

Working Arrangement Establishing Operational Cooperation between the European Border and Coast Guard Agency and the Home Office of the United Kingdom of Great Britain and Northern Ireland

The European Border and Coast Guard Agency - Frontex (hereinafter “the Agency”), established by Regulation (EU) 2019/1896 of the European Parliament and of the Council on the European Border and Coast Guard¹ (hereinafter “the Regulation”), represented by its Executive Director, Mr. Hans Leijten,

and the Home Office, representing the relevant authorities² of the United Kingdom of Great Britain and Northern Ireland (hereinafter the “relevant authorities of the United Kingdom”), represented by its Director General of Border Force, Mr. Phil Douglas,

hereinafter referred to individually as a “Side” or collectively as the “Sides”,

noting that cooperation between the Sides under this working arrangement is without prejudice to the rights of the European Union Member States³ as set out in the Regulation,

noting the Commission Implementing Decision (EU) 2021/1772 (“the Decision”), recognising that the United Kingdom ensures an adequate level of protection for personal data transferred within the scope of Regulation (EU) 2016/679 and of Regulation (EU) 2018/1725, from the European Union to the United Kingdom, and further noting that the Decision does not apply to personal data transferred for purposes of United Kingdom immigration control or that otherwise falls within the scope of the exemption from certain data subject rights for purposes of the maintenance of effective immigration control,

noting Schedule 21 to the Data Protection Act 2018, as inserted by the United Kingdom Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019, recognising that Frontex, as a European Union agency set up on the basis of the Treaty on the Functioning of the European Union, ensures an adequate level of protection for personal

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

² For the purposes of this working arrangement, the relevant authorities of the United Kingdom include the Home Office, National Crime Agency, and the Department for Transport, without prejudice to possible future changes thereto. Any change to the list of relevant authorities of the United Kingdom will be notified via exchange of letters.

³ For the purposes of this working arrangement, the term “European Union Member States” includes also the States associated with the implementation, application and development of the Schengen acquis, that is, Norway, Iceland, Liechtenstein, and Switzerland.

data transferred from the relevant authorities of the United Kingdom to Frontex within the scope of UK General Data Protection Regulation and Part 2 of the Data Protection Act 2018,

intend to conduct operational cooperation as follows:

1. Scope

The Sides emphasise that the intended operational cooperation is to be developed over time and without prejudice to the bilateral and multilateral agreements between European Union Member States and the United Kingdom. The aim is to work towards a sustainable operational partnership in the area of integrated border management, including in detecting, preventing and combatting illegal migration and cross-border crime, and in the area of return, in conformity with the Sides' respective and applicable legal frameworks⁴, including on the protection of personal data.

This working arrangement will neither apply to nor have any effects in:

- a) Gibraltar;
- b) Sovereign Base Areas of Akrotiri and Dhekelia;
- c) Anguilla; Bermuda; British Antarctic Territory; British Indian Ocean Territory; British Virgin Islands; Cayman Islands; Falkland Islands; Montserrat; Pitcairn, Henderson, Ducie and Oeno Islands; Saint Helena, Ascension and Tristan da Cunha; South Georgia and the South Sandwich Islands; Turks and Caicos Islands; and
- d) The Bailiwick of Guernsey; the Bailiwick of Jersey; and the Isle of Man.

2. Purpose

The Sides intend to cooperate for the purpose of promoting an effective implementation of integrated border management, with a view to facilitating legitimate border crossings, protecting the external borders of the European Union and the United Kingdom against threats, including illegal immigration and cross-border crime, all in full respect of the applicable international instruments. The Sides recognise the importance of ensuring that the cooperation provided for in this working arrangement is implemented with regard to shared values and respect for human rights obligations⁵ which underpin their policies, including as set out in the respective international obligations under the European Convention on Human Rights, the International Covenant on Civil and Political Rights, the United Nations Conventions on the Rights of the Child, the 1951 United Nations Convention and the 1967 Protocol relating to the Status of Refugees, and the Convention on International Civil Aviation, and in the case of the Agency, in the Charter of Fundamental Rights of the European Union. Nothing in this working arrangement modifies the obligation to respect human rights and legal principles as reflected, in particular, in the above instruments. Such cooperation is to cover:

⁴ This and any future reference to the applicable legal frameworks in this working arrangement or in any jointly agreed dedicated instruments as referred to in paragraph 12.1 includes, as applicable, international, European Union, United Kingdom, European Union Member State and, where relevant, other national law.

