



WORKING ARRANGEMENT

BETWEEN

THE EUROPEAN ASYLUM SUPPORT OFFICE (EASO)

AND

**THE OFFICE OF THE
UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR)**

The European Asylum Support Office, hereinafter referred to as EASO

and

The Office of the United Nations High Commissioner for Refugees, hereinafter referred to as UNHCR

Henceforth jointly referred to as 'the Parties',

Having regard to Regulation (EU) 439/2010 of the European Parliament and of the Council of 19 May 2010, establishing EASO (hereinafter referred to as the "EASO Regulation"), in particular Articles 2 (5) and 50 thereof,

Having regard to the Statute of the UNHCR adopted by the Resolution of the General Assembly of the United Nations 428 (V) of 14 December 1950, in particular paragraph 8 (g) thereof, and other international instruments governing the rights of refugees and persons of concern to UNHCR and relevant General Assembly resolutions,

Having regard to the 1951 Convention relating to the status of refugees and the 1967 Protocol and UNHCR's mandate to supervise the implementation of the instruments as laid down in Article 35 and in Article II respectively,

WHEREAS

(1) The European Union recognises the rights, freedoms and principles set out in the Treaties and the Charter of Fundamental Rights of the European Union, including the right to asylum and the principle of *non-refoulement* as laid down in Articles 18 and 19 of the Charter;

(2) According to Article 78 of the Treaty on the Functioning of the European Union, the European Union is developing a Common European Asylum System which shall offer appropriate status to any third-country national requiring international protection and ensuring compliance with the principle of *non-refoulement*, which must be in accordance with the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees, and other relevant treaties;

(3) EASO plays a key role in the implementation of the Common European Asylum System. As a European centre of expertise, it was established with the aim of enhancing practical cooperation on asylum matters and to support Member States fulfil their European Union and international obligations in this field;

(4) The UNHCR is mandated to lead and coordinate international action to ensure protection of refugees and other persons of concern and to assist governments in identifying and implementing durable solutions. It is mandated to promote the conclusion and ratification of international conventions for the protection of refugees, supervising their application and proposing amendments thereto, and to cooperate with states on implementation, and has longstanding expertise in this field;

(5) In line with the mandates of EASO and UNHCR in supporting Member States to fulfil their international and European Union obligations in the field of international protection an enhanced cooperation between EASO and UNHCR creates synergies and fosters coherence among their actions in fulfilling their respective tasks;

(6) UNHCR's participation, *inter alia*, as non-voting member in the EASO Management Board, as member of the Consultative Forum and of working parties, and as special EASO cooperation partner, as well as EASO's participation in related UNHCR activities provide the basis for an effective cooperation, including the exchange of expertise and knowledge in providing and finding durable solution for persons in need of international protection.

HAVE AGREED on the following working arrangement:

CHAPTER I: PURPOSE AND PRINCIPLES

Article 1

Purpose

The purpose of the working arrangement is to establish a cooperation framework covering the relevant areas of common work and interest and to set objectives and principles of such cooperation.

This working arrangement does not preclude the Parties from establishing special cooperation relations in accordance with the second indent of Article 50 of the EASO Regulation.

Article 2

Principles

The following principles govern among others the cooperation between the Parties:

- Promotion of high international and European Union protection standards and practices as well as relevant legislation, including on access to international protection;
- Coherence with UN and EU policies, notably that international protection is granted to persons in need thereof in EU Member States, associate countries and other third countries concerned, paying special attention to the specific needs of vulnerable persons, and mainstreaming age, gender, and diversity aspects;
- Respect for UN and EU legal and institutional frameworks;
- Mutual trust;
- Mutual assistance and availability to provide technical cooperation at each other's request subject to project documents;
- Exchange of relevant information, documents or other material necessary for the fulfilment of their respective mandates;
- Respect and mutual understanding of each other's mandate, structure, institutional capacity and policies;
- Flexibility in determining concrete cooperation activities and modalities;
- Effectiveness and efficiency;
- Complementarity and creation of synergies.

CHAPTER II: PERMANENT SUPPORT

Article 3

Training and professional development

The Parties commit to exchange training strategies and plans on a regular basis as well as to share and authorize on a case-by-case basis the use of relevant training materials of common interest.

The Parties commit to cooperate in the field of didactics, e-learning methods, training material development as well as editing and training management.

The Parties will explore the development of joint training sessions for third parties including professional development activities for members of the courts and tribunals, as well as the possibilities of mutual participation in training programmes and activities.

Article 4

Quality activities

The Parties agree to exchange best practices and expertise on quality initiatives and projects as well as on tools and indicators for the application of high standards across the EU in the field of human rights and international protection.

The Parties will explore cooperation and mutual participation in quality initiatives.

Article 5

Country of Origin Information

The Parties commit to exchange information and materials on Country of Origin Information (COI), including through sharing methodologies and best practices in developing such products.

The Parties will explore the possibilities of further methods of cooperation and participation in COI research, analysis and documentation activities.

Article 6

Interpretation and list of available languages

The Parties commit to exchange best practices on interpretation and on communication with asylum seekers, especially through exchanging information on the availability of interpreters.

The Parties will explore possibilities of cooperating in the development of initiatives for promoting best practices and quality standards for interpretation and communication with asylum seekers.

Article 7

Vulnerable persons

The Parties commit to share best practices, information and expertise relating to the identification, protection and needs of vulnerable persons, including minors, unaccompanied minors, victims of trafficking in human beings, pregnant women and single parents with minor children, persons with disabilities, persons with serious illnesses, persons with mental health problems, older people, as well as persons who have been subjected to torture, rape or other serious of psychological, physical or sexual violence, such as victims of female genital mutilation.

