

Working Arrangement
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 Police Directorate of Montenegro

Having regard to the Frontex Regulation¹, and in particular Article 14 thereof,

Referring to the decision of the Management Board of Frontex of 12 June 2008 to negotiate a Working Arrangement with the authorities of Montenegro competent in matters covered by the objectives and tasks of Frontex in accordance with the Frontex Regulation,

Based on their ambition to promote the development of broad operational cooperation,

Taking into account that Montenegro is participating in the Stabilisation and Association Process,

Frontex and the Police Directorate of Montenegro, representing the interests of the relevant authorities of Montenegro agree,

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

1. PRINCIPLES

Frontex and the Police Directorate of Montenegro emphasise that the intended cooperation shall be developed gradually. The aim is to work towards a sustainable partnership.

2. OBJECTIVES

To counter illegal/irregular migration and related cross-border crime by means of border control as well as strengthen security at the borders between EU Member States² and Montenegro.

To develop good relations and mutual trust among competent authorities of the EU Member States and Montenegro involved in border security management activities.

To facilitate measures taken by Frontex and the competent authorities of Montenegro in their joint efforts to fulfill their respective objectives and tasks.

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.

² The term "EU Member States" includes also the Schengen Associated Countries.

3. ORGANISATION

Frontex and the Police Directorate of Montenegro intend to establish and maintain structured dialogue on the operational cooperation between the Executive Director of Frontex and the Head of the Directorate for State Border and Border Affairs of the Police Directorate of Montenegro.

Frontex and the Police Directorate of Montenegro are to designate Contacts Points for the implementation of this Working Arrangement.

When necessary, expert working groups may be established with a view to considering specific issues and elaborating corresponding recommendations.

4. CONTENTS

Within the meaning of the Article 4 of the Frontex Regulation, Frontex and the Police Directorate of Montenegro intend to exchange information between the Frontex Risk Analysis Unit and the Directorate for State Border and Border Affairs of the Police Directorate of Montenegro. Restrictions to the exchange of information are to be justified by legal or operational reasons only.

The Directorate for State Border and Border Affairs of the Police Directorate of Montenegro appoints a National Contact in the field of risk analysis to participate as an observer in relevant sessions of the meetings of the Frontex Risk Analysis Network (FRAN).

Frontex may provide the Directorate for State Border and Border Affairs of the Police Directorate of Montenegro with relevant analytical products. The access to Frontex tailored Risk Analyses or other Risk Analyses information will be decided on a case-by-case basis by the Executive Director of Frontex.

Within the meaning of the Article 5 of the Frontex Regulation, cooperation in the field of training may take place on a case-by-case basis upon decision of the Executive Director of Frontex.

Technical cooperation in the field of research and development, within the meaning of the Article 6 of the Frontex Regulation, may take place on a case-by-case basis upon decision of the Executive Director of Frontex.

Frontex may invite representatives of the Directorate for State Border and Border Affairs of the Police Directorate of Montenegro to participate in Joint Operations as observers on a case-by-case basis upon decision of the Executive Director of Frontex. Participation in joint operations may take place only upon agreement of the hosting EU Member State.

Subject to the agreement of the hosting EU Member State, Frontex coordinated joint operations at applicable borders between EU Member States and Montenegro should be conducted in close cooperation and with participation of the Directorate for State Border and Border Affairs of the Police Directorate of Montenegro. Restrictions to this coordination are to be justified by legal or operational reasons only.

The Directorate for State Border and Border Affairs of the Police Directorate of Montenegro may second national Border Police Officers to Focal Point Offices located at the external borders of the EU Member States on the basis of a proposal by Frontex and upon agreement of the hosting Member State.

Frontex and the Directorate for State Border and Border Affairs of the Police Directorate of Montenegro may explore possibilities to develop cooperation in the field of joint return operations as well as to promote the active participation of the Directorate for State Border and Border Affairs of the Police Directorate of Montenegro in Frontex coordinated joint return operations on a case-by-case basis as decided by the Executive Director of Frontex and upon agreement of the organising EU Member States.

The Directorate for State Border and Border Affairs of the Police Directorate of Montenegro may be invited to participate in Pilot Projects launched by Frontex on a case-by-case basis and upon decision of the Executive Director of Frontex.

Frontex and the Directorate for State Border and Border Affairs of the Police Directorate of Montenegro promote improvement of the operational interoperability between competent authorities of the EU Member States and Montenegro involved in border security management activities.

5. AMENDMENTS

Frontex and the Police Directorate of Montenegro may amend the present Working Arrangement based on their mutual consent.

6. FINANCIAL ASPECTS

The participation of the relevant authorities of Montenegro in Frontex coordinated activities may be financed by Frontex under the terms and conditions applied by Frontex. Details of such terms and conditions must be agreed separately on a case-by-case basis.

7. LEGAL STATUS

The present Working Arrangement shall not be considered as an international treaty. Practical implementation of its contents shall not be regarded as fulfillment of international obligations by the European Community and its institutions.

Done in Warsaw on the 18 June 2009 in two original copies in English and Montenegrin languages, both 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 Frontex

For the Police Directorate of Montenegro

[signed]

[signed]

Ilkka Laitinen
Executive Director

Veselin Veljovic
Director