⁵ In respect of the Agency only, references made within this working arrangement and in any jointly agreed dedicated instruments referred to in paragraph 12.1 to 'human rights' should read as meaning 'fundamental rights' as referred to in the Regulation.

- a) border management, including border control, situational awareness, risk analysis, information exchange, capacity building, training, law enforcement, quality control and research and innovation, and search and rescue; and
- b) exchange of best practices and expertise, and cooperation on capacity building and mutually facilitating such cooperation with other third countries in the area of return to those third countries, including pre-return activities (e.g. counselling, identification and issuance of travel documents), the voluntary and non-voluntary return of persons staying illegally on the territory of a European Union Member State or of the United Kingdom, post-return activities (e.g. effective readmission and reintegration) and other return-related activities.

3. Nature of the Cooperation

- 3.1 In the implementation of operational cooperation, the Sides respect their human rights obligations and legal principles, in particular those related to access to international protection and the principle of *non-refoulement*. The Sides, in particular, ensure that the rights of all persons, especially those in need of international protection, unaccompanied minors, victims of trafficking in human beings and other vulnerable persons, are fully respected during all joint activities.
- 3.2 The cooperation between the Sides should be carried out in accordance with the provisions of this working arrangement, and, insofar as relevant and appropriate, taking into account the United Kingdom's status as a third country, the European Union *acquis* and the legal framework governing the Agency, and within the framework of the European Union's external action policy and in accordance with the legal framework of the United Kingdom.

Information Exchange

- 3.3 The Sides may share information and analytical products in order to improve common situational awareness, cooperation during operational activities and joint risk analyses for the purpose of integrated border management in line with the Sides' respective mandates and legal obligations. To that end, the Sides may establish special arrangements regulating the exchange of information, where applicable in line with the provisions of Annex 1.
- 3.4 The Sides may appoint experts in the field of risk analysis and participate in the activities of the jointly decided Risk Analysis Networks coordinated by the Agency.

Capacity Building

- 3.5 The Sides may cooperate in training and capacity-building activities aimed at enhancing and supporting integrated border management, including return and reintegration measures towards other third countries, support for the implementation of the Agency's common core curricula in the national curriculum for training of border and coast guards and cooperation through the Agency's network of Partnership Academies, as well as support for the Sides' wider capacity building priorities on border management and return. Such cooperation may also include the provision of joint support to other third countries, subject to consent by the other third countries concerned.
- 3.6 The Sides may exchange good practices and carry out joint activities and tailored trainings to that end, including in the areas of research and innovation, return, readmission and reintegration, information exchange, information systems, document fraud, quality

control for border management (including vulnerability assessments), capability development (including for investigative purposes), identification of persons of interest, human rights, identification and referral of vulnerable persons as well as other areas of common interest, including via relevant working groups and collaboration between the Sides' liaison networks, where appropriate.

- 3.7 The Sides may invite each other's representatives to participate in projects and activities of common interest, including in technology innovation pilot projects, technology demonstrations or tests.
- 3.8 The Sides, in cooperation with the relevant authorities of the European Union Member States, and in synergy with other actions, programmes and instruments implemented with the support of the European Union, may develop initiatives and implement technical and operational assistance projects to enhance capacities – including those of third countries – in the area of integrated border management (including by enhancing its capacity to prevent and combat illegal migration and cross-border crime) and in the area of return to other third countries.

Operational response

- 3.9 The Agency may deploy its staff and members of the teams from the European Border and Coast Guard standing corps to participate, without executive powers, in operational activities on the territory of the United Kingdom, as defined in the specific operational plans agreed between the Sides. Such deployments may include technical equipment compatible with operational activities without executive powers. The relevant authorities of the United Kingdom should facilitate the procedures required by its national legislation to ensure the right of the deployed staff and members of the teams to reside in the territory of the United Kingdom for the duration of their deployment. To that end, the relevant authorities of the United Kingdom may appoint a point of contact. In addition, matters relating to privileges and immunities would be covered in each respective operational plan.
- 3.10 The Agency may facilitate and promote technical and operational cooperation between other actions, programmes and instruments implemented with the support of either the European Union, its Member States or the relevant authorities of the United Kingdom on all areas covered by the Agency's mandate, including cooperation on law enforcement and coast guard functions, detection of document and identity fraud, as well as other operational activities under the European Union Policy Cycle/EMPACT for organised and serious cross-border crime. Subject to the consent of the European Union Member State concerned and under the command and control of that European Union Member State, the operational cooperation referred to above may include the deployment of staff and equipment by the relevant authorities of the United Kingdom to participate, without executive powers, in Agency-coordinated operational activities on the territory of European Union Member States.
- 3.11 At the request of the relevant authorities of the United Kingdom, the Agency may use the United Kingdom's seaports and airports for implementing operational cooperation with maritime and aerial assets as defined in the respective operational plan agreed with the relevant authorities of the United Kingdom. At the request of the relevant European Union Member State, the Agency may support and facilitate the cooperation between the relevant authorities of the United Kingdom and the relevant European Union Member

