

Ms Alejandra Finotto

Email: alejandra@access-info.org

Our ref: TO/ CMS-2019-00010-1210
Please quote when replying.

Warsaw, 22 November 2019

Your application for access to Frontex documents

Dear Ms Finotto,

In reference to your application registered on 31 October 2019, asking for access to

-A copy of all formal, informal and standard operational agreements that Frontex has with Third Countries (non-EU member states) where the return or readmission of migrants is mentioned, as you did not reply to that part of the request here: https://www.asktheeu.org/en/request/data_on_migrant_returns#outgoing-14276.

-A spreadsheet which contain a list of all the return operations conducted by Frontex from 2016 until now to return migrants from a non-EU country to another non-EU country. Particularly, I would like to receive the following information on each operation:

- Operation number*
- Country of departure and destination*
- Date of departure*
- Organising State*
- Participating States*
- Number of monitors/escorts/specialists on board -Total number of migrants returned -Total cost -Costs broken down by State and Frontex*

Please note that I would prefer to have the document in a machine-readable format.

Please be informed that the Working Arrangements concluded with Albania, Bosnia and Herzegovina, Kosovo¹, North Macedonia, Serbia and Turkey mention return. As these documents are publicly available on our website, the following link is made available outside the framework of Regulation (EC) No 1049/2001²: <https://frontex.europa.eu/about-frontex/key-documents/?category=working-arrangements-with-non-eu-countries>.

Two additional documents could be identified, one of which you find herewith attached. Please note however that limited parts of the document had to be expunged as it contains personal data, in particular, the name of an individual. The disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with European Union legislation regarding the

¹ 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 of independence.

² Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

protection of personal data and therefore has to be precluded pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001.

Access to the second document has to be refused as its disclosure would undermine the protection of the public interest as regards international relations as laid down in Article 4(1)(a) third indent of Regulation (EC) No 1049/2001. Effective cooperation with third countries is crucial for Frontex. Therefore, the unilateral disclosure of this document must be refused as such would jeopardize the mutual trust of all parties, an essential prerequisite for establishing international relations and the effectiveness of negotiations just concluded, currently ongoing or envisaged for the near future. Consequently, the disclosure of the document would negatively effect on the Agency's and other parties' ability to establish a meaningful cooperation or engagement. In this regard, it is not possible to provide further information as to further reason impeding the disclosure of the documents without revealing their contents and thereby depriving this exception of its very purpose.

Kindly be reminded that the copyright of the document/s rests with Frontex and making this/these work/s, available to third parties in this or another form without prior authorisation of Frontex is prohibited. Please also note that Frontex does not assume liability stemming from the use of the document/s.

Pursuant to Article 7(2) of Regulation (EC) 1049/2001, within 15 working days of the receipt of this letter, you may submit a confirmatory application to Frontex to reconsider its position. Based on Article 8 of Regulation (EC) 1049/2001, Frontex will reply to you within 15 working days from the registration of such application. You can submit your confirmatory application by post or electronically.

Yours sincerely,



Hervé Caniard

Head of Transparency Office

FOR AND ON
BEHALF OF

Attachment: 1 document, 5 pages



2019-2021

Cooperation Plan

Operational cooperation between the European
Border and Coast Guard Agency (Frontex), and the
Administration of the State Border Guard Service
(SBGS) of Ukraine

The European Border and Coast Guard Agency (Frontex), hereinafter referred to as "Frontex", represented by its Executive Director, Mr Fabrice Leggeri

And

The Administration of the State Border Guard Service (SBGS) of Ukraine, hereinafter referred to as "SBGS", represented by its Head, Mr Petro Tsygkal,

Having regard to the Working Arrangement on the establishment of Operational Cooperation between the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of European Union (Frontex) and the Administration of the State Border Guard Service of Ukraine,

Agree to continue the implementation of their operational cooperation through activities outlined in this Cooperation Plan within their respective mandates:

Frontex / SBGSU implementing partners	ACTIVITIES
1. Exchange of information and of relevant situational products/alerts and services	
FX - FSC, IFC / SBGS - SMC	<p>1.1 To develop and enhance cooperation between Frontex Situation Centre (FSC), Frontex Information Fusion Centre (IFC) and SBGS Service Management Centre (SMC) on exchange of information in the area of situational awareness at the external borders.</p> <p>1.2 To conduct mutual visits between FSC, IFC and SMC to enhance cooperation and experience-sharing regarding data collection and processing for the purposes of situational and crisis monitoring.</p> <p>1.3 To further develop monitoring processes and information exchange as part of joint operations at the external borders.</p> <p>1.4 Depending on specific business needs and existing access management policies, to provide access and training on the use of FSC and IFC services such as JORA, FOSS and FMM.</p> <p>1.5 To cooperate and exchange information on document forgery alerts.</p> <p>1.6 Based on the provisions of the relevant Operational Plan, to give access to JORA during joint operations at the borders with participation of observers from Ukrainian authorities, for the purposes of learning, analysing the main trends in the situation at the EU external borders, and exchanging information.</p>
2. Risk Analysis and exchange of relevant analytical products and tools	
FX - RAU	<p>2.1 To continue inviting SBGS representatives to participate in the Eastern Partnership Risk Analysis Network (EaP-RAN) as well as in annual conferences, practical trainings and workshops organised in this framework.</p> <p>2.2 To develop common analytical products and information exchange.</p> <p>2.3 To prepare and process common analytical research in the area of illegal migration, terrorist threats, serious crime with a cross-border dimension including trafficking of firearms, and/or other risks for border security.</p>

Frontex / SBGSU implementing partners	ACTIVITIES
	<p>2.4 To continue cooperation on risk analysis, including as related to combating cross-border crime, in particular, the trafficking in human beings, firearms, excise goods, drugs and stolen vehicles, as well as document fraud.</p> <p>2.5 To expand the scope of exchange of statistics on detected violations of cross-border crime, including firearms and its parts as well as the trafficking of ammunition, along with data on possible risk profiles and qualitative information, reports and assessments.</p> <p>2.6 To receive support from Frontex in the practical implementation of the Common Integrated Risk Analysis Model (CIRAM) concept in risk analysis reports via workshops or other relevant activities.</p>
3. Operational cooperation and specific operational projects	
FX - ORD	<p>3.1 To continue inviting SBGS to participate in Joint Operations at air, land and sea borders, in line with the Frontex Programmes of Work to be adopted from 2019 to 2021 and in accordance with the results of the preparatory meetings to be held with MS/SAC² in the context of the annual bilateral negotiations. Concrete proposals for participation will be made at the beginning of 2019, 2020 and 2021.</p> <p>3.2 To conduct Joint Operations at the common borders between EU Member States and Ukraine and to establish Coordination Points at the mutually agreed Ukrainian air, land and sea border crossing points.</p> <p>3.3 To arrange and conduct workshops and study visits to exchange experience on joint patrolling and search and rescue (SAR).</p> <p>3.4 To invite SBGS experts as observers in Frontex operational activities, including the implementation of the European Multipurpose Maritime Activities in the Black Sea, and return operations.</p> <p>3.5 To share best practices with SBGS with regard to developing operational cooperation by means of:</p> <ul style="list-style-type: none"> • Exchange of information and knowledge on identification methods, acquisition of travel documents and tools for the purpose of (pre-)return; • Information exchange on the practical organisation of return operations, including participation in return operations as observers, exploration of further operational cooperation within the framework of return operations, particularly within the concept of Collecting Return Operations; • Study visits and workshops with the participation of MS/SAC and possible participation of other non-EU Countries and relevant stakeholders to exchange information and knowledge, aiming to increase efficiency in the field of return. <p>3.6 To explore the involvement of Frontex Coast Guard and Law Enforcement Unit in the Black Sea Forum for Partnership and Dialogue.</p> <p>3.7 To pursue operational cooperation in the framework of the Coast Guard Function by means of:</p> <ul style="list-style-type: none"> • Sharing the Frontex Boarding Handbook/Translation of the Handbook in Ukrainian and supporting SBGS in developing a Boarding Standard Operational Procedure. To invite Ukrainian experts to attend Boarding WGs meetings as observers;

² EU Member States and Schengen Associated Countries.

