

MINUTES MB MEETING

Event:	25 th Management Board Meeting
Date:	13-14 December 2016
Place:	Vienna
Status:	Final version

Participants:

Members/Alternates:	Frauke Seidensticker (DE, Chairperson), Manfred Nowak (AT, Vice-Chairperson), Jacqueline Biesheuvel-Vermeijden (NL), Pierre Calmes (LU), Astrid Eichstädt (BE, alternate), Anete Erdmane (LV), Philip Geddes (UK), Rainer Hofmann (CoE), Hent Kalmo (EE), David Joyce (IE), Krassimir Kanev (BG), Jarmila Lajčáková (SK), Jernej Letnar Čerňič (SI, alternate), Daniel Ludet (FR, alternate), Fredrik Malmberg (SE), Sunniva McDonagh (IE, alternate), Nuno Piçarra (PT), Lawrence Quintano (MT), Sirpa Rautio (FI), Filippo di Robilant (IT), Alejandro Saiz Arnaiz (ES), Harald Scheu (CZ), Tena Šimonović Einwalter (HR, alternate), Elisavet Symeonidou – Kastanidou (EL), Andreja Valič Zver (SI), Regina Valutyté (LT, alternate) Jens Vedsted-Hansen (DK), Irina Zlătescu (RO)
Representatives COM:	Chiara Adamo (JUST), Nathalie Stockwell (JUST)
Operational services:	Michael O’Flaherty (Director) Constantinos Manolopoulos (Head of ADMIN), Xavier Català (Acting Head of HRL), Joanna Goodey (Head of FJ), Ioannis Dimitrakopoulos (Head of ECR), Friso Roscam Abbing (Head of FRPD), Andreas Accardo (DIR), Gabriel Toggenburg (DIR), Waltraud Heller (FRPD)
Excused Members:	Jean-Paul Jean (FR), Imre Juhász, (HU), Julija Kiršienė (LT), Julie Lejeune (BE), Eliza Savvidou (CY), Lora Vidović (HR), Mirosław Wróblewski (PL)
Observers/Guest:	Han Entzinger (SC), Markus Jaeger (CoE), Philippe Boillat (CoE), Sjur Larsen (EFTA), Lars Sigurd Valvatne (EFTA), Finn Denstad (EFTA)

MINUTES MB MEETING

Contents:

1	Opening remarks and approval of the draft agenda, possible conflicts of interest	3
2	Paperless MB meeting: introduction to the use of the tablets	3
3	Approval of the draft minutes of the 24 th MB meeting	3
3a	In camera session	3
4	- Report from the 40 th and 41 st Executive Board Meeting and on the Chairperson's activities	4
	- Report of the Director on the work of FRA in the last period, including an update on the external evaluation 2017	4
5	a) Statement of revenue and expenditure 2017	4
	b) Programming Document 2017 – 2019	4
6	a) Draft estimate of revenue and expenditure 2018.....	5
	b) Programming Document 2018 – 2020	5
7	Financial matters	5
8	Budgetary transfer and amendment of the Annual Work Programme 2016.....	6
9	Fundamental Rights Report 2017	6
10	Scientific Committee:	7
	a) Membership issues	7
	b) Revision of the Agency's Rules of Procedure relating to SC indemnities.....	7
11	Planning of MB activities in 2017:	7
	a) Strategic meeting / Elections.....	7
	b) WG STRATEGY: new tasks	7
12	Update and discussion on EU-Fundamental Rights Policy developments	8
	- Multiannual Framework 2018-2022: Update.....	8
	- State of play of observer status of association countries	8
13	MB members' report on the impact of FRA work at national level	8
14	Exchange of views with the Council of Europe and the cooperation between the Agency and the CoE	9
15	Administrative arrangement for cooperation with the Financial Mechanism Office.....	9
16	Towards an enhanced Fundamental Rights Platform	9
17	Preparing for the next Fundamental Rights Forum.....	10
18	10 th FRA Anniversary	10
19	Any other business.....	10

MINUTES MB MEETING

1 Opening remarks and approval of the draft agenda, possible conflicts of interest

Main Conclusions:	
1.1	The draft agenda was amended (an in camera session was scheduled between items 3 and 4 and the order of items was slightly changed) and approved.
1.2	A minute of silence was kept in memory of Scientific Committee member Dr Kristine Kruma who had passed away in July.
Decision:	A. The draft agenda was amended and approved.