State regarding the use of seaports and airports of the European Union Member State concerned and in relation to the operational cooperation referred to in paragraph 3.10.

Return and readmission

- 3.12 The Sides may exchange best practices and expertise, and cooperate on capacity building and mutually facilitate such cooperation with other third countries in the area of return, readmission and reintegration to those third countries, in line with, in so far as relevant and appropriate, existing European Union and United Kingdom policy and legislation, for the effective implementation of return-related activities and in respect of human rights and international obligations. This includes, *inter alia*, exchange of best practices, expertise and cooperation on capacity building in all stages of the return process, including the voluntary and non-voluntary return of persons present without authorisation in the territory of a European Union Member State or of the United Kingdom and subject to return to other third countries, the identification and documentation of third country nationals subject to return procedures and reintegration assistance.
- 3.13 The Sides may share information relevant for the return systems of the United Kingdom and the European Union Member States, in accordance with paragraphs 5 to 8 and 10 of this working arrangement, including where appropriate, via relevant working groups.

Observers

- 3.14 The Sides may invite each other's respective staff to participate in their pilot projects.
- 3.15 The Agency may invite experts from relevant authorities of the United Kingdom to participate as observers in its activities, including operational activities hosted by European Union Member States, or other countries, subject to the consent of the hosting State(s).
- 3.16 Relevant authorities of the United Kingdom may invite experts from the Agency to participate as observers in activities related to the scope of this working arrangement.
- 3.17 The Sides should decide on detailed rules on their participation as observers, which should be reflected in the activity or operation's implementation or operational plan, including on information exchange and cooperation during their participation, as applicable. Those modalities should, insofar as relevant and appropriate, taking account of the United Kingdom's status as a third country, be in full compliance with the applicable legal frameworks, in particular those related to human rights and data protection.

Events and activities

- 3.18 The Sides may invite each other to participate in meetings and/or other events addressed to authorities responsible for border management and return.

Exchange of liaison officers

- 3.19 The Sides may deploy liaison officers to each other in accordance with the relevant legal provisions applicable respectively to the Agency and to respective authorities of the United Kingdom, and where approved by both Sides.

4. Human Rights

- 4.1 All activities implemented on the basis of this working arrangement will be conducted in full compliance with the Sides' respective international obligations, including as set out

in paragraph 2 of this working arrangement, to respect human rights, fundamental freedoms, and human dignity, in particular respect for the right to life, the prohibition of torture and inhuman or degrading treatment or punishment, the right to liberty and security, the prohibition of discrimination⁶ the prevention of trafficking in human beings, the right to seek asylum, *non-refoulement* and the prohibition of expulsion⁷, and the rights of the child.

- 4.2 All activities implemented on the basis of this working arrangement will be in accordance with the prohibition of discrimination⁸ against persons in accordance with the Sides' respective and applicable legal obligations, including, but not limited to, on the following grounds⁹, as applicable: sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or other opinion, national or social origin, membership of a national minority, property, birth, disability, age, sexual orientation, or other status.
- 4.3 The Agency's fundamental rights officer, who is independent in the performance of their duties, may, in close collaboration with the relevant authorities of the United Kingdom, and to the extent needed to exercise their relevant functions under the Regulation, monitor the compliance of joint activities implemented on the basis of this working arrangement, as defined by the Sides in the jointly agreed dedicated instruments referred to in paragraph 12.1 with applicable human rights standards including following up on any allegations of human rights violations.
- 4.4 The fundamental rights officer may, with prior notification to and with the cooperation of the relevant authorities of the United Kingdom, carry out visits to locations of joint activities in the United Kingdom implemented on the basis of this working arrangement as defined by the Sides in the jointly agreed dedicated instruments referred to in paragraph 12.1; the fundamental rights officer may also issue an opinion, request appropriate follow-up and inform the Agency's executive director of possible violations of human rights relating to such an activity. Where the opinion is related to joint activities, the Agency will, where appropriate, share the report or opinion with the relevant authorities of the United Kingdom. The relevant authorities of the United Kingdom will support the fundamental rights officer's monitoring efforts, as requested and appropriate. When exercising their duties in the United Kingdom, the Agency's fundamental rights officer will act in a manner consistent with relevant and applicable United Kingdom law.
- 4.5 The Agency's fundamental rights monitors, who are independent in their functions, will, in close collaboration with the relevant authorities of the United Kingdom, assess the human rights compliance of joint activities implemented on the basis of this working arrangement as defined by the Sides in the jointly agreed dedicated instruments referred to in paragraph 12.1. The fundamental rights monitors may, with prior notification to and with the cooperation of the relevant authorities of the United Kingdom, carry out visits to any areas relevant to the execution of the joint operational activity implemented on the basis of this working arrangement as defined by the Sides in the jointly agreed dedicated instruments referred to in paragraph 12.1. On the basis of this working arrangement, the fundamental rights monitors will furthermore provide advice and assistance in that regard

