

Warsaw, 4 June 2009

Our ref: 6223



Mr Gottfried Zürcher
Director General
International Centre for Migration
Policy Development
Gonzagagasse 1
A-1010 Vienna
Austria

**Exchange of Letters
between
the European Agency for the Management of the Operational Cooperation at the
External Borders of the Member States of the European Union (Frontex)
and
the International Centre for Migration Policy Development (ICMPD)**

Dear Mr. Zürcher, *dear Gottfried*

I would like to refer to the tasks of Frontex to facilitate and render more effective the application of existing and future Community measures relating to the management of the external borders of the Member States of the EU by promoting operational cooperation between EU Member States when implementing those measures. This includes amongst other the conclusion of working arrangements between Frontex and external partners.

In this regard I take due note of ICMPD's purpose to promote innovative, comprehensive and sustainable migration policies and to function as a service exchange mechanism for governments and organizations. ICMPD's activities in developing and organising training and capacity building programmes, facilitating international and interagency cooperation, as well as supporting the implementation of integrated border management concepts in third countries is of particular relevance in this context.

After consultations between Frontex and ICMPD representatives on closer collaboration between our organisations, a number of areas and modalities of mutually beneficial cooperation have been identified. These, supported by appropriate implementation arrangements of common understanding, could serve as a strong base for our future cooperation.

Based on the past positive project experience where ICMPD and Frontex worked together, I consider it of an utmost importance to increase our cooperation in closer and more systematic ways in matters of common interests through this exchange of letters. To this extent I suggest that the following forms the basis and modalities of our future cooperation:



The Objectives:

- To enhance the cooperation between Frontex and ICMPD with regard to the promotion, development and implementation of integrated border management projects in EU Member States and/or Third Countries.

These objectives are to be achieved:

In general,

- By acting in close collaboration and holding consultations on all matters of common interest and considering the appropriate framework for such consultations;
- By coordinating the activities related to integrated border management of Frontex and ICMPD in an effort to achieve the maximum of synergies and the elimination of unnecessary duplication;
- By either Organisation requesting the cooperation of the other when common interests so dictate, and by the other Organisation endeavouring, in so far as it is possible and in compliance with its legal and financial framework, to respond favourably to such requests for cooperation
- By entering into special arrangements where required for implementing the cooperation with regard to a specific activity or project of the partner Organisation.

In particular,

- By exchanging information and documentation on matters of common interest related to the phenomenon of migration such as human trafficking, migration flows, smuggling of migrants, push factors in third countries and any other information related to border management. However, any exchange of information performed in the implementation of this exchange of letters will not involve personal data;
- By exchanging information and documentation relating to specific projects or programmes, where appropriate and subject to the necessary requirements, with a view to attaining more effective and complementary action. However, such information shall, in general, not include operationally sensitive data, except in duly substantiated cases where both organisations agree on the need to know specific information of this kind in order to fulfill their tasks;
- By deciding, on a case-by-case basis, to cooperate in the implementation of projects that are of common interest. In this regard, special arrangements maybe required in order to define the modalities for the participation of each organisation in such projects and determine the expenses payable by each of them.

Areas for mutual cooperation, subject to the availability of resources:

- Reciprocal technical assistance in their respective operational projects,
- Exchange of expertise and experiences as gained in the respective fields of activities,
- Gathering, analysis and exchange of information on migratory flows



- Identification, development or exchange of best practices in the fight against trafficking and smuggling of human beings as relates to border management
- The development of research relevant for the management of the external borders of the Member States of the EU,
- Identification, development or exchange of best practices in the inspection of travel and identity documents,
- Exchange of experiences in the field of return of illegal immigrants
- Consultations and coordination with regard to operational activities involving third countries when necessary in order to avoid duplication of efforts seeking that their respective activities are complementary,
- Development and/or delivery of training to third countries' border management authorities
- Exchange of experiences in capacity building, development of capabilities and mass migration emergency management
- Reciprocal invitations to meetings and conferences on matters of common interest,
- Any other area of cooperation which is deemed to be of common interest to both Organisations.

Implementation modalities:

- The Executive Director of Frontex and the Director General of ICMPD shall take appropriate measures to ensure effective cooperation and liaison between the two Organisations.
- Designated staff in each of the two Organisations will coordinate the cooperation and act as points of contact for communications. Consultations shall take place to evaluate the cooperation progress and opportunities for improvement.
- In the mutual interest of both organisations, annual meetings between Frontex and ICMPD, aiming at taking stock of areas where cooperation modalities work well and areas where they could be enhanced, shall take place alternatively in Warsaw and in Vienna.

Miscellaneous:

- Both Organisations endeavour to settle any disputes or complaints relating to the interpretation, application or implementation of this exchange of letters amicably by negotiation.
- Nothing expressed in this exchange of letters shall be interpreted as a waiver, expressly or implied, of any privileges or immunities enjoyed by either Frontex or ICMPD.
- Amendment to this exchange of letters may be made by mutual agreement of both Organisations in writing. Either party may withdraw from this exchange of letters by giving six months' written notice to the other party.



I would be grateful if you could confirm your agreement to this letter as a basis for the implementation of our future cooperation. This letter together with your written response shall constitute a mutual understanding between Frontex and ICMPD, effective on the date of your reply.

Yours sincerely

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

Ilkka Laitinen
Executive Director