The Parties will explore possibilities of further cooperation on these issues including targeted training activities.

CHAPTER III: SPECIAL SUPPORT

Article 8

Tailor-made support to Member States

The Parties agree to cooperate on gathering and analysing information on the needs of specific Member States and to inform each other on relevant operational activities addressed to these Member States and will explore cooperation, coordination and participation in special support and tailor-made activities on a case by case basis.

Article 9

Relocation

The Parties will exchange relevant information and best practices in the field of intra-EU relocation and explore possibilities for further cooperation in this regard.

CHAPTER IV: EMERGENCY SUPPORT

Article 10

Expert Pools

The Parties agree to exchange information on the profiles, as well as on the functioning of expert pools and on the procedures for the deployment of experts. The Parties will explore possibilities of further cooperation in this area.

Article 11

Emergency operations

The Parties agree to cooperate on gathering and analysing information on the needs of specific Member States and to inform each other on relevant operational activities addressed to these Member States and will explore cooperation, coordination and participation in emergency support activities on a case by case basis.

CHAPTER V: INFORMATION AND ANALYSIS SUPPORT

Article 12

Data and information gathering and analysis

The Parties agree to share their experiences and best practices on methodologies and tools for data and information gathering and analysis.

The Parties will inform and where appropriate consult each other on the preparation of reports and other materials on the situation of international protection in EU Member States, associate countries and other third countries concerned.

The Parties will exchange relevant information and data, including materials relating to early warning, preparedness and crisis management, legislation and case-law.

The Parties will further explore methods of cooperation, access and participation in data and information research, analysis and documentation activities and networks.

CHAPTER VI: THIRD COUNTRY SUPPORT

Article 13

Cooperation with associate and other third countries and international organisations

The Parties will exchange relevant information and best practices on their cooperation with associate countries, other third countries, and with international organisations and will coordinate and explore possibilities for further cooperation in this regard, including on regional protection programmes and capacity building activities in the field of asylum.

EASO will act in agreement with the European Commission when developing further cooperation activities in this field.

Article 14

Resettlement

The Parties will exchange relevant information and best practices in the field of resettlement and will explore possibilities for further cooperation in this regard.

CHAPTER VII: HORIZONTAL COOPERATION

Article 15

Work programmes

The Parties agree to exchange information on their respective work programmes or similar programming documents and will consult each other on matters of common interest to be reflected therein.

Article 16

Representation

The Parties will facilitate representation in relevant meetings and networks organised by them in matters of common interest.

Article 17

Consultative Forum and other consultations

UNHCR is a member of the EASO Consultative Forum. The Parties will exchange best practices on sharing information and expertise on participation and involvement of civil society organisations and other relevant bodies operating in the field of asylum.

Article 18

Cooperation with other partners

The Parties will exchange information on their relations with partners, in particular other EU institutions and agencies, Member States, civil society and international organisations in connection with activities relevant to each other's mandate.

Article 19

General affairs and administration

The Parties will exchange relevant information and best practices in the areas of administration and general affairs on a case by case basis.

Article 20
Confidentiality

The Parties undertake to keep confidential any information, document or other material communicated to it as confidential or other forms of classification by the other Party, not to disclose it to third parties without a prior written consent of the originating Party, and not to use any such information for any purpose other than the implementation of this working arrangement, even after the termination of the arrangement.

Access to documents and personal data will be processed in accordance with rules and provisions applicable to each of the Parties.

The Parties commit themselves to respect all security rules on the protection of classified information and non-classified sensitive information applicable to each of the Parties.

CHAPTER VIII: FINAL PROVISIONS

Article 21
Contact points

The Parties will appoint respective contact points through an exchange of letters.

Article 22
Cooperation plans

The Parties agree on the possibility to complement this working arrangement with cooperation plans outlining concrete activities and timelines for implementation.

Article 23
Evaluation of the cooperation

The Parties will meet at least once a year at a senior management level to evaluate the implementation of this working arrangement and to define concrete cooperation activities.

Article 24
Settlement of disputes

All disputes which may emerge in connection with the interpretation or application of this working arrangement will be settled by means of consultations and negotiations between the Parties.

In default of amicable settlement, the arbitration clauses agreed in the Financial and Administrative Framework Agreement between the UN and the European Community (FAFA) shall apply accordingly.

Article 25
Expenses and liability

Without prejudice to Article 50 of the EASO Regulation, according to which the EASO Management Board shall decide on the financial implications of this working arrangement, and without prejudice to other specific reimbursement rules for the participation in meetings and activities, each Party bears its own expenses in the course of implementation of the working arrangement, unless otherwise agreed on a case by case basis.

The Parties shall each be responsible for their own staff and other personnel or sub-contractors, and shall defend and hold each other harmless with respect to any claims or liabilities arising in connection with their respective activities in the implementation of the working arrangement as a result of any act or omission by their respective staff, other personnel or sub-contractors.

Article 26

Amendments, supplements and termination

This working arrangement may be amended and supplemented in writing at any time by mutual consent between the Parties.

The Parties will enter into consultations with respect to the amendments and supplements of this working arrangement at the request of either of them.

The Management Board of EASO will adopt these amendments and supplements.

The working arrangement may be terminated in writing by either of the Parties with a six-month notice.

Article 27

Privileges and immunities

The privileges and immunities enjoyed by both Parties shall not be affected in any form by the provisions of this working arrangement.

Article 28

Entry into force

The working arrangement shall enter into force on the day of its signature.

Done at Geneva, 13 December 2013

For EASO

For UNHCR

Signed

Signed

Dr. Robert K Visser
Executive Director

Mr. António Guterres
UN High Commissioner for Refugees