2 Paperless MB meeting: introduction to the use of the tablets

Main Conclusions:	
2.1	The use of the newly introduced iPads was explained through a presentation.

3 Approval of the draft minutes of the 24th MB meeting

Main Conclusions:	
3.1	The draft minutes of the 24 th MB meeting were approved.
Decision:	B. The draft minutes of the 24 th MB meeting were approved.

3a In camera session

Main Conclusions:	
3a.	The Director gave a report on confidential matters.

4 - Report from the 40th and 41st Executive Board Meeting and on the Chairperson's activities

- Report of the Director on the work of FRA in the last period, including an update on the external evaluation 2017

Main Conclusions:

- 4.1 The Chairperson briefed the MB on the 40th EB meeting held on 7 October and on the 41st EB meeting prior to the MB meeting. She reported on her recent activities, such as the presentation of the Fundamental Rights Report 2016 in Brussels and Denmark and the Opening of the Fundamental Rights Forum 2016. She also reported having chaired a panel debate on women, peace and security in Germany (OSCE Chair 2016) where she noted that the FRA survey on violence against women plays an important role in the OSCE.
- 4.2 The Director provided an overview of the agency's activities, which was followed by a very active discussion and many MB members expressing strong appreciation to the staff for the activities in the reporting period.
- 4.3 The strong increase of opinions delivered to the EU legislator on draft EU law was welcomed.
- 4.4 Many members spoke highly of the Fundamental Rights Forum and referred to the Chair's Statement, which for example was referenced in the annual report of the Croatian NHRI.
- 4.5 The Commission thanked the Agency for its excellent collaboration and welcomed the creation of a predictable calendar of FRA deliverables in 2017, which will help the planning of how they can feed into Commission policies.
- 4.6 The Director also gave an update on internal developments including the merger of the administration and HRL departments.
- 4.7 The Head of Administration reported on the external evaluation and its timeline.

5 a) Statement of revenue and expenditure 2017

b) Programming Document 2017 – 2019

Main Conclusions:

- 5.1 The Director presented the highlights of the Programming Document 2017-2019, reminding the MB that the document had been modified according to their comments and the Commission's opinion.
- 5.2 The MB was informed that in the draft estimate of revenue and expenditure 2017, it had been assumed that the former Yugoslav Republic of Macedonia would participate as an observer in the Agency's work as from 1 January 2017. Since this had been postponed to 1 March, an amount of € 27.500 € needed to be deducted from the initial contribution from FYROM of €165,000 €.
- 5.3 The MB was asked to adopt the PD 2017-2019 and the statement of revenue and expenditure 2017. Concern was expressed regarding the lack of visibility of the work

MINUTES MB MEETING

regarding the Roma community in the PD 2017-2019. The Commission, though supporting the substance of the PD 2017-2019, voted against the adoption of the statement of revenue and expenditure 2017, due to the increased number of Contract Agent positions (38 instead of 33 approved by the Budgetary Authority).

Decision:	C. The MB adopted the statement of revenue and expenditure 2017 (amounting to 22.704,500 €) with the Commission voting against. D. The MB adopted the Programming Document 2017-2019.
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6 a) Draft estimate of revenue and expenditure 2018 b) Programming Document 2018 – 2020

Main Conclusions:

- 6.1 The Head of Administration presented the main changes of the draft PD 2018-2020. The MB was asked to endorse the draft PD 2018-2020 which will be submitted to the European Commission by 31 January 2017 for its formal Opinion. Based on the financial perspectives the 2018 budget amounts to €21,654,000. However, taking into consideration several factors explained to the MB, the Operational Services proposed a total amount of €23,944,000 (i.e. €23,774,000 EU subsidy plus €170,000 FYROM's contribution).
- 6.2 The Chair of the Scientific Committee presented the comments of the Scientific Committee, encouraging the Agency to reach out even more to civil society and the scientific community.
- 6.3 Some MB members commented that they would like to see more cooperation between FRA and NHRIs, Equality Bodies, ECRI, and also with the private sector. The Agency's work with regard to the PNR was also discussed.
- 6.4 The observer from the CoE reported the CoE's comments on the Work Programme 2018.

Decision:	E. The draft estimate of revenue and expenditure for 2018 was adopted with the Commission and one MB member abstaining. F. The MB endorsed the draft Programming Document 2018-2020
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7 Financial matters

Main Conclusions:

- 7.1 A member of the Budget Committee updated the MB on the status of the FRA budget execution and budgetary transfers in 2016 and on the budget 2017.

