),

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

1. BASIC PRINCIPLES

Frontex and the National Police of Cape Verde emphasise that the intended cooperation shall be developed based on their mutual consent gradually. The aim is to work towards a sustainable partnership.

2. OBJECTIVES

To enhance cooperation and coordination to counter illegal/irregular migration and related cross-border crime with a view to strengthen border security.

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.

To develop good relations and mutual trust between the authorities competent in the field of border security at the borders between EU Member States² and Cape Verde.

The cooperation should facilitate measures taken by Frontex and the National Police of Cape Verde by means of mutual agreement on border security activities in their joint efforts to fulfil their respective objectives and tasks.

3. ORGANISATION

The Executive Director of Frontex and the Head of the National Police of Cape Verde establish and maintain structured dialogue on the implementation of the present Working Arrangement with the participation of other competent authorities where appropriate.

Daily contacts should be maintained via agreed Contact Points. When necessary, expert working groups may be established with a view to considering specific issues and elaborating corresponding recommendations.

The National Police of Cape Verde will actively promote and facilitate the operational/ technical cooperation between Frontex and other Cape Verdean authorities acting in the field of Border Security Management.

4. CONTENTS

4.1 The National Police of Cape Verde appoints an expert in the field of risk analysis to be invited to participate as an observer in relevant sessions of meetings of the Frontex Risk Analysis Network (FRAN).

4.2. Information exchange between Frontex Risk Analysis Unit and the National Police of Cape Verde in order to enable Frontex to carry out tasks in regard to Article 4 of the Frontex Regulation, will take place with only such restrictions that are justified due to legal or operational reasons.

4.3 Frontex will provide the National Police of Cape Verde with the relevant Frontex Risk Analysis reports. The access to relevant Frontex tailored Risk Analyses or other Risk Analyses information should be decided on a case-by-case basis by the Executive Director of Frontex.

4.4 Cooperation in the field of training may take place within the meaning of Article 5 of the Frontex Regulation.

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

4.6 Frontex will invite representatives of the competent authorities of Cape Verde to participate in certain Frontex Joint Operations as observers on a case-by-case basis decided by the Executive Director of Frontex.

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

4.7 Frontex coordinated joint operations at borders between EU Member States and Cape Verde should be conducted in close cooperation and with participation of the competent authorities of Cape Verde with only such restrictions that are justified due to legal or operational reasons.

4.8 The National Police of Cape Verde may second national Border Police Officers to Focal Point Offices (FPO's) dealing with maritime or air border controls and located at the external borders of the Member States of the EU on the basis of a proposal by Frontex and upon an agreement or invitation of the hosting Member State.

4.9 Frontex and the National Police of Cape Verde will explore possibilities to develop cooperation in the field of joint return operations. Active participation of the National Police of Cape Verde in Frontex coordinated joint return operations should take place on a case-by-case basis decided by the Executive Director of Frontex and upon agreement of the organising EU Member States.

4.10 Active discussion on development at technical level of border procedures, including matters aiming at more efficient border control, best practices, improvement of technical equipment and technological upgrading at the borders.

4.11 The competent authorities of Cape Verde will likewise be invited to participate in Pilot Projects launched by Frontex on a case-by-case basis decided by the Executive Director of Frontex.

4.12 Frontex and the National Police of Cape Verde will promote improvement of the operational interoperability between the border guard organisations of the EU Member States and Cape Verde.

5. AMENDMENTS

Frontex and the National Police of Cape Verde may amend the present Working Arrangement based on their mutual consent.

6. FINANCIAL ASPECTS

The participation of the competent authorities of Cape Verde 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 Union and its Institutions and Cape Verde.

Done in Brussels on 14 January 2011 in two copies in English and in Portuguese. In the case of any disagreement on the interpretation of the provisions of the Working Arrangement, the English version shall prevail.

For the European Agency for the
Management of Operational Cooperation at
the External Borders of the Member States of
the European Union



Ilkka Laitinen
Executive Director

For the National Police
of Cape Verde



Carlos Alberto de Brito da Graça
Superintendente Geral