



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 a European Asylum Support Office (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 and European instruments governing the rights of refugees and persons of concern to UNHCR and relevant General Assembly resolutions,

Having regard to the Geneva Convention of 28 July 1951 and the New York Protocol of 31 January 1967 relating to the Status of Refugees and UNHCR's mandate to supervise the implementation of the instruments as laid down in Article 35 and in Article II respectively,

Having regard to the position of the 1951 Convention relating to the Status of Refugees in Article 78 of the Treaty on the Functioning of the European Union and the position of this Convention and of UNHCR in subsequent legislation within the framework of the Common European Asylum System,

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 continuing the development of a Common European Asylum System to offer an appropriate status to any third-country national requiring international protection and ensuring compliance with the principle of *non-refoulement*, 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 and stateless persons, 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 mandates;

(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 within the context of operations within EU Member States, 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;

(7) This Working Arrangement repeals and replaces the previous Working Arrangement of 13 December 2013 in order to update and consolidate the current situational context and the current level and nature of the cooperation between the Parties.

HAVE AGREED on the following working arrangement:

CHAPTER I: PURPOSE AND PRINCIPLES

Article 1 Purpose

The purpose of the updated Working Arrangement is to establish a renewed cooperation framework covering the relevant areas of common work and interest and to set renewed 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.¹

¹ Article 50, Cooperation with UNHCR: [...] In addition, the Management Board may decide that the Support Office can make available financial resources to cover the expenses of the UNHCR for activities that are not provided for in the working arrangements. They shall form part of the special cooperation relations established between the Support Office and the UNHCR in accordance with this Article and with Article 2(5), Article 5, Article 9(1), Article 25(4) and Article 32(2). In accordance with Article 75 of Regulation (EC, Euratom) No 2343/2002, the relevant provisions of the Financial Regulation and its implementing rules shall apply.

Article 2 Principles

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

- Promotion of applicable international and European Union protection standards and high-quality practices as well as relevant legislation, including on access to international protection;
- Respect for, and where possible coherence with EU and UNHCR policies and guidance, notably that international protection is granted to persons in need thereof in EU Member States, Schengen Associated Countries, paying special attention to the specific needs of vulnerable persons, and mainstreaming age, gender, and diversity aspects;
- Respect for UNHCR and EU legal and institutional frameworks;
- Mutual trust;
- Mutual assistance and availability to provide technical cooperation at each other's request where feasible and appropriate;
- Exchange of relevant information, documents or other material as required to the fulfilment of their respective mandates in accordance with applicable dissemination and data protection rules and policies;
- Respect and mutual understanding of each other's mandate, structure, institutional capacity and policies;
- Mutual consultation and flexibility in determining concrete cooperation activities and modalities;
- Effectiveness, efficiency and avoiding duplication of activities;
- 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 authorise on a case-by-case basis the use of relevant training materials of common interest regardless of geographical scope.

The Parties commit to cooperate in the field of training development and training delivery. The cooperation in the field of training development may include sharing expertise on topics related to human rights and international protection, vulnerability as well as adult learning principles, including the use of e-Learning methods.

In the field of training delivery, the cooperation may include the exchange of trainers for the training session organised by one of the Parties. The Parties will also explore the possibilities to organise joint training sessions for third parties and professional development activities for members of the courts and tribunals, as well as the possibilities of mutual participation in training programmes and activities on a case by case basis.

The Parties agree to exchange good practices and expertise on quality and standards in the area of training and professional development.

Article 4 **Quality Assurance activities**

The Parties agree to exchange good practices and expertise on quality assurance 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 endeavour to extend existing and explore new cooperation and mutual participation in quality initiatives and will avoid duplication with the development and promotion of quality tools for the relevant authorities of Member States aimed at helping them achieve the required quality standards.

Article 5 **Cooperation on Protection-related Tools and Guidance**

The Parties endeavour to extend invitations to each other's (network) meetings related to asylum processes (including second instance procedures), vulnerable persons and reception, when relevant issues are on the agenda, and in accordance with the Terms of Reference of the Networks.

The Parties agree to provide each other with input and feedback in the context of the development of guidance and practical tools within other thematic areas of asylum and reception.