8 Budgetary transfer and amendment of the Annual Work Programme 2016

Main Conclusions:	
8.1	The Head of Administration presented the proposed budgetary transfer, explaining that the amount to be transferred from title I to title III had to be reduced with respect to what had been initially presented: given that the operational services had in the meantime moved on with the 2015 reclassification of contract agents and therefore a higher amount was needed in title I (174.575 € instead of 198.233 € to be transferred from title I to title III). After a number of clarifications provided by the Head of Administration, the Management Board adopted the proposed budgetary transfer 2016_01.
Decision:	G. The MB adopted the proposed MB budgetary transfer 2016_01.

9 Fundamental Rights Report 2017

Main Conclusions:	
9.1	The chair of AREDIT welcomed the new format of the Fundamental Rights Report 2016 and presented the dissemination figures. The conclusion was that the new language and dissemination strategy fully paid off. He mentioned that the publication of the report was also successful including 8 national events. He suggested to seek the reaction/opinion of the readers as a next step.
9.2	With regard to the focus section of the upcoming report he reported on the preference of AREDIT to choose the topic "10 years of Fundamental Rights in Europe". Following debate in the MB on the suggested focus section, it was concluded that FRA will make sure that the focus section shows the Agency's added value without ending up in a FRA-praising exercise. It was furthermore agreed that AREDIT should discuss with the operational services how the topic of children's rights (in migration) could be best integrated into the Focus.
Decision:	H. The MB agreed to the topic "10 years of Fundamental Rights in Europe" for the Focus Section of the Fundamental Rights Report 2017

10 Scientific Committee: a) Membership issues b) Revision of the Agency's Rules of Procedure relating to SC indemnities

Main Conclusions:	
10.1	Due to the passing away of Dr Kristine Kruma, one position in the Scientific Committee had become vacant. The EB proposed not to fill the vacant position until the end of the current Scientific Committee's mandate (June 2018) given the limited time available to complete the procedure and fill the vacancy. In this context, the Commission also highlighted the fact that according to article 14.3 of the founding regulation, the member may be replaced and that therefore this was not compulsory.
10.2	A revision of article 24 of the Agency's Rules of Procedure, relating to indemnities for the Scientific Committee was proposed. The change would be to allow for indemnities to be paid to SC members when delivering opinions on FRA deliverables of at least 10 pages (instead of 40 pages). The Management Board adopted the revision of the Rules of procedure.
Decision:	<ul style="list-style-type: none">I. It was decided not to not to fill the vacant position in the Scientific Committee until the next appointment.J. The MB accepted the proposed revision of the Agency's Rules of Procedure.

11 Planning of MB activities in 2017: a) Strategic meeting / Elections b) WG STRATEGY: new tasks

Main Conclusions:	
11.1	The Chairperson proposed to hold a strategic meeting ("retreat") in September 2017 (in addition to the regular MB meetings held in May and December), on the subject of "FRA's role in a Europe of Values". Furthermore, it was proposed to elect the new Chairperson and one further member of the Executive Board at the next MB meeting in May 2017. All other elections should be held at the next MB meeting in September in order to give also newly appointed MB members (taking up their duties in July 2017) the opportunity to be part of the Executive Board and Working Groups.
11.2	The MB decided to dissolve the Working Group STRATEGY and to set up a new MB working group (WG RETREAT 2017) in order to prepare the retreat. Terms of reference were adopted for this new Working Group.
Decision:	<ul style="list-style-type: none">K. The MB agreed to elect the new Chairperson and one further member of the EB in May 2017. All the other elections shall be held in September 2017.L. It was agreed to set up a new MB working group to prepare the MB Retreat in September 2017 (WG RETREAT 2017). The respective Terms of reference were adopted.

12 Update and discussion on EU-Fundamental Rights Policy developments **- Multiannual Framework 2018-2022: Update** **- State of play of observer status of association countries**