⁶ Within the meaning of Article 14 of the European Convention on Human Rights and applicable caselaw.

⁷ In accordance with Article 33 of the Convention relating to the Status of Refugees, and in the case of the Agency, in accordance with Articles 18 and 19 of the Charter of Fundamental Rights of the European Union.

⁸ In accordance with Article 14 of the European Convention on Human Rights and applicable caselaw.

⁹ In accordance with Article 14 of the European Convention on Human Rights and applicable caselaw.

and contribute to the protection and promotion of human rights as part of integrated border management. When exercising their duties in the United Kingdom, the Agency's fundamental rights monitors will act in a manner consistent with relevant and applicable United Kingdom law.

- 4.6 The Sides will ensure the existence of processes, such as in the form of complaints mechanisms, to address allegations of human rights violations on the basis of this working arrangement.
- 4.7 The relevant authorities of the United Kingdom may, with prior notification to and with the cooperation of the Agency and, where relevant, of the European Union Member State concerned¹⁰, carry out visits to locations of joint activities implemented on the basis of this working arrangement as defined by the Sides in the jointly agreed dedicated instruments referred to in paragraph 12.1; the relevant authority of the United Kingdom may also issue an opinion, request appropriate follow-up and inform the coordinators of this working arrangement of possible violations of human rights relating to such joint activities. Where the opinion is related to joint activities, as defined by the Sides in the jointly agreed dedicated instruments referred to in paragraph 12.1, the relevant United Kingdom authority will, where appropriate, share the report or opinion with the Agency. The Agency will support the relevant authority of the United Kingdom's monitoring efforts, as requested and appropriate. When exercising their duties in the European Union Member States, the relevant authorities of the United Kingdom will act in a manner consistent with relevant European Union law and the applicable laws of the respective Member States.

5. Exchange of Information within the framework of EUROSUR

The Sides may exchange, share or disseminate information under this working arrangement within the framework of EUROSUR in accordance with the terms set out in Annex 1 and with paragraph 10.

6. Exchange of Classified and Sensitive Non-Classified Information

- 6.1 Any exchange, sharing or dissemination of classified information¹¹ between the Sides in the framework of this working arrangement will be set out in a separate administrative arrangement.
- 6.2 Any exchange of sensitive non-classified information under this working arrangement:
- a) will be handled by the Agency in accordance with Article 9(5) of Commission Decision (EU, Euratom) 2015/443¹², Article 20 of Management Board Decision 45/2022¹³ and the relevant Frontex implementing rules for marking and handling of sensitive non-

¹⁰ Considering that the European Union Member States are not Sides to this working arrangement, consent of the European Union Member State concerned is required for visits to the locations of joint activities implemented on their territory on the basis of this working arrangement, outside of the United Kingdom or Frontex Headquarters.

¹¹ For the purpose of this working arrangement, "classified information" refers to information with the security classification of TRÈS SECRET UE/EU TOP SECRET, SECRET UE/EU SECRET, CONFIDENTIEL UE/EU CONFIDENTIAL or RESTREINT UE/EU RESTRICTED under the EU classification system or UK TOP SECRET, UK SECRET or UK OFFICIAL-SENSITIVE under the UK system.

