



**WORKING ARRANGEMENT
BETWEEN**

**THE EUROPEAN AGENCY FOR THE MANAGEMENT OF OPERATIONAL
COOPERATION AT THE EXTERNAL BORDERS OF THE MEMBER STATES OF
THE EUROPEAN UNION**

AND

**THE EUROPEAN AGENCY FOR THE OPERATIONAL MANAGEMENT OF
LARGE-SCALE IT SYSTEMS IN THE AREA OF FREEDOM, SECURITY AND
JUSTICE**

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") represented for the purposes of signature of this Working Arrangement by its Executive Director Ilkka Laitinen,

and

The European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (hereinafter referred to as "eu-LISA") represented for the purposes of signature of this Working Arrangement by its Executive Director Krum Garkov,

(hereinafter collectively referred to as "the Parties", or individually as the "Party")

Having regard to Frontex Regulation¹ in particular Article 13 thereof,

Having regard to the eu-LISA Regulation² in particular Article 17 read together with Recital 21 thereof,

Whereas:

(1) The Stockholm Programme stresses the need for coherence and improved coordination among the EU JHA agencies, which have already established a multilateral cooperation framework.

(2) Frontex and eu-LISA common objective is achieving a high level of skills and common training standards for border guards and other law enforcement officials performing border control tasks in particular when making use of large-scale IT systems such as the SIS II, VIS or Eurodac.

(3) Frontex and eu-LISA also share the objective that the development and operation of additional large-scale IT systems to be used for border control purposes and the processing of travellers at the EU external borders takes into account the specific and combined business and IT expertise of both agencies.

¹ Council Regulation (EC) No 2007/2004 of 26 October 2004, OJ L 349, 25.11.2004, establishing a European Agency for the Management of the 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 Regulation (EU) No 1077/2011 of the European Parliament and of the Council of 25 October 2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and, OJ L 286, 1.11.2011.

(4) Frontex and eu-LISA are also mandated to monitor and contribute to relevant research initiatives and actions with a particular focus on ICT technologies used in connection with border checks.

(5) Frontex and eu-LISA complementary expertise and best practices in their respective fields of competence could provide added value to each party when implementing their own projects or services or reviewing existing ones which may lead to joint projects or services.

(6) eu-LISA can provide statistical and anonymous data outputs from the management of the large-scale IT systems to Frontex enriching its external borders situational and risk analysis which in return can support eu-LISA in further developing or tailoring these services to Frontex and to the wider border management community.

(7) It is within the common interest of the Parties to establish a Working Arrangement in the areas of mutual interest identified below,

Have agreed as follows:

Article 1

Purpose

The purpose of this Working Arrangement is to establish a cooperation framework between Frontex and eu-LISA identifying the areas of cooperation based on common interest and setting the objectives and principles of such cooperation.

Article 2

Areas of cooperation

The Parties cooperate by exchanging expertise and best practices developed in the implementation of their respective mandates, in particular in the following areas:

- a. Consultation and coordination of programming activities;
- b. Training;
- c. Exchange of information and analysis;
- d. ICT related projects and services;
- e. Research and development activities;
- f. Administrative matters.

Article 3

Consultation and coordination of programming of activities

1. The Parties agree to consult each other and where relevant to coordinate when preparing their work programmes and planning their activities in the areas of cooperation identified in this working arrangement.
2. Each Party may, where appropriate, invite the other Party to participate in any of its programming activities to ensure consultation and coordination of their respective activities.

Article 4

Training

1. The Parties agree to cooperate in the development of training materials and the delivery of trainings including e-learning tools and training management.
2. The Parties commit to exchange training strategies, methodologies and plans on a regular basis as well as to share relevant training materials of common interest.
3. The Parties will explore the possibilities of mutual participation in training programmes and launching of joint training activities.
4. The parties may also exchange information on trainers and experts involved in their training activities relevant to the purpose of this Working Arrangement.
5. The Parties will explore the possibilities for using each other's facilities and logistical support for training activities.
6. The contribution of one Party to the training materials or activities of the other one will be duly acknowledged.

Article 5

Exchange of information and analysis

1. The Parties agree to exchange information collected and processed when fulfilling their tasks in accordance with the relevant provisions of their founding Regulations only for the purpose of mutually supporting each other in the implementation of their respective mandates.

2. The Parties agree to assess the feasibility and develop the necessary services and tools for mutually exchanging statistical and non personalised information from the large scale IT systems as well as risk analysis and situational awareness of the EU external borders.
3. The Parties agree to cooperate in the development of common approaches and best practices to information management and exchange taking into account the EU Information Management Strategy.