Main Conclusions:	
12.1	<p>The Commission gave an update on recent developments and underlined how FRA contributed to Commission initiatives in the area of fundamental rights. These include the 2016 Annual Colloquium on Fundamental Rights, Forum on the Rights of the Child, High level Group on Racism and Xenophobia and the FRA led sub-group on hate crime recording. It will make use of FRA's survey data for the forthcoming action campaign on violence against women and negotiations regarding the proposed EU accession to the Istanbul Convention. Finally, the Commission highlighted the Joint Declaration by the three EU institutions on the EU's legislative priorities for 2017 and the fact that it lists the "commitment to common European values, the rule of law and fundamental rights" amongst the four fundamental issues which need particular attention and further progress in 2017.</p> <p>The COM expressed its interest to increase the dialogue between the national parliaments and countries and to make fundamental rights more visible for citizens as well. The colloquium by EC was distributed.</p>
12.2	<p>The Commission reported that the Council agreed on the Council Decision establishing a MAF for FRA for 2018-2022 which had been submitted to the EP for its consent. It is line with the proposal of the Commission except for the policy and judicial cooperation in criminal matters, which was not accepted by all Member States (unanimity is required).</p>
12.3	<p>The Commission also informed that, following the approval by the Association Council, the former Yugoslav Republic of Macedonia would appoint an observer to the FRA MB and an NLO by end-March 2017. Participation of Serbia and Albania was progressing and awaiting approval once the parliamentary reserve of two Member States would be lifted.</p>

13 MB members' report on the impact of FRA work at national level

Main Conclusions:	
13.1	<p>MB members reported on the impact of FRA's work in their respective countries. They gave several examples where the intervention and presence of FRA at national events attracted the media. FRA's work was also praised and MB members commented on the increased visibility of FRA in their respective countries.</p>
13.2	<p>The Director enquired about ways to increase further the impact of FRA's work at national level. This topic will be picked up during the next MB meeting.</p>
13.3	<p>The question of a new wording of this agenda item was also discussed as some MB members expressed concerns regarding the difficulty to answer such question.</p>

14 Exchange of views with the Council of Europe and the cooperation between the Agency and the CoE

Main Conclusions:	
14.1	Philippe Boillat (Director General of the Directorate General of Human Rights and the Rule of Law) presented an overview of the main developments of the Council of Europe in 2016. He highlighted the excellent cooperation between FRA and the CoE, covering the wide range of thematic areas in which FRA cooperates with the CoE. In response, the Director reaffirmed FRA's commitment to a joined-up partnership with the CoE in all areas of its work. For example close involvement of the CoE in the development of FRA's European Fundamental Rights Information System will be ensured through the CoE's participation in an advisory group for this project.
14.2	The MB exchanged views on the cooperation between the Council of Europe and FRA, as well as on the work of the Council of Europe on human rights.

15 Administrative arrangement for cooperation with the Financial Mechanism Office

Main Conclusions:	
15.1	The Head of the Director's office briefed the MB that FRA was about to enter a new administrative arrangement cooperation form with the EEA & Norway Grants. He explained that the cooperation is getting more institutional. Norway grants to be one of the strategic partners in 2018 FR Forum. The Commission highlighted the great potential for synergy, giving the example of the envisaged FRA training for managing authorities of the EU Structural and Investment Fund in the beneficiary countries of the Grants.
15.2	The MB adopted the administrative arrangement for cooperation with the Financial Mechanism Office.
Decision:	M. The MB adopted the administrative arrangement for cooperation with the Financial Mechanism Office.

16 Towards an enhanced Fundamental Rights Platform

Main Conclusions:	
16.1	The MB welcomed FRA's plans to broaden and further develop its engagement with civil society. There was also interest in FRA's work related to the shrinking space for civil society at national level.

MINUTES MB MEETING

17 Preparing for the next Fundamental Rights Forum

Main Conclusions:

- 17.1 The Director informed the MB of the outcomes of the online survey on the Fundamental Rights Forum (FRF) that took place in June 2016, which showed very positive results. He also presented the lessons drawn from this experience.
- 17.2 The MB approved the two year frequency of the FRF.

18 10th FRA Anniversary

Main Conclusions:

- 18.1 The MB was briefed on the events planned for the Agency's 10th anniversary.
- 18.2 Some MB members mentioned the coinciding 60th anniversary of the Rome treaty and suggested to consider possible links with this anniversary.

19 Any other business

Main Conclusions:

- 19.1 The replacement of paper file through iPads was welcomed by MB members, which will not only be administratively more efficient, but also reduce environmental costs.
- 19.2 The mandate of half of the representatives appointed by Member States will come to an end in July 2017. The Commission encouraged the departing Members to seek contact with the relevant Member State authority to encourage timely new nominations.
- 19.3 One member of the MB thanked FRA for its presence and comments during a conference in the Netherlands in November.

Date of the next meeting: 18-19 May 2017

Approved on:	18th of May, 2017
By the Chair:	