

MB DECISION

Decision n°: 2016/05

Subject: Adoption of Management Board budgetary transfer 2016-01 and amendment of the Annual Work Programme 2016

THE MANAGEMENT BOARD OF THE EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

HAVING REGARD to the Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights (hereinafter referred to as the 'Agency'), and in particular Article 12 paragraph 6(a) thereof;

HAVING REGARD to Management Board decision of 12 December 2013 on the Financial Rules applicable to the budget of the Agency (hereinafter referred to as the 'Financial Rules'), and in particular Article 27 paragraph 2 and Article 32 paragraph 4 thereof

HAS DECIDED AS FOLLOWS:

Article 1

To adopt the 2016-01 Management Board transfer of appropriations on the 2016 budget amending the Agency's Annual Work Programme, as explained in Annexes I and II, and III.

Done at Vienna, on 14 December 2016

For the European Union Agency for Fundamental Rights



Frauke Lisa Seidensticker

Chairperson of the Management Board

Annexes:

Annex I – Explanatory note on the proposed budgetary transfer

Annex II – Amounts per commitment item

Annex III – Amendment AWP 2016 (including the relevant financing decisions)

NOTE

Ref: 2016-internal-001564

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FROM: Administration

TO: Management Board

DATE: 06 December 2016

SUBJECT: Annex I – 2016-01 Management Board budgetary transfer

A budgetary transfer is proposed to the Management Board. This proposal reduces the administrative expenditure by €297,714 and reinforces the Agency's Title III – Operational expenditure accordingly. In addition, reallocation of funds within Title III projects is proposed as explained below, optimising the use of the available appropriations.

Amounts transferred with a value of less than €2,000 are only shown in Annex II.

Title I – Staff expenditure

Staff Expenditure

Title I is proposed to be reduced by €174,575. The Agency completed a budget revision exercise where a surplus of funds under the salaries related budget lines was found. The reasons for this surplus are:

- the reclassification exercises 2014 and 2015 for temporary and contract agents will take place in 2017, therefore, the amount of €100,000 that was reserved under the 2016 budget for these exercises is released
- changes in staffing that took place during the year such as:
 - one temporary agent resigned
 - staff members requested maternity and parental leave, as well as part-time working, and
 - the country coefficient for Austria that has been decreased.

The impact of the above mentioned entails a surplus of €87,572 in chapter 11 as shown in Annex II.

A01300 – Mission expenses, duty travel expenses and other ancillary expenditure

This budget item is proposed to be decreased by €75,227. During the financial year the Agency reinforced the application of the Activity Based Management, Budgeting and Costing by charging, where possible, the Directorate's missions to the related projects of Title III. This action is in line with the Job Screening methodology where the Director and its office are defined to be operational. In addition, following a recalculation of the Agency's needs for the rest of the year, the above mentioned amount found to be in surplus.

A01630 – Early childhood centres and crèches

This budget item is proposed to be decreased by €13,081. This amount found to be in surplus following the actual registrations of kids and their associated costs.

Title II – Buildings, equipment and miscellaneous operating expenditure

Title II is proposed to be reduced by €123,138.

A02020 – Water, gas, electricity and heating

Following the new installations of heating system the costs under this budget line have been reduced. Therefore, the amount of €2,410 can be released.

A02030 – Cleaning and maintenance

Following the actual costs of cleaning services and maintenance an amount of €11,010 found to be in surplus.

A02040 – Fitting-out of premises

An amount of €9,418 EUR is necessary to cover the expected fitting out of premises costs for the creation of the in-house AV studio plus some additional building works. This amount is required following the reopening competition procedure under the existing framework contract.

A02050 – Security and surveillance of buildings

Based on the actual consumption an amount of €8,012 can be reallocated.

A02100 – Hardware and Software

Based on the current consumption of printing, storage and network services and their related contracts ensuring immediate actions in case of service interruptions, an amount of €12,000 can be released.

A02101 – Software development

The amount of €55,203 can be released. This is made available following the decision to migrate to the Commission's Sysper application for human resources management instead of another ICT development.

A02102 – IT services

Following the contracting of related services for CERT-EU and the IT procurement services with DIGIT an amount of €3,300 can be released.

A02200 – Maintenance use and repair of technical equipment and installations

The Agency budgeted a provisional amount of €15,000 for technical equipment and installations. The amount consumed so far is €10,597 and no further expenditure is foreseen until the end of the year. Therefore, the remaining amount of €2,674 can be released.

A02300 – Stationery and office supplies

Following this year's acquisitions and better management of stationary supplies the amount of €4,804 can be released.

A02400 – Postage and delivery charges

Based on previous years' consumption an amount of €26,000 was foreseen for the postage services of 2016. However, through better management the current consumption indicates that an amount of €4,468 can be released.

