

Working Arrangement Establishing Cooperation Between
The European Agency for the Management of Operational
Cooperation at the External Borders of the Member States of the
European Union and the Canada Border Services Agency

The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) and the Canada Border Services Agency (CBSA), hereinafter referred to as the “Participants”,

HAVING REGARD to the Frontex Regulation (Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing the 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), and in particular Article 14 thereof,

DESIRING to promote the development of broad cooperation on operational and technical border security/management matters, between Frontex and all relevant Canadian authorities,

REFERRING to the objectives and tasks of Frontex, according to which the responsibility for the control and surveillance of external borders lies with the EU Member States and the Schengen Associated Countries,

HAVE REACHED the following understanding:

1. PRINCIPLES

The Participants intend to develop their cooperation gradually and will work towards a sustainable partnership.

2. OBJECTIVES

The Participants intend to:

- (i) Cooperate, within their competences, on countering illegal/irregular migration, related cross-border crime and international threats, and contribute to the strengthening of border security/management;
- (ii) Develop good relations and mutual trust, and promote future additional communication and cooperation among authorities involved in border security/management activities in Canada, in the EU Member States and Frontex.

3. ORGANISATION

- (a) The Participants intend to establish and maintain a structured dialogue on border security/management cooperation through the Executive Director of Frontex and the President of CBSA.
- (b) The Participants intend to designate Contact Points for the administration and implementation of this Working Arrangement. The Participants may designate additional contacts for specific activities.
- (c) The Participants intend to consult on opportunities to invite other relevant authorities to participate in cooperative activities.
- (d) When necessary, the Participants may establish expert working groups with a view to considering specific issues and elaborating corresponding recommendations.

4. CONTENTS

The Participants intend to carry out cooperative activities in the following areas of border security/management:

- (i) Sharing of experiences and best practices on integrated border security/management;
- (ii) The exchange of relevant information, (including but not limited to reports, data, analysis on incidents, trends, patterns, threats, enforcement actions, observations and findings resulting from the successful application of such actions, migration routes, mass migration planning and prevention strategies) where appropriate and permitted by the relevant legal framework applicable to each Participant. This Working Arrangement does not authorise nor require the transmission of personal information or data, as defined under the relevant legal framework applicable to each Participant, related to an identified individual or identifiable individuals;
- (iii) Collaboration on joint reports regarding the smuggling of people trafficking in human beings and related cross border crime;
- (iv) Training (including but not limited to the exchange of trainers, participation in seminars, courses, and visits of experts and border control authorities);
- (v) Consultative visits, research, and professional exchanges, which may include the assignment of liaison officers as appropriate and pursuant to a specific liaison officer arrangement;

- (vi) Participation in joint operations (including, but not limited to, removals or returns, airport operations, and maritime operations), where appropriate and permitted by the relevant legal framework applicable to each Participant;
- (vii) Collaboration on existing technologies and on Research and Development issues (including but not limited to capability studies, actual projects, testing and evaluation, mobile biometric data collection and the development of land and sea border surveillance systems);
- (viii) Cooperation on capacity building with third countries where appropriate and permitted by the relevant legal framework applicable to each Participant;
- (ix) Improvement of the operational interoperability among competent authorities of EU Member States and CBSA involved in border security/management activities.

5. COSTS

The Participants intend to bear their own costs and use their own equipment and personnel resources in participating in the activities provided for in paragraph 4 of this Working Arrangement, unless otherwise decided on a case-by-case basis, in accordance with the applicable legal framework.

6. STATUS

- (a) This Working Arrangement does not create binding obligations under international law. It is not intended to create or confer any right, privilege, or benefit on any person or party, private or public.
- (b) The Participants intend to carry out all activities under this Working Arrangement in accordance with the applicable framework.
- (c) This Working Arrangement will not prevent either Participant from cooperating or granting assistance in accordance with the applicable legal framework.

7. ENTRY INTO EFFECT, AMENDMENT and TERMINATION

- (a) This Working Arrangement should take effect on the day following the date of its signature by the Participants.
- (b) The Participants may amend this Working Arrangement upon their mutual written consent.

(c) Either Participant may terminate this Working Arrangement at any time by giving 90 days written notice to the other Participant.

Signed in duplicate at Warsaw.....on this.....21st.....day of October, 2010, in the English and French languages, each version being equally valid.

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

For the Canada Border Services Agency

Ilkka Laitinen
Executive Director



Stephen Rigby
President