Article 6

ICT related projects and services

1. The Parties agree to cooperate in the development, implementation and maintenance of ICT related projects, services and systems.
2. This cooperation aims at:
 - a. Large scale IT systems supporting the exchange of information between Member States National Border Control and Migration Management Services,
 - b. Other Parties' ICT related projects, services and systems which may include:
 - Development and/or maintenance of new or existing ICT Systems (Infrastructure) or Applications,
 - Business Continuity Services,
 - IT Monitoring Services.
3. The modalities for this cooperation may include inter alia:
 - a. Offering available capabilities including ICT infrastructure including test environment,
 - b. Providing services or overall advice and expertise from the business and ICT perspective.
4. The implementation of this article must take into account each Party's own priorities and resource limitations. This is without prejudice to the possibility of both Agencies to conclude Service Level Agreements for the development and/or maintenance of specific ICT projects or services.

Article 7

Research and development activities

1. The Parties agree to cooperate in monitoring and contributing to relevant research initiatives and actions with a particular focus on technologies and solutions relevant to the mandate of the Agencies.

2. The modalities for this cooperation may include inter alia:
 - a. Combining their respective business and ICT expertise in the assessment of solutions for the future,
 - b. Identifying and promoting the use of common technical and operational standards for the existing and future large-scale IT systems,
 - c. Sharing each other's findings from different studies in fields of common interest.

Article 8

Administrative matters

The Parties agree to cooperate in administrative matters sharing experience, expertise and best practices in particular in the following fields:

- a. Human resources management;
- b. Drafting of technical specifications for procurements of goods and services;
- c. Management of agency premises;
- d. Liaison officers posted to Brussels;
- e. Inter-agency job market;
- f. Internal Audit Services.

Article 9

Data protection and access to documents

1. Any personal data related to the implementation of this Working Arrangement shall be processed pursuant to Regulation (EC) No 45/2001.

2. Access to documents will be processed in accordance with Regulation (EC) 1049/2001³.

³ Regulation (EC) 1049/2001³ of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.

Article 10
Confidentiality and Security

1. Each Party undertakes to keep confidential any information, document or other material provided by the other Party, not to disclose it to third parties without a prior written consent of that Party and not to use any such information for any purpose other than the implementation of this Working Arrangement.
2. Each Party shall ensure that information, including EU classified information (EUCI), provided or exchanged under this Working Arrangement is protected according to their respective security rules, which are both based on the security rules and principles as set out in Commission Decision 2001/844⁴ and the security principles relating to the processing of non-classified sensitive information as adopted and implemented by the Commission without prejudice to the role of their respective Management Boards to put these security principles in practice.
3. Both parties also agree to cooperate in the field of security in particular as regards measures necessary for the protection of EUCI or other sensitive information by means of consultation, mutual support or exchange of best practices.

Article 11
Cooperation Plan

1. This Working Arrangement will be complemented by an annual cooperation plan defining concrete cooperation activities identifying the Parties' responsible actors and timelines.
2. This cooperation plan will be subject to regular update and will be the basis for the evaluation of the implementation of the Working Arrangement.
3. Both parties will keep their respective Management Boards informed of the annual cooperation plans.

⁴ 2001/844/EC, ECSC, Euratom, Commission Decision of 29 November 2001 amending its internal Rules of Procedure.

Article 12
Expenses

1. The Parties shall bear their own expenses which might arise in the course of implementation of the present Working Arrangement unless otherwise agreed on a case-by-case basis.
2. This is without prejudice to the possibility to conclude a Service Level Agreement as laid down in Article 6.

Article 13
Contact points

1. For the implementation of this Working Arrangement the contact point of Frontex is the Senior External Relations Officer head of the EU International Organizations team.
2. For the implementation of this Working Arrangement, the contact point of eu-LISA is the Head of the General Coordination Unit.

Article 14
Evaluation of the cooperation and settlement of disputes

1. The Parties will meet at least once a year to evaluate the overall cooperation between them and to define the activities of the cooperation plan.
2. All disputes which may emerge in connection with the interpretation or application of the present Working Arrangement shall be settled by means of consultations and negotiations between representatives of the Parties.

Article 15
Amendments and supplements to the Working Arrangement

1. This Working Arrangement may be amended and supplemented at any time by mutual consent between the Parties.
2. The Parties shall enter into consultations with respect to possible amendments of this Working Arrangement at the request of either of them.

3. All the amendments and supplements shall be done in writing. They will enter into force on the date which they are signed by the last Party.
4. Both parties will keep their respective Management Boards informed of the changes to this Working Arrangement.

Article 16
Termination

This Working Arrangement may be terminated in writing by each Party by giving three months' notice.

Article 17
Entry into force

This Working Arrangement enters into force on the day following its signature by both Parties.

Done at Warsaw, this 31st day of January two thousand and fourteen, in duplicate copy in the English language.

For Frontex,
The Executive Director,

For eu-LISA,
The Executive Director,

Ilkka LAITINEN

Krum GARKOV