A02410 – Telecommunications charges

The Agency foresaw an amount of €119,000 for telecomm services. Due to decreased consumption of mobile costs as well as the reduced costs related to the TESTA-NG connection used by the Agency the amount of €21,846 can be released.

A02601 – Studies surveys consultations

Following the completion of the reopening of competition to contract for the auditing of the accounts, the amount of €2,755 found to be in surplus.

Title III – Operational Expenditure

Title III is proposed to be increased by €297,714. In addition, funds are proposed to be reallocated within Title III among the operational projects.

B03211 – Information society and, in particular, respect for private life and protection of personal data

The amount of €25,000 is proposed to be added to Project 5.2.1 National intelligence authorities and surveillance in the EU. This amount will cover the organisation of an expert peer-review meeting, the reprints of the Surveillance

reports and the summaries, and the launch of FRANET monthly reports. The objective of this FRANET service is to provide FRA with three monthly legal updates on discussions and reforms taking place in Belgium, Finland, France, Germany, the Netherlands, Sweden and the United Kingdom. This information will contribute to an up-to-date report on surveillance that is scheduled for publication in 2017.

B03230 – Immigration and integration of migrants, visa and border control and asylum

This budget line is proposed to be increased by €836,965. Project 5.1.2 Inter-agency cooperation and other activities in the areas of borders, immigration and asylum is proposed to be increased by €378,612. FRA will use this amount to collect information about the fundamental rights situation in selected EU Member States that are affected by asylum and migration challenges to continue publishing the Agency's monthly reports on the current migration situation. In addition, to satisfy the need for further information on asylum and migration-related issues in the Member States concerned by the current migration situation the amount of €98,244 will be used for the following activities:

- the translation of a stand-alone summary of 'Guardianship systems and guardians for children deprived of parental care in the European Union' into 22 languages
- the layout and print production of an increased number of project deliverables, including the layout and print production of the summary on guardianship systems and guardians in 23 languages and the print production of the three FRA Opinions requested by the European Parliament in 2016
- the translation of the FRA Opinion on the proposed recast of the Dublin Regulation into French and German
- the translation of the FRA Opinion on the fundamental rights in the 'hotspots' in Greece and Italy into French, German, Greek and Italian, and
- the translation of the FRA Opinion on Eurodac into French and German.

€494,253 will be used to implement the 3rd priority actions of Project 5.1.1 Severe labour exploitation – migrant workers' perspectives (SELEX II).

€35,900 found to be in surplus under Project 5.1.4 Social inclusion and migrant participation in society. This amount was planned to cover the publications and an expert meeting. However, the publication of the final report and its public launch have been postponed for March 2017. Therefore, the budget foreseen for these actions is released.

B03311 – Racism, xenophobia and related intolerance

The amount of €3,000 is proposed to be released from Project 5.3.1 Antisemitism: data collection and analysis due to the fact that the mission costs were lower than initially foreseen.

B03321 – Discrimination

This budget line is proposed to be increased by €93,062. The amount of €22,595 is added to Project 5.5.6 Additional activities in the area of non-discrimination in order to cover the costs of missions and of publishing the French and German versions of the 2015 of the comparative legal analysis on the protection against discrimination on grounds of sexual orientation, gender identity and sex characteristics. The previous two legal analyses on this topic of 2008 and 2010 are also available in French and German.

The amount of €16,400 is proposed to be released from Project 5.5.3 Handbook of European non-discrimination law. The main reason for this surplus is the result of the procurement procedure for the update and development of the handbook, which was lower than expected.

The amount of €87,464 is released from Project 5.5.1 European Union Minorities and Discrimination Survey (EU-MIDIS II). During the implementation of the fieldwork unforeseen delays were faced in some countries. These delays were beyond the control of both the contractor and the Agency. As a result, is that the publication, translation, and editing and production of EU-MIDIS II outputs deliverables will take place in 2017. Therefore, part of the budget foreseen for these actions in 2016 is released.

The first priority budget for Project 5.5.4 Living in another Member State: barriers to EU citizens' full enjoyment of their rights is proposed to be increased by €174,331. This amount will cover the implementation of the actions foreseen in the Annual Work Programme as third priority in all Member States and not only on selected ones as it was initially foreseen.

B03340 – Roma Multi-Annual Programme

This budget item is proposed to be decreased by €5,000. This amount is reduced from Project 5.4.2 Additional activities in the area of "Roma integration". Due to the delays in the fieldwork of EU-MIDIS II discussed above, the meeting that was planned to take place with the municipality authorities is postponed for 2017.