¹² Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

¹³ Management Board Decision 45/2022 of 30 July 2022 adopting Security Rules of the European Border and Coast Guard Agency (Frontex).

classified information¹⁴ and will be handled by the relevant authorities of the United Kingdom in accordance with the United Kingdom Government Security Classifications Policy¹⁵;

- b) will receive a level of protection by the receiving Side that is equivalent to the level of protection offered by the measures applied to that information by the communicating Side in terms of confidentiality, integrity and availability; and
- c) will be conducted via information exchange systems that fulfil the criteria of availability, confidentiality and integrity for sensitive non-classified information, such as the communication network referred to in Article 14 of the Regulation.

7. Purpose Limitation

- 7.1 Information will be transferred from the transferring Side to the receiving Side under this working arrangement for the specified, explicit and legitimate purpose of implementing this working arrangement and will not be further processed by the receiving Side in a way incompatible with that purpose.
- 7.2 The transferring Side may impose additional requirements on the handling of information in a specific case. If the transferred information is subject to such requirements, the receiving Side will comply with them.

8. Security of Information

- 8.1 The Sides intend to take all necessary measures to ensure the appropriate protection of the information received under this working arrangement, in particular from accidental or unlawful destruction, loss, alteration, unauthorised disclosure or access to the information (“security incident”).
- 8.2 Upon discovery of a security incident, the receiving Side will promptly take appropriate measures to mitigate risks arising from such incident. If the security incident is likely to result in a high risk to the rights and freedoms of data subjects or in damage to the other Side, the receiving Side will notify the transferring Side without undue delay. Such notification may be delayed, omitted or subjected to restrictions if the notification would endanger national security or public security, or if the risk is no longer likely to materialise.

9. Authorised Disclosures

- 9.1 Should one Side be required by its laws, rules or regulations to publish or disclose information which is received under this working arrangement, they will inform and where possible consult the other Side prior to publishing or disclosure.
- 9.2 Should one of the Sides (holder) receive a request to disclose information received under this working arrangement under the laws, rules and regulations on transparency or disclosure of information applicable to that Side, the holder should consult the originating Side prior to taking the final decision on disclosure.

¹⁴ Decision of the Executive Director No R-ED-2023-60 on the implementing rules for marking and handling sensitive non-classified information.

¹⁵ As per the administrative system set by the United Kingdom Government and operating within the framework of applicable United Kingdom law. The Policy at the time of signature of this working arrangement is available here: <https://www.gov.uk/government/publications/government-security-classifications/government-security-classifications-policy-html>

- 9.3 The Sides may proactively publish or disclose information to the public or third parties only after prior authorisation of the original transferring Side and without disclosing information which, if made public, would jeopardise the objectives of the operations.
- 9.4 The onward transfer of information received under this working arrangement to a third country or international organisation may only take place with the prior authorisation of the original transferring Side and without prejudice to paragraphs 7.1 and 7.2.

10. Protection of Personal Data

- 10.1 The transfer of personal data will only take place if permitted by an applicable and available legal mechanism within the data protection legal framework applicable to the transferring Side.
- 10.2 The Sides will only process personal data under this working arrangement for the appointment of experts, establishment of networks, cooperation in capacity building activities and delivery of trainings, the deployment of staff, including staff exchange and the deployment of third country observers.
- 10.3 Upon request by the other Side, the Side that received the request will review its personal data processing policies and procedures to ascertain and confirm that these are in line with the purpose pursued and the applicable legal framework. The results of the review will be communicated to the Side that requested the review within a reasonable time.
- 10.4 Both Sides will have in place one or more independent supervisory authorities that provide independent and effective oversight over the personal data safeguards set out in this working arrangement. The Information Commissioner's Office is the competent supervisory authority of the United Kingdom, and the European Data Protection Supervisor is the competent supervisory authority of the Agency. The Sides will cooperate with these authorities.
- 10.5 If the Sides wish to transfer personal data under this working arrangement for purposes other than those set out in paragraph 10.2, including for the purposes of EUROSUR as set out in Annex 1, this will require a separate instrument, in line with the transferring Side's requirements applicable to international transfers, before any such transfers take place.

11. Combating Fraud

- 11.1 For the purposes of combating fraud related to activities implemented under this working arrangement the Sides will cooperate closely, and will do so in accordance with their respective laws and regulations.
- 11.2 The relevant United Kingdom authority will notify the Agency forthwith if in the course of cooperation under, and related to, this working arrangement, it becomes aware of the existence of credible allegations of fraud, corruption or any other illegal activities that may affect the interests of the European Union.
- 11.3 Where such allegations relate to European Union funds disbursed in relation to this working arrangement, the relevant authorities of the United Kingdom will assist the relevant institutions, bodies, offices and agencies of the European Union in relation to possible investigative activities on its territory, including by facilitating interviews, on-the-spot checks and inspections; and facilitating access to any relevant information and documentation concerning the technical and financial management of matters financed

partly or wholly by the European Union. Such activities will be prepared and conducted in close collaboration with the relevant authorities of the United Kingdom.

