

Working Arrangement
on
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
Ministry of Internal Affairs of Kosovo*

Having regard to the Frontex Regulation ¹, and in particular Article 14 thereof,

Referring to the decision of the Management Board of Frontex of 10 September 2015 authorising Frontex Executive Director to negotiate a Working Arrangement with the authorities of Kosovo competent in matters covered by the objectives and tasks of Frontex in accordance with the Frontex Regulation,

Taking into account their common will to promote the development of broad operational cooperation, Frontex and the Ministry of Internal Affairs of Kosovo (hereinafter Ministry of Internal Affairs) the latter coordinating other national authorities competent in matters related to the objectives and tasks which are covered in this Working Arrangement, agree

On establishing operational cooperation based on the following basic principles, objectives, organisation and content:

1. BASIC PRINCIPLES

(i) Frontex and the Ministry of Internal Affairs aim to promote the improvement of the operational interoperability between the competent authorities of the EU Member States and Kosovo involved in border management activities.

(ii) Frontex and the Ministry of Internal Affairs emphasize that the intended cooperation shall be developed gradually. The aim is to work towards a sustainable partnership.

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.

*This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ opinion on the Kosovo declaration.

(iii) In the implementation of the intended cooperation, Frontex and the Ministry of Internal Affairs afford full respect for human rights, enshrined in international laws and principles, in particular they shall ensure that the rights of persons in need of international protection and other vulnerable groups are respected during all joint activities.

2. OBJECTIVES

(i) To counter irregular migration and cross-border crime by means of border control, including joint risk analysis.

(ii) To promote good relations and mutual trust among competent authorities of the EU Member States and Kosovo in border management activities.

(iii) To facilitate the implementation of technical assistance projects launched by Frontex pursuant to Article 14(5) of the Frontex Regulation.

(iv) To contribute to the exchange of best practices in the field of border management.

3. CONTENTS

(i) Frontex and the Ministry of Internal Affairs intend to regularly share information and analytical products in order to improve common situational awareness and joint risk analysis in the area of border management. That sharing is based on the principle of reciprocity and in conformity with the applicable legal framework.

(ii) The information shared may include the following areas:

a. Information that may be useful to improve border management of Kosovo and the Member States of the European Union;

b. Periodical statistics related to border management, irregular migration and cross-border criminality;

c. New challenges in the area of border security and in the fight against irregular migration and cross border criminality;

d. Evolution of the migratory routes and other information related to the fight against cross-border criminality;

e. Prevention strategies and management methods to define border security priorities and improve the inter-service coordination;

f. Threat assessments, risk analyses and situation reports.

(iii) Frontex and the competent authorities of Kosovo may explore possibilities of increased engagement in the field of risk analysis, in particular with regards to cross-border criminality.

(iv) The exchange of classified information or intelligence, is object of a separate security arrangement/agreement to be adopted by Frontex and the Ministry of Internal Affairs of Kosovo.

(v) Participation of the competent authorities of Kosovo, through appointing experts in the field of risk analysis, in the meetings of the mutually agreed relevant regional Risk Analysis Network coordinated by Frontex, in accordance with their respective legislation.

(vi) Frontex may provide to the Ministry of Internal Affairs in accordance with its legal framework, other relevant analytical products, such as certain reports from the Frontex Situation Centre (FSC).

(vii) Frontex and Kosovo may establish cooperation related to the development of capacity building activities aimed at enhancing and supporting integrated border management, particularly in the fields of training and risk analysis as well as activities in the field of research and development related to the border management, which should be decided upon mutual agreement between Frontex and the Kosovo authorities and/or the agreement of the participating Member States.

(viii) Frontex, in cooperation with the competent authorities of Kosovo and with the relevant authorities of the EU Member States may develop joint projects, including those with possible EU financial support, in order to enhance border management capacities of Kosovo.

(ix) Frontex may invite representatives of the competent authorities of Kosovo to participate in joint operations as observers upon mutual agreement. Participation in joint operations may take place only upon agreement of the host EU Member State.

(x) Frontex and the competent authorities of Kosovo may explore possibilities to develop cooperation in the field of Frontex coordinated (joint) return activities in accordance with their respective legislation as well as promote the active facilitation and participation of the competent authorities of Kosovo in such activities.

(xi) Mutual invitations and exchanging information on meetings and conferences on matters of common interest.

4. ORGANISATION

(i) Frontex and the Ministry of Internal Affairs intend to establish and maintain a structured dialogue on the implementation of the present Working Arrangement between the Executive Director of Frontex and the Director of the Border Department within the Kosovo Police.

(ii) Frontex and the Ministry of Internal Affairs are to designate contact points from the competent authorities to deal with the specific areas of cooperation referred to above.

5. FINANCIAL ASPECTS

The participation of the competent authorities of Kosovo in activities coordinated by Frontex may be financed by Frontex in line with the regulatory framework in place.

6. LEGAL STATUS

The present Working Arrangement shall not be considered as an international treaty. The practical implementation of its contents shall not be regarded as the fulfilment of international obligations by the European Union and its institutions or by Kosovo.

7. CONFIDENTIALITY OF INFORMATION AND PROTECTION OF PERSONAL DATA

(i) Frontex and the Ministry of Internal Affairs shall take all necessary measures to ensure adequate confidentiality of the information received under the present Working Arrangement. They shall use this information only for the exercise of their responsibilities related to the border

management as defined by the present Working Arrangement. They agree to take all necessary measures either to prevent or to end any situation of conflict of interest that may compromise the impartial and objective performance while collecting, processing or sharing information received under the present Working Arrangement.

(ii) The exchange of personal data, if required for the implementation of this Working Arrangement, will be object of a specific arrangement/agreement to be adopted by Frontex and the Ministry of Internal Affairs of Kosovo.

8. COMING INTO EFFECT, AMENDMENTS AND TERMINATION

(i) The present Working Arrangement shall come into effect on the day following its signature.

(ii) Frontex and the Ministry of Internal Affairs may amend the present Working Arrangement based on their mutual consent.

(iii) In case of disagreement on the interpretation and implementation of this Working Arrangement, Frontex and the Ministry of Internal Affairs shall meet and undertake genuine and good faith negotiations with a view to resolving the dispute or difference. In the meantime the implementation of the article/articles subject to disagreement will be suspended.

(iv) The present Working Arrangement shall continue to be in effect unless terminated upon written notification of 90 days minimum notice either by Frontex or by the Ministry of Internal Affairs.

Done in Warsaw, on 25 of May 2016 in two original copies, in Albanian, English and Serbian languages, all texts being equally authentic. In case of disagreement on the interpretation of the provisions of the present 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**

(signed)

**Fabrice Leggeri
Executive Director**

**For the Ministry of Internal Affairs
of Kosovo**

(signed)

**Skender Hyseni
Minister of Internal Affairs**