B03350 – Rights of the child

This budget item is proposed to be increased by €80,883. Project 5.6.1 Children and Justice is proposed to be increased by €54,849 to cover the translation of the summary into 15 EU official languages. The summary highlights the key findings regarding the experiences of professionals and children in judicial proceedings and provides FRA's evidence-based advice to make judicial proceedings more child friendly. The translation of the summary will support FRA in communicating the project's results at Member State level to promote the implementation of the

Council of Europe Guidelines on child-friendly justice and the implementation of the Victims' Directive.

The amount of €26,034 is proposed to be reallocated to Project 5.6.3 Handbook of European case-law on the rights of the child to cover the costs for the translation of the handbook into Maltese as well as its layout and print production, in light of the Maltese Presidency of the Council of the EU as of 1 January 2017.

B03620 – Access to justice

This budget item is proposed to be decreased by €922,405. The budget of Project 5.7.2 Fundamental Rights Survey is proposed to be decreased by €736,745. A tendering procedure was launched for the implementation of this project. Following the conclusion of this procedure the Agency awarded the contract to the most economically advantageous offer received. At the same time, a review concerning the needs of the Agency resulted in postponement of the full-scale data collection to 2018/2019 – in 2017 the project activities include preparation of the survey materials and piloting. Based on this offer the price offer received, for the cost of implementation of the actions foreseen to be initiated in the 2016 AWP – preparation of survey materials and piloting in 2017 – is lower compared to the amount originally estimated.

The amount of €124,282 is released from Project 5.7.3 Handbook on access to justice in Europe. An amount of money was foreseen for the legal language review in 19 languages, and for the reedition and reprint of the English and French versions. However, the actual cost for these actions was lower than initially foreseen. In addition, the actual cost of missions related to this project was lower compared to the amount originally budgeted.

The budget of Project 5.7.4 Rehabilitation and mutual recognition – practice concerning EU law on transfer of persons sentenced or awaiting trial is proposed to be reduced by €49,266. The publication of the project's findings was rescheduled to take place in the last quarter of the year. The amount released was foreseen for the summary report of these findings, which is now rescheduled for next year.

The amount of €12,112 was found to be in surplus under Project 5.7.6 The right to interpretation and translation and the right to information in criminal proceedings in the EU due to the fact that the actual costs foreseen for the production and for the missions related to this project were lower compared to the amount originally budgeted.

B03630 – Victims of crime, including compensation to victims of crime

This budget item is proposed to be increased by €23,864. The amount of €30,864 is proposed to be reallocated to Project 5.8.2 Additional activities in the area of victims of crime. This amount will cover the costs for the layout and print production, as well as the translation into 22 EU official languages, of a stand-

alone summary of 'Ensuring justice for hate crime victims: professional perspectives'. The summary will further support FRA's work in the field of hate crime at EU and Member State level, in particular by providing fundamental rights expertise in national languages.

In addition, €7,000 found to be in surplus under Project 5.8.1 Rights of crime victims to have access to justice – a comparative analysis due to the fact that the actual number of missions was lowered compared to the one that was initially estimated.

B03700 – Annual Report

Project 5.9.1 Annual reports is proposed to be reduced by €4,820. The data collection exercise costed less compared to the initial estimation.

B03711 – Communication and awareness-raising

The amount of €182,659 is proposed to be reallocated to this budget item. The amount of €202,776 is proposed to be transferred to Project 5.9.6 Production and dissemination of communication products. This amount will cover the following actions:

- the layout and print production of four language versions (Bulgarian, Croatian, Italian and Romanian – 300 copies of each language) of the fundamental rights-based police training manual. The language versions of the police training manual will support the capacity-building in fundamental rights among law enforcement officers in EU Member States;
- the translation of the Leporello on FRA, its thematic areas, publications and activities into 20 EU languages (the French and German translations of this brochure have already been done), as well as the layout and print production of it. This brochure allows FRA to further promote its findings across all thematic areas at Member State level;
- the layout and print production of the FRA calendar of events and publications 2017 in English for dissemination to stakeholders;
- the translation of the fundamental rights-based police training manual, including the Annex with practices, into further 12 EU official languages with the aim to ensure the capacity-building in fundamental rights among law enforcement officers in further nine EU Member States (translations already completed include: EN, BG, DE, EL, ES, FR, IT, HR and RO)

The target is to translate the police training manual into 22 official EU languages should funds become available before the end of the financial year.

Project 5.9.9 Performance Monitoring and Evaluation is proposed to be reduced by €20,117. Following the completion of the related tendering procedure price offer received was lower compared to the amount budgeted.

B03801 – Bodies of the Agency

Project 5.10.1 Bodies of the Agency is proposed to be reduced by €27,908. Respecting the principle of Activity Based Budgeting the costs for the participation of MB and also SC members to the Fundamental Rights Forum (FRF) were covered by the FRF project instead of this budget item as it was initially foreseen. In addition, the number of missions of MB members was less than envisaged. Surpluses from the Scientific Committee's budget have also been identified because the actual participation in the SC meetings was lower than foreseen.