- 11.4 The Agency will notify the relevant authorities of the United Kingdom if, in the course of cooperation under this working arrangement, it becomes aware of the existence of credible allegations of fraud, corruption or any other illegal activities that may affect the interests of the United Kingdom.
- 11.5 Where such allegations relate to United Kingdom funds disbursed in relation to this working arrangement, the Agency will work with the relevant European Union Member State – and, where relevant, other European Union institutions, bodies, offices and agencies – to assist the relevant authorities of the United Kingdom in relation to possible investigative activities on the territory of a European Union Member State, insofar as the Agency is able, including by facilitating interviews, on-the-spot checks and inspections; and facilitating access to any relevant information and documentation concerning the technical and financial management of matters financed partly or wholly by the United Kingdom. Such activities will be prepared and conducted in close collaboration with the relevant authorities of the European Union and its Member States.

12. Application of this Working Arrangement

- 12.1 The Sides intend to maintain dialogue on the application of this working arrangement. To that end, the Sides will jointly decide and set out the scope and nature of joint activities to be implemented under paragraph 3 in instruments, namely multi-annual or annual cooperation plans; or where applicable, and with agreement from the relevant Member State(s) as set out in the Regulation, in dedicated operational plans; or via an exchange of letters for ad hoc activities. Additionally, the Sides may decide to conduct periodic joint assessments to ensure the effective application of this working arrangement, including through strategic meetings.
- 12.2 The coordinators for the application of this working arrangement are, for the Agency, the International Cooperation Unit, and for the relevant authorities of the United Kingdom, the Border Policy and International Migration Directorate of the Home Office. Other coordinators may be appointed by either Side, via exchange of letters.
- 12.3 Additional contact points may be considered for specific activities, as decided by both Sides.
- 12.4 Annex 1 forms an integral part of this working arrangement.
- 12.5 The Sides will comply with intellectual property rights related to any data processed during the application of this working arrangement in accordance with the Sides' applicable rules.

13. Financial Aspects

- 13.1 As a general rule, the Sides will bear their own costs related to the implementation of activities under this working arrangement.
- 13.2 The participation of relevant authorities of the United Kingdom in activities organised or coordinated by the Agency will be financed under terms and conditions to be decided separately between the Sides on a case-by-case basis.
- 13.3 The relevant United Kingdom authority will financially contribute to compensate the Agency for the implementation of certain approved activities. The detailed rules of such

a contribution, including inter alia its nature, extent and modalities, are to be decided between the Sides in a separate agreement according to the applicable financial framework.

14. Dispute Resolution

Any dispute about the interpretation or application of this working arrangement will be resolved through consultations between the Sides, and will not be referred to any national or international tribunal or third party for settlement.

15. Legal Status

This working arrangement constitutes solely an administrative arrangement at technical level. It does not constitute a legally binding agreement under national or international law. Its practical application is not regarded as the fulfilment of international obligations by the European Union and its institutions nor by the United Kingdom.

16. Application and Discontinuation

16.1 The Sides intend to apply this working arrangement as of the moment both of them have signed it.

16.2 The Sides may suspend or discontinue the application of this working arrangement by mutual agreement or unilaterally by written notice to the other Side. In such case, the Sides will work together to consider any winding down processes, including any financial settlement in relation to joint activities and application of this working arrangement.

Signed in London, on 23/02/2024 in two originals, in English.

Signatures

For the European Border and Coast
Guard Agency (Frontex)

[SIGNED]

Hans Leijtens
Executive Director

For the United Kingdom

[SIGNED]

Phil Douglas
Director General of Border Force

ANNEX 1

on the provisions for the exchange of information within the framework of EUROSUR as provided for in Article 76(2) of Regulation (EU) 2019/1896

Section 1 *Subject matter*

These provisions apply to the exchange of information and cooperation for the purposes of EUROSUR as provided for in this Annex, including situational awareness, risk analysis and for supporting the planning and conduct of border control operations.

