

**Working Arrangement**  
**on operational cooperation**  
**between**  
**the European Border and Coast Guard Agency (Frontex)**  
**and**  
**the Ministry of Internal Affairs of Georgia (MIA)**

Given the European Border and Coast Guard Regulation (hereinafter referred to as the “Regulation”)<sup>1</sup>, in particular Article 73(1) thereof,

Given the prior approval of the European Commission on 22 June 2020 and the information of the European Parliament on 9 November 2020,

Given the decision of the Management Board of the European Border and Coast Guard Agency (hereinafter “Frontex”) of 5 October 2020<sup>2</sup>,

Given that the European Border and Coast Guard Agency (Frontex) and the Ministry of Internal Affairs of Georgia (hereinafter “MIA”) have operationally cooperated over the last ten years,

The European Border and Coast Guard Agency (Frontex)

and

The MIA, representing the interests of the relevant authorities of Georgia,

hereinafter referred to as the “Sides”,

agree to continue operational cooperation on the following basis:

**1. SCOPE**

- (i) The Sides intend to further improve the operational cooperation between them in border management, countering of illegal migration and return activities in order to achieve the common objectives in conformity with the applicable national and international legal framework.
- (ii) In the implementation of the intended cooperation, the Sides should afford full respect for fundamental rights, enshrined in applicable international and regional laws and principles; they should in particular ensure that the rights of all persons, especially of those in need of international protection, unaccompanied minors and other vulnerable persons, are respected during all joint activities.
- (iii) The cooperation between the Sides is carried out in accordance with the mandate of Frontex and the EU acquis and in compliance with the legislation of Georgia, within the framework of the EU external action policy.

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<sup>1</sup> Regulation (EU) 2019/1896 of 13 November 2019 on the European Border and Coast Guard (OJ L 295, 14.11.2019, p. 1).

<sup>2</sup> Management Board Decision 28/2020 of 5 October 2020 on the approval of the Working Arrangement between the European Border and Coast Guard Agency and the Ministry of Internal Affairs of Georgia.

## 2. PURPOSE

The Sides intend:

- (i) to counter illegal migration and cross-border crime, by means of intelligence-led border control<sup>2</sup>, and to cooperate in the area of return;
- (ii) to facilitate the implementation of technical assistance projects launched by Frontex pursuant to the Regulation in coordination and complementarity with other actions supported by the European Union;
- (iii) to exchange information and best practices in the field of border management, including return, also through joint risk analysis.

## 3. NATURE

- (i) The Sides intend to regularly share information and analytical products within the Eastern Partnership Risk Analysis Network (hereafter: EaP-RAN) in order to improve common situational awareness and joint risk analysis in the area of border management, including return.
- (ii) The information shared may concern, but is not limited to, the following areas:
  - a. information that may be useful to improve border management, including on the return system, of Georgia, Member States of the European Union and Schengen Associated Countries;
  - b. periodical statistics and other situation monitoring products in the context of the EaP-RAN, including operational media monitoring products and services, all of them related to border management, illegal migration and cross-border crime;
  - c. new challenges in the area of border security, the fight against illegal migration, cross-border crime, and terrorism, as well as related *modi operandi*;
  - d. evolution of the migratory routes and other information related to the fight against cross-border crime and to the return of third-country nationals residing without authorisation;
  - 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) The Sides may explore the possibility of increased cooperation in the field of situational monitoring and risk analysis, in particular with regard to cross-border crime.
- (iv) This Working Arrangement does not cover exchange of classified information between the MIA and Frontex.
- (v) After obtaining consent of Frontex, MIA, by appointing experts in the field of risk analysis, may participate in the meetings of the relevant regional Risk Analysis Network coordinated by Frontex.
- (vi) Frontex may, in accordance with its legal framework, provide the MIA, with other relevant analytical and situation monitoring products and services.
- (vii) The Sides 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, return and risk analysis as well as research and innovation related to border management; such cooperation would require agreement between the MIA and Frontex as well as agreement of the participating Member States of the European Union and/or Schengen Associated Countries. The Sides may cooperate in the development of training materials, exchange training strategies and methodologies as well as identifying training opportunities including e-learning tools. The Sides will also explore the possibility of organising joint training activities.