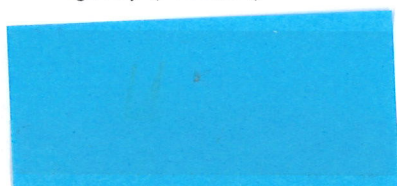
Frontex / SBGSU implementing partners	ACTIVITIES
	<ul style="list-style-type: none"> • Inviting Ukrainian experts as observers to Search and Rescue (SAR) workshops and exploring the possibility to organize a SAR workshop in Ukraine, if possible. <p>3.8 To explore the possibilities for deepening operational cooperation in the field of prevention and detection of cross-border crime, also in view of the EU Policy Cycle/EMPACT guidelines and objectives.</p> <p>3.9 To explore exchanging best practices in countering terrorism-related threats and in the prevention and detection of the trafficking of firearms.</p> <p>3.10 To explore further operational cooperation with the Frontex Centre of Excellence for Combating Document Fraud in the area of fighting document and related identity fraud by means of exchange of general knowledge and technical expertise through dedicated meetings.</p> <p>3.11 To invite SBGS to the Operational Heads of Airport Conferences.</p>
4. Training	
FX - TRU	<p>4.1 To continue cooperation with the aim of implementing relevant training tools. Direct cooperation will be facilitated by the nominated Ukrainian National Training Coordinator (NTC). Frontex will invite the Ukrainian NTC to the Annual Training Conference.</p> <p>4.2 To continue the participation of SBGS in the Common Core Curriculum (CCC) project.</p> <p>4.3 To invite SBGS to participate in the following training activities, coordinated by Frontex:</p> <ul style="list-style-type: none"> • Escort leaders training; • Training of forced-return escorts and monitors; • Training sessions on Fundamental Rights in return operations; • Identification of needs and implementation of forced-return escorts training based on multipliers concept; • Training on the detection of Falsified Documents; • Fundamental Rights training for border and coast guards; • Anti-trafficking in Human Beings training for border and coast guards; • Training in English communication (border guards in airports); Where appropriate, SBGS shall be granted access to Frontex E-learning modules. <p>4.4 To integrate the Associated Frontex Partnership Academy at the SBGS in Ukraine into the Frontex Partnership Academies' network.</p>
5. Research and innovation	
FX - RIU	<p>5.1 To cooperate by assigning experts to participate in events, meetings and projects as relevant, by both participants, in the area of:</p> <ul style="list-style-type: none"> • Automated border control solutions; • Innovative research on border surveillance solutions; • Exchange of best practices in combating illegal activity at the borders using small unmanned aerial vehicles. <p>5.2 To seek cooperation in academic research and events organised by Frontex.</p>

Frontex / SBGSU implementing partners	ACTIVITIES
	5.3 Where appropriate, organise study visits to border-crossing points and border sections both in relevant MS/SAC and in Ukraine, to advise on good practices and state-of-the-art technologies for border management.
6. Other activities and projects	
FX	<p>6.1 To support SBGS in the development of a new IBM Strategy for Ukraine.</p> <p>6.2 To explore further cooperation in other relevant areas, such as:</p> <ul style="list-style-type: none"> • Fundamental Rights; • Experience exchange in the area of mass-media and public relations. <p>6.3 Frontex may initiate technical assistance projects in Ukraine in the areas covered by the Working Arrangement, to be mutually agreed.</p>

The implementation of the Cooperation Plan is subject to the availability of resources. The Cooperation Plan may be revised in written form, effective when signed by both Sides.

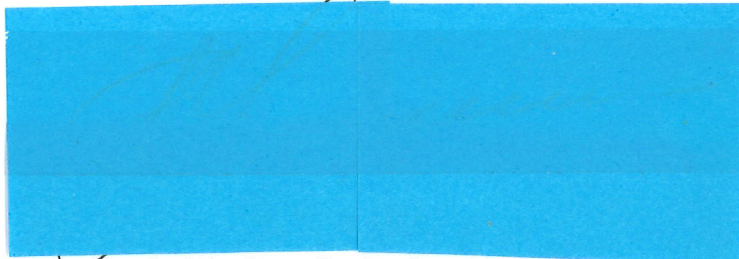
Signed in two originals in the English and Ukrainian languages, in Ustrzyki Dolne, on 28 May 2019.

For the European Border and Coast Guard
Agency (Frontex)



Fabrice Leggeri
Executive Director

For the State Border Guard Service of
Ukraine



Head of the State Border Guard Service