

WORKING ARRANGEMENT

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 INTERNATIONAL CRIMINAL POLICE ORGANISATION –
INTERPOL



Preamble

The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (hereinafter referred to as "FRONTEX")

and

the International Criminal Police Organization - INTERPOL (hereinafter referred to as "INTERPOL")

Wishing to coordinate their efforts within the framework of the missions assigned to them;

Recognising that INTERPOL is an intergovernmental organisation responsible for ensuring and promoting the widest possible mutual assistance between all the criminal police authorities within the limits of the laws existing in the different countries and in the spirit of the Universal Declaration of Human Rights, and to establish and develop all institutions likely to contribute effectively to the prevention and suppression of ordinary law crimes;

Recognising that INTERPOL is strictly forbidden to undertake any intervention or activities of a political, military, religious or racial character, pursuant to Article 3 of INTERPOL's Constitution,¹;

Recognising that FRONTEX is a body of the European Community with legal personality, pursuant to Article 15 of the FRONTEX Regulation²;

Recognising that the objectives of FRONTEX are to improve the integrated management of the external borders of the Member States of the European Union, to facilitate the application of existing and future Community measures relating to the management of external borders by ensuring the coordination of Member States' actions, and to provide the Commission and the Member States with the necessary technical support and expertise on the subject matter, pursuant to Article 1 of the FRONTEX Regulation;

¹ Adopted by the General Assembly at its 25th session (Vienna - 1956)

² 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 (JO L 349, 25.11.2004, p. 1.), as last amended.

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Considering Article 41 of INTERPOL's Constitution, authorising INTERPOL to establish relations and collaborate with international organisations and considering the endorsement of INTERPOL's General Assembly³ for strengthening cooperation with regional organisations such as FRONTEX with a view to combating international criminal activities;

Considering that Article 13 of the FRONTEX Regulation authorises cooperation between FRONTEX and international organisations such as INTERPOL;

Considering the Decision of the Management Board of FRONTEX⁴, authorising the Executive Director to negotiate Working Arrangement for the Agency with INTERPOL;

Recognising the need for cooperation between INTERPOL and FRONTEX within their respective mandates in the fields of cross-border crime prevention and detection as well as targeted operational activities, in particular in terms of border security to combat illegal immigration, smuggling of people and trafficking in human beings,

Have agreed on the following:

Article 1

Purpose

The purpose of the present Working Arrangement is to establish a framework for cooperation between the Parties, within their respective areas of competence and subject to their respective rules and regulations, thus facilitating the prevention, detection and suppression of cross-border crime, in particular in terms of border security to combat illegal immigration, smuggling of people and trafficking in human beings.

In particular, INTERPOL and FRONTEX cooperate:

- (a) to provide mutual assistance for intelligence driven joint operations and pilot projects;
- (b) to produce joint intelligence products (reports, threat and risk assessment);
- (c) to organise joint training activities, conferences and seminars;
- (d) to provide mutual assistance in fostering research and development.

The Parties acknowledge that the present Working Arrangement does not provide a framework for any intervention or activities of a political, military, religious or racial character.

³ Resolution AG-2006-RES-07, adopted by the General Assembly at its 75th session (Rio de Janeiro – 2006)

⁴ Decision of the Management Board of FRONTEX of 25 May 2007.

Article 2

Mutual consultation

1. INTERPOL and FRONTEX consult regularly on policy issues and matters of common interest for the purpose of realising their objectives, and coordinating their activities.
2. INTERPOL and FRONTEX exchange information on developments in any of their fields and projects that are of mutual interest and reciprocally take observations concerning such activities into consideration with a view to promoting effective cooperation.
3. When appropriate, consultation may be arranged at the required level between representatives of INTERPOL and FRONTEX to agree upon the most effective way in which to organise particular activities and to optimise the use of their resources in compliance with their respective mandates.

Article 3

Exchange of information

1. INTERPOL and FRONTEX combine their efforts within their respective mandates and regulations to achieve the best use of all available information relevant to combating cross-border crime, in particular information relating to illegal immigration, smuggling of people and trafficking in human beings.
2. Subject to such arrangements as may be necessary for the safeguarding of the security, confidentiality and processing conditions of information exchanged between INTERPOL and FRONTEX in the context of this Working Arrangement, INTERPOL and FRONTEX ensure full and prompt exchange of information, excluding personal data, and documents concerning matters of common interest.

This information includes, but is not limited to, the following:

2.1. "Strategic information":

- a. enforcement actions that might be useful to suppress offences and improve border management at global level and the integrated border management of the Member States of the European Union in particular;
- b. new methods used in committing offences, in particular, those threatening the security of external borders or facilitating illegal immigration;
- c. trends and developments in the methods used to commit cross-border crime;

- d. observations and findings resulting from the successful application of new enforcement aids and techniques;
- e. routes and changes in routes used by smugglers, illegal immigrants or those involved in illicit trafficking offences covered by this Working Arrangement ;
- f. prevention strategies and methods for management to select law enforcement priorities;
- g. threat assessments, risk analysis and crime situation reports.