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<sup>2</sup> The term “border control”, as defined by the Regulation (EU) 2016/399 of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 77, 23.3.2016, p. 1), is equivalent to the term “border protection” in the understanding of the Georgian legislation.

- (viii) Frontex may invite observers from the competent authorities of Georgia to participate as experts in its activities pursuant to Article 78(2) of the Regulation.
- (ix) Members of the European Border and Coast Guard teams and Frontex' staff may be deployed as EU experts (observers) without executive powers to Frontex operations on the territory of Georgia, as defined in specific Operational Plans.
- (x) Cooperation may also include technical assistance activities with possible European Union financial support, in order to enhance border management capacities or the capacity for return of nationals of Georgia residing without authorisation in the territory of a Member State of the European Union and/or Schengen Associated Countries; the cooperation should be consistent with and carried out in coordination with other EU funding sources.
- (xi) The Sides may invite each other to, and exchange information about, meetings and conferences in matters of common interest.
- (xii) Frontex may deploy experts as liaison officers to Georgia and may receive liaison officers from Georgia, in accordance with respective legal frameworks of the Sides.

#### **4. ORGANISATION**

- (i) The Sides intend to maintain a dialogue on the implementation of this Working Arrangement.
- (ii) The Sides may designate contact points for each specific area of cooperation referred to above.
- (iii) The Sides intend to appoint contact points at the latest one month after the signature of this Working Arrangement and to exchange their contact details. They intend to communicate any changes in the contact points in written form without delay.

#### **5. FINANCIAL ASPECTS**

The participation of the MIA and other competent authorities of Georgia in activities coordinated by Frontex may be financed under the terms and conditions applied by Frontex, agreed separately and on a case-by-case basis.

#### **6. LEGAL STATUS**

This Working Arrangement does not constitute a legally binding international agreement. Its practical implementation is not regarded as the fulfilment of international obligations by the European Union and its institutions or by Georgia.

#### **7. CONFIDENTIALITY OF INFORMATION, TRANSPARENCY AND PROTECTION OF PERSONAL DATA**

- (i) The Sides intend to take all necessary measures to ensure adequate confidentiality of the information received under this Working Arrangement. Without prejudice to the European Union legal framework on transparency regarding the activities pursued by Frontex, and in particular on the right of access to documents, the Sides should use this information only for the exercise of their responsibilities related to the border management .
- (ii) The Sides should comply with their respective legal frameworks on data protection. Personal data of administrative nature (e.g. name, surname, rank, and picture) may be exchanged between the Sides. The Sides intend not to make further usage of the personal data transferred by the Sides for purposes beyond the implementation of this Working Arrangement.
- (iii) Onward transmission of any information received takes place in accordance with each of the Sides' legal framework and under the same conditions as those applying to the original transmission and requires the other Side's prior approval

- (iv) Should one of the Sides (holder), under their rules concerning public access to documents, receive a request to disclose documents originating from the other Side, the holder should consult the originating Side before their release, unless it is clear that the document shall be disclosed.

## **8. AMENDMENTS**

The Sides may agree to amend this Working Arrangement in writing.

## **9. SETTLEMENT OF DISPUTES**

Any dispute arising out of the interpretation or implementation of this Working Arrangement will be settled by consultation and/or negotiation.

## **10. START OF COOPERATION**

- (i) The Sides intend to apply this Working Arrangement when both of them have signed it. This Working Arrangement replaces the “Working Arrangement on the establishment of Operational Cooperation between the Ministry of Internal Affairs of Georgia and the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex)” signed on 4 December 2008.

Signed on 11 February 2021 in two originals, each in Georgian and in English language. The consultations between the Sides were conducted in the English language.

**For the  
European Border and Coast Guard Agency  
(Frontex)**

*[signed]*

**Fabrice Leggeri  
Executive Director**

**For the  
Ministry of Internal Affairs  
of Georgia (MIA)**

*[signed]*

**Vakhtang Gomelauri  
Minister of Internal Affairs**