Article 6 **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 7
Country-specific guidance

The Parties agree to duly inform each other sufficiently in advance regarding the development and envisaged publication of country-specific guidance.

In the development, review and update of country-specific guidance coordinated by EASO, UNHCR will be given the opportunity and reasonable time and will endeavour to provide relevant input to written consultations by EASO. UNHCR can also participate in Country Guidance Network meetings in accordance with the EASO Country Guidance Methodology.

Article 8
Interpretation and list of available languages

The Parties commit to exchange good practices on interpretation and on communication with applicants for and beneficiaries of international protection, 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 applicants for and beneficiaries of international protection.

Article 9
Vulnerable and stateless persons

The Parties commit to share good practices in the context of asylum and reception including: information and expertise relating to the identification of needs and the protection of vulnerable persons, including minors, unaccompanied and separated children, 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 forms of psychological, physical or sexual violence, such as survivors of female genital mutilation.

In addition, the Parties agree to highlight the protection needs of stateless persons and to refer to the identification and referral of stateless persons to the international protection procedure in related products and operational contexts.

CHAPTER III: SPECIAL SUPPORT

Article 10

Tailor-made support to EU Member States

The Parties agree to cooperate when gathering and analysing information on the needs of 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.

To avoid duplication of activities and endeavour to find synergies in their respective operations in Member States, the Parties agree to consult each other during the development of relevant activity plans.

The Parties will facilitate each other's contacts with local authorities in the Member States of operations, through the respective EASO Country Coordinator and UNHCR Representative.

The Parties will cooperate and ensure coordination of their respective technical and operational support to the authorities in the relevant Member States, *such as*, with development and improvement of case management systems, accelerating and streamlining procedures/workflows, backlog prevention/reduction, quality assurance, assessments and/or determinations of the best interests of the child and reception conditions.

The Parties agree to build on existing good practices in operational collaboration and to remain in constant and open dialogue in countries where operational collaboration exists to ensure that both are working in synergy, avoiding duplication of efforts and addressing operational challenges as they arise. The Parties agree to further replicate this collaboration in other countries where the Parties are operationally engaged.

Article 11

Relocation within the Union/EU+

The Parties will exchange relevant information and good practices in the field of relocation of applicants for/beneficiaries of international protection within the EU and the associate countries referred to in Article 49 of the EASO Regulation

Where appropriate, the Parties will cooperate in activities to support the concerned Member States and/or associate countries referred to in Article 49 of the EASO Regulation.

CHAPTER IV: EMERGENCY SUPPORT

Article 12 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 13 Contingency Planning & Emergency Operations

The Parties agree to cooperate when gathering and analysing information on the needs of 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, including in the preparation of contingency or preparedness plans.

CHAPTER V: DATA, STATISTICS & INFORMATION

Article 14 Data and information gathering and analysis

The Parties agree to share their experience and good practices related to their methodologies and tools for data and information collection and analysis.

The Parties agree to share their experience and good practices on methodologies and tools for collecting testimonies directly from applicants for and beneficiaries of international protection based on the relevant legal structures governing data protection.

The Parties will exchange, when considered appropriate, possible and relevant, and in accordance with their respective policies, 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.

Where appropriate, the Parties will inform and consult each other on the preparation of reports and other materials on the situation of international protection in EU Member States, Schengen Associated Countries and, where relevant and appropriate, other third countries concerned, inter alia through UNHCR provision of global applications (non-personal) data in accordance with relevant UNHCR policies.

The Parties will cooperate throughout the EASO production process of the EASO Annual Report on the Situation of Asylum in the EU, and consult each other on publicly available sources, tools and platforms feeding into information gathering, such as asylum and reception information platforms, case law databases, asylum legislation and policy databases.

CHAPTER VI: EXTERNAL DIMENSION

Article 15

Cooperation with associate countries and other third countries and international organisations

The Parties will exchange relevant information and best practices on their engagement in associate countries as referred to in Article 49 of the EASO Regulation, other third countries where both Parties are or may become active, and their related cooperation with international organisations. The Parties will coordinate and explore possibilities for further cooperation in this regard, including capacity building activities in the field of asylum and reception, *inter alia*, with development and improvement of case management systems, accelerating and streamlining procedures/workflows, backlog prevention/reduction, quality assurance, assessments and/or determinations of the best interests of the child and reception conditions, where relevant and appropriate.