Section 2 *Scope*

1. Mutually beneficial information exchange and cooperation carried out as part of external border checks at authorised border crossing points and of external land, sea and air border surveillance, including the monitoring, detection, identification, tracking, prevention and interception of unauthorised border crossings for the purpose of detecting, preventing and combating irregular immigration and cross-border crime and contributing to ensuring the protection and saving the lives of migrants will take place in the framework of EUROSUR.
2. EUROSUR will not be used for any legal or administrative measure taken once the relevant authorities have intercepted cross-border criminal activities or unauthorised crossings by persons of the external borders.
3. The provisions for the exchange of personal data for the purposes of EUROSUR will be laid down in a separate instrument before any such transfers take place, in line with paragraph 10.5 of the working arrangement.
4. The exchange of information provided for in this Annex only covers non-classified information.
5. The exchange of classified information in the framework of EUROSUR between the Sides in the framework of this Annex will be set out in a separate administrative arrangement in line with paragraph 6.1 of the working arrangement.

Section 3 *Exchange of information in the framework of EUROSUR*

The Sides will use EUROSUR for the exchange of information and for the operational cooperation in the field of border control, taking into account existing information exchange and operational cooperation mechanisms, including through bilateral or multilateral agreements on EUROSUR with the European Union Member States, and upholding the principle of reciprocity of information exchange. Such exchange of information in the framework of EUROSUR should particularly take place through specific situational pictures, including for the provision of information and products

derived from EUROSUR fusion services, and in accordance with the requirements laid down in the Commission Implementing Regulation (EU) 2021/581¹⁶.

Section 4

Sharing of EUROSUR information originating from third parties

Information provided in the context of EUROSUR by a European Union Member State or relevant European Union institutions, bodies, offices and agencies, which is not a Side to this working arrangement, can only be shared under this Annex following the receipt of prior approval of that European Union Member State or relevant European Union institutions, bodies, offices and agencies and for as long as such approval is not revoked¹⁷.

Section 5

Coordination centres

1. The coordination centres will be the single points of contact for the exchange of information and for the cooperation in the framework of EUROSUR.
2. The Sides will designate respective coordination centres in accordance with Article 21 of Regulation (EU) 2019/1896¹⁸, which will be reflected in the respective operational plans, as referred to in Section 11 of this Annex.
3. The coordination centre of the United Kingdom will ensure the timely exchange of information and timely cooperation among all the relevant national authorities having responsibility for external border control at national level.

Section 6

Specific situational pictures

1. The Sides may decide to cooperate in the context of specific situational pictures, to be established by the Agency, to share information with each other, in keeping with the principle of mutually beneficial cooperation between the Sides.
2. The specific situational pictures will be produced through the collection, evaluation, collation, analysis, interpretation, generation, visualisation and dissemination of information.
3. The situational pictures referred to in Section 6.1 will consist of the following information layers:
 - (a) an events layer that includes events and incidents related to unauthorised border crossings and cross-border crime for the purpose of understanding migratory trends, volume and routes;

¹⁶ Commission Implementing Regulation (EU) 2021/581 of 9 April 2021 on the situational pictures of the European Border Surveillance System (EUROSUR) (OJ L 124, 12.4.2021, p. 3).

¹⁷ Information sharing is moreover subject to data security and data protection rules laid down in Section 2 of Chapter III of the Commission Implementing Regulation (EU) 2021/581 and is in line with the principle of originator's consent pursuant to Article 27(3) of the Regulation.

¹⁸ Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard (OJ L 295, 14.11.2019, p. 1).

- (b) an operational layer that contains information on operations, including the deployment plan, area of operations, and the position, time, status and type of assets participating as provided for in the operational plans, if applicable; and
 - (c) an analysis layer that contains analysed information which is relevant for the purposes of Regulation (EU) 2019/1896 and, in particular, for the attribution of impact levels to the external border sections, such as imagery and geo-data, key developments and indicators, analytical reports, and other relevant supporting information.
- 4. The situational picture referred to in Section 6.1 allows for the identification and tracking of events, operations and corresponding analysis relating to situations where human lives are at risk.
- 5. The specific situational picture will be established and shared in accordance with the detailed rules set out in line with Section 11, which should also uphold the principle of reciprocity in the information exchanged.

