

Warsaw, 30 June 2008
Our ref: 5984



Mr Brunson McKinley
Director General
International Organization for Migration
17, Route des Morillons
CH-1211 Geneva 19
Switzerland

**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 Organization for Migration (IOM)**

Dear Mr McKinley, *dear Brunson*

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 external borders and ensuring the coordination of Member States' actions in the implementation of those measures. This includes inter alia the conclusions of working arrangements between Frontex and external partners.

In this regard I take due note that IOM, committed to the principle that humane and orderly migration benefits migrants and society, acts to assist in meeting the operational challenges of migration, advance understanding of migration issues, encourage social and economic development through migration, and work towards effective respect of the human dignity and well-being of migrants.

After intensive consultations of representatives of Frontex and IOM a number of areas and modalities of mutually beneficial cooperation have been identified as well as appropriate implementation arrangements which on the basis of a common understanding could serve for our future cooperation.

I consider it of an utmost importance to increase our cooperation in closer and more systematic ways in matters of common interests and desire to enhance and strengthen such cooperation 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 IOM with regard to the exchange of information and expertise, reciprocal assistance and development of best practices in the fields of migration and border management.

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 border management of Frontex and the activities related to migration management of IOM in an effort to achieve the maximum cooperation 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 constitutive instruments and decisions of its competent bodies, to respond favourably to such requests for cooperation in accordance with procedures to be mutually agreed upon; and
- By entering into such supplementary arrangements for the purpose of cooperation and coordination as may be found desirable.

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 control. 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 better complementary action and effective. However, such information shall, in general, not include operationally sensitive data, except in duly substantiated cases where both Organizations agree on the need to know specific information of this kind in order to fulfill their mandate.;
- 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 will define the modalities for the participation of each Organisation in such projects and will determine the expenses payable by each of them; and
- By setting up, whenever considered desirable, commissions, committees or other technical or advisory bodies, on terms and conditions to be mutually agreed upon in each case, to advise them on matters of common interest.

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

- Exchange of information and documentation,
- Reciprocal technical assistance in their respective operational projects,
- Exchange of expertise and experiences as gained in the respective fields of activities,



- Collaboration in the development of research relevant for the management and surveillance of the external borders of the European Union,
- Identification of best practices in the area of improvement and inspection of travel and identity documents,
- Consultations and coordination with regard to operational activities involving non-EU countries when necessary in order to avoid duplication of efforts seeking that their respective activities are complementary,
- Development of training tools and courses, preparation and management of expert meetings,
- 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 IOM shall take appropriate measures to ensure effective cooperation and liaison between the two Organizations.
- 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.

Miscellaneous:

- Both Organizations 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 IOM.
- 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 IOM, effective on the date of your reply.

Yours sincerely

Ilkka Laitinen
Executive Director