The parties shall consult and coordinate with each other where both parties are providing, or are planning to provide, capacity-building support or relevant programming in third countries. To that end, coordination meetings for the country, regional or situation-specific context shall be convened at the request of either party.

The Parties will jointly promote meaningful linkages between EASO's Third Country Cooperation Network and the Asylum Support Group Initiative of the Global Compact on Refugees, with a view to support States in asylum system development.

Article 16

Resettlement, Humanitarian Admission and Complementary Pathways

The Parties will exchange relevant information and best practices in the field of resettlement, humanitarian admission and complementary pathways and will, while respecting each other's mandates and roles, explore possibilities for further cooperation with regard to resettlement, humanitarian admission and complementary pathways and community sponsorship schemes, and support to EU Member States and the associate countries as referred to in Article 49 of the EASO Regulation.

The Parties will facilitate each other's participation as appropriate in their respective networks dedicated to discussions on resettlement, humanitarian admission and complementary pathways.

The Parties will strive to collaborate, coordinate and complement each other's work with Member States and third countries in a manner that enhances efficiency and integrity while avoiding duplication.

CHAPTER VII: HORIZONTAL COOPERATION

Article 17 Work programmes

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

Article 18 Attendance to meetings

The Parties will facilitate the attendance of each other's representatives to relevant meetings and networks organised by them in matters of common interest.

Article 19 Translation

The Parties commit to agreeing on a procedure related to the translation of EASO products.

The Parties will look for synergies and avoid duplication with the translation of relevant national legislations on international protection procedures.

Article 20 Consultative Forum and other consultations

UNHCR is a member of the EASO Consultative Forum. The Parties will exchange good practices on sharing information and expertise on participation and involvement of civil society organisations, refugee representatives and other relevant bodies operating in the field of international protection.

Article 21 Cooperation with other partners

Where appropriate, the Parties will exchange information on their relations and communication with partners, in particular other EU institutions and agencies, Member States, associate countries as referred to in Article 49 of the EASO Regulation, other third countries in which both Parties are actively or potentially engaged, civil society and international organisations in connection with activities relevant to each other's mandate, and to consider coordination of such communication where relevant and appropriate.

Where relevant and appropriate, the Parties will facilitate each other's' participation in meetings organised by partners, including Member States, International Organisations, associate countries and other third countries.

Article 22
General affairs and administration

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

Article 23
Confidentiality

The Parties undertake to keep confidential any information, document or other material communicated to them 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.

While this Working Arrangement does not envisage the exchange of personal data, access to documents and any 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 24
Institutional Focal Points

Institutional Focal Points will be nominated by the Parties to facilitate coordination and liaison between both organisations. In the case of UNHCR, the focal point will be the UNHCR Liaison Office to EASO, based in Malta. In the case of EASO, the focal point will be the European and International Cooperation Unit.

The Institutional Focal Points shall act as the primary entry point for communication between the Parties and they shall coordinate as necessary within their respective organisation, in order to update each other of relevant developments, discuss priorities, activities of mutual interest and to coordinate on cooperation activities at strategic level.

In as far as relevant, the Parties shall endeavour to keep the other Party's Institutional Focal Point informed when directly communicating with the other Party's technical experts.

Article 25
Cooperation plans

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

Article 26
Evaluation of the cooperation

The Parties will meet at least once a year during the Senior Management Consultations to evaluate the implementation of this Working Arrangement and to define concrete cooperation activities. These meetings will take place alternatively in Geneva (Switzerland) and Valletta (Malta), or another location as deemed appropriate.

Article 27
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 Union (FAFA) shall apply accordingly.

Article 28
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 rules² 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 29
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.

² Such as the Decision of the Executive Director of EASO 306 detailing the rules on the costs incurred by persons invited to meetings organised by EASO and any subsequent revision.

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 30
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 31
Entry into force

The Working Arrangement shall enter into force on the day of its signature.

Done at Geneva on the 21st July 2021, in duplicate in the English language.

For EASO

For UNHCR

[Signed]

[Signed]

Nina Gregori
Executive Director

Gillian Triggs
Assistant High Commissioner for Protection