2.2. "Technical information":

- a. means of strengthening administrative and enforcement structures in the fields covered by this agreement;
- b. methods of training the officials concerned;
- c. criminal intelligence analytical methods;
- d. identification of law enforcement expertise.

3. The provision of information by INTERPOL to FRONTEX is subject to INTERPOL's rules and regulations. The provision of information by FRONTEX to INTERPOL is subject to FRONTEX' rules and regulations.

4. When providing information, each Party ensures that the information is accurate, relevant and kept updated. If an item of information provided by one Party to the other is modified or deleted, the providing Party promptly informs the receiving Party.

5. Information exchanged between INTERPOL and FRONTEX must be used exclusively for the purposes of the present Working Arrangement, with due respect of applicable laws and regulations. The Parties should inform each other for the applicable laws and regulations on the exchange of information.

6. Information received in accordance with the present Working Arrangement may not be provided to third parties without the prior consent of the Party providing the information.

7. Each Party shall ensure that the persons entrusted with the processing of information exchanged within the framework of this Working Arrangement, comply with the conditions set out in the present Working Arrangement.

Article 4

Confidentiality

1. Each Party ensures that confidential information received on the basis of this Working Arrangement is subject to applicable confidentiality and security standards.
2. Each Party ensures that information received from the other Party, within its organisation, receives a level of protection which is equivalent to the level of protection offered by the measures applied to that information by the providing Party. In order to ensure the implementation of this provision, the Parties establish a table of equivalence between their respective confidentiality and security standards, to be laid down in an exchange of letters between the Executive Director of FRONTEX and the Secretary General of INTERPOL.
3. The providing Party is responsible for the choice of the appropriate confidentiality level for information and may, at any time, modify the level of confidentiality that it has attributed to that information. The receiving Party may attribute a confidentiality level which is higher than that attributed by the providing Party and may modify that higher confidentiality level at any time.
4. The exchange of information subject to the confidentiality and security standards referred to in the first paragraph may not begin until the rules establishing these standards have entered into force for both Parties and the exchange of letters referred to in the second paragraph has been concluded.

Article 5

Technical /operational cooperation, training and research

1. INTERPOL and FRONTEX, in the interest of their respective activities, seek each other's technical and operational expertise to optimise the effects of such activities, in particular in the field of joint operations and joint products.
2. INTERPOL and FRONTEX cooperate in the development of training, technical assistance programmes, conferences and research relevant for the control and surveillance of external borders.
3. Joint activities to be conducted under this Working Arrangement must be subject to the approval of individual project documents by both parties and to be monitored under an agreed mechanism whenever deemed necessary.
4. INTERPOL and FRONTEX cooperate in evaluating such programmes, projects and activities of common interest, subject to mutual agreement on a case-by-case basis.

Article 6

Reciprocal representation

Arrangements may be made for reciprocal representation at INTERPOL and FRONTEX meetings which are convened under their respective auspices and which consider matters in which the other Party has an interest or technical competence.

INTERPOL and FRONTEX each designate a person to act as a contact point with a view to ensuring the implementation of the present Working Arrangement.

Article 7

Personnel arrangements

Subject to their relevant internal regulations, INTERPOL and FRONTEX may examine the possibility of organising the exchange of personnel on a temporary basis. Both Parties will enter into special arrangements, if necessary, for that purpose.

Article 8

Expenses

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

Article 9

Entry into force, amendments, and duration

The present Working Arrangement enters into force at the latest 60 days after it is signed by the Secretary General of INTERPOL and Executive Director of FRONTEX, subject to the approval of INTERPOL's General Assembly.

The present Working Arrangement may be amended by mutual consent expressed in writing. It may also be revoked by either Party by giving six months notice to the other Party.



In witness whereof, the Secretary General of the International Criminal Police Organization INTERPOL and the Executive Director of FRONTEX have signed the present Working Arrangement in two original copies, in English, on the dates appearing under their respective signatures.

Signed on 27 May 2009

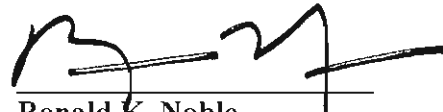
European Agency for the Management of
Operational Cooperation at the External
Borders of the Member States of the
European Union – Frontex



Ilkka Laitinen
Executive Director

Signed on 27 May 2009

For the International Criminal
Police Organization (ICPO-INTERPOL)



Ronald K. Noble
Secretary General