Section 7

Provision of information and products derived from EUROSUR fusion services

- 1. The designated coordination centre of the United Kingdom may request the transmission of information or products derived from the following EUROSUR fusion services, following either requests submitted by European Union Member States or through the Agency's own initiative, and following the consent of the respective European Union Member States in line with Section 4, to support its national activities:
 - (a) the selective monitoring of designated ports and coasts, including those of the United Kingdom, which have been identified through risk analysis and information as being embarkation or transit points for vessels or other craft used for irregular immigration or cross-border crime;
 - (b) the tracking of vessels or other craft over high seas and the tracking of aircraft, where those vessels, other craft or aircraft are suspected of, or have been identified as, being used for irregular immigration or cross-border crime, including in the case of persons in distress at sea, with a view to transmitting that information to the relevant authorities that are competent for search and rescue operations;
 - (c) monitoring of designated areas in the maritime domain in order to detect, identify and track vessels and other craft being used for, or suspected of being used for, irregular immigration or cross-border crime, including in the case of persons in distress at sea with a view to transmitting that information to the relevant authorities that are competent for search and rescue operations;
 - (d) monitoring of designated areas of air borders in order to detect, identify and track aircraft and other forms of equipment being used for, or suspected of being used for, irregular immigration or cross-border crime;
 - (e) environmental assessment of designated areas in the maritime domain and at the external land and air borders in order to optimise monitoring and patrolling activities;

- (f) selective monitoring of designated pre-frontier areas at the external borders which have been identified through risk analysis and information as being potential departure or transit areas for irregular immigration or cross-border crime;
 - (g) monitoring migratory flows towards and within the European Union in terms of trends, volume and routes;
 - (h) media monitoring and open-source intelligence for the purpose of preventing irregular immigration or cross-border crime; and
 - (i) analysis of information derived from large-scale information systems for the purpose of detecting changing routes and methods used for irregular immigration and cross-border crime.
2. In accordance with the Regulation, the Agency may refuse a request for information and products derived from EUROSUR fusion services from the coordination centre of the United Kingdom for technical, financial or operational reasons. The Agency will notify the coordination centre of the United Kingdom in due time of the reasons for such a refusal.

Section 8 *Data security*

1. Any exchange of information in the framework of this Annex will be in conformity with the Sides' respective and applicable legal frameworks. Any exchange of information which could be used to identify persons or groups of persons whose application for international protection is under examination, or who are under a serious risk of being subjected to torture, inhuman and degrading treatment or punishment, or any other violation of human rights, will be prohibited within the framework of EUROSUR.
2. Further specific details on purpose limitation and security of information for the specific context of exchanging information in the framework of EUROSUR will be set out in the dedicated operational plan as referred to in Section 11.

Section 9 *Technical aspects*

1. External components to EUROSUR may be used for the following purposes:
 - (a) exchange of data and information with EUROSUR components; and
 - (b) support the establishment of a specific situational picture.
2. Each Side will:
 - (a) manage its own components, including service management, ensuring the coordination of the connection of its own systems and networks used for the establishment of the situational pictures, reporting, situational awareness, risk analysis and for supporting the planning and conduct of border control operations;
 - (b) comply with the technical standards established by the Agency; and

- (c) ensure the data security of its component.
- 3. Each coordination centre will:
 - (a) support the coordination, planning and implementation of its component; and
 - (b) contribute to the regular monitoring of the quality of service and quality of data and report it in the specific situational picture.
- 4. The possible interconnection of the external components to EUROSUR will be specified in the rules for the establishment of a specific situational picture in line with Section 11.

Section 10 *Observers*

When the Sides invite observers from third countries¹⁹, European Union entities and/or international organisations to participate in each other's activities, they may be allowed to exchange information in the framework of EUROSUR in accordance with Section 12.

Section 11 *Process to lay down detailed rules regarding the establishment and sharing of a specific situational picture*

The exchange of information in the framework of EUROSUR between the Sides will only be possible once the Sides lay down the detailed rules regarding the establishment and sharing of a specific situational picture in a dedicated operational plan agreed by the Sides, and with agreement from the relevant Member State(s) as set out in the Regulation, including on secure ways of exchanging this information via dedicated Communication and Information Systems.

¹⁹ Other than from the United Kingdom.

Section 12
Detailed rules regarding allowing observers to exchange
information in the framework of EUROSUR

1. The categories of observers referred to in Section 10 may be allowed to exchange information in the framework of EUROSUR as specified in the operational plan.
2. For each observer, the modalities for the exchange of information in the framework of EUROSUR are to be specified a priori as follows:
 - (a) the required personnel security clearance;
 - (b) the physical location permitted;
 - (c) the type of accessing device;
 - (d) the entity responsible for managing access granted to observers or categories of observers;
 - (e) the data and reports from the European situational picture;
 - (f) the transmission of information and products derived from the EUROSUR fusion services; and
 - (g) the data and reports from the specific situational picture.