B03802 – Consultation mechanisms

This budget item is proposed to be increased by €18,413. Project 5.10.2 Consultation and cooperation mechanism - National Liaison Officers is increased by €23,690. For 2017, FRA is planning an expert meeting in March, and the launch of an online survey in summer. For the preparation of an informed and targeted meeting, as well as survey questionnaire, evidence and data on the issues are needed. For this purpose a FRANET request for all EU countries will be launched in 2016 ensuring that the results are available on time. The total cost for this FRANET amounts to €58,692. Part of this amount will be covered by internal surpluses from the missions, which was lowered compared to the amount that was budgeted and organisation of events. The budget for these events is calculated based on the number of people that are invited to participate, where the final cost is based on the actual participation. The actual cost of the missions.

Project 5.10.3 Consultation and cooperation mechanism - Fundamental Rights Platform is proposed to be reduced by €5,277. This amount became available because the budget for the organisation of meetings is calculated based on the number of people that are invited to participate, where the final cost is based on the actual participation.

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Annex II - 2016-01 Management Board transfer on C1 credits by budget line

<u>Item</u>	<u>Description</u>	<u>Current commitment appropriations</u>	<u>Committed appropriations</u>	<u>Uncommitted appropriations</u>	<u>Budgetary transfer</u>	<u>Commitment appropriations following the budgetary transfer</u>
		(1)	(2)	(3)=(1)-(2)	(4)	(5)=(1)+(4)
TITLE I						
A-1101	Family allowances	775,911.87	725,209.93	50,701.94	-50,701.94	725,209.93
A-1113	Trainees	418,750.44	414,921.00	3,829.44	0.00	418,750.44
A-1131	Insurance against accidents and occupational disease	32,213.37	29,602.83	2,610.54	0.00	32,213.37
A-1190	Salary weightings	378,041.69	343,782.52	34,259.17	-34,259.17	343,782.52
A-1200	Recruitment expenditure	4,498.95	4,192.64	306.31	-306.09	4,192.86
A-1203	Removal expenses	12,595.00	11,595.00	1,000.00	-1,000.00	11,595.00
A-1300	Mission expenses, duty travel expenses and other ancillary expenditure	144,000.00	68,772.92	75,227.08	-75,227.08	68,772.92
A-1410	Medical service	42,365.74	31,365.74	11,000.00	0.00	42,365.74
A-1420	Professional training of staff	130,000.00	119,152.67	10,847.33	0.00	130,000.00
A-1520	Staff exchanges	435,398.29	434,028.00	1,370.29	0.00	435,398.29
A-1630	Early childhood centres and creches	189,284.09	176,203.16	13,080.93	-13,080.93	176,203.16
	TOTAL TITLE I	11,799,000.00	11,590,293.74	208,706.26	(174,575.21)	11,624,424.79
TITLE II						
A-2000	Rent	571,600.00	571,150.88	449.12	-449.12	571,150.88
A-2010	Insurance	10,305.05	9,874.72	430.33	-430.33	9,874.72
A-2020	Water, gas, electricity and heating	77,120.00	74,709.56	2,410.44	-2,410.44	74,709.56
A-2030	Cleaning and maintenance	301,000.00	289,989.76	11,010.24	-11,010.24	289,989.76
A-2040	Fitting-out of premises	65,400.00	35,400.00	30,000.00	9,417.80	74,817.80
A-2050	Security and surveillance of buildings	135,000.00	126,987.63	8,012.37	-8,012.37	126,987.63
A-2100	Hardware/Software	501,836.25	489,836.25	12,000.00	-12,000.00	489,836.25
A-2101	Software Development	324,610.75	239,408.00	85,202.75	-55,202.75	269,408.00
A-2102	IT services	33,300.00	30,000.00	3,300.00	-3,300.00	30,000.00
A-2200	Technical equipment and installations	12,750.00	7,922.96	4,827.04	-2,674.14	10,075.86
A-2300	Stationery and office supplies	18,600.00	13,796.32	4,803.68	-4,803.68	13,796.32
A-2320	Bank charges	2,750.00	2,500.00	250.00	-250.00	2,500.00
A-2353	Departmental removals and associated handling	18,500.00	16,767.22	1,732.78	-1,732.78	16,767.22
A-2355	Publications and reproduction of documents	1,533.00	1,401.80	131.20	-131.20	1,401.80
A-2400	Postage and delivery charges	10,580.00	6,111.76	4,468.24	-4,468.24	6,111.76
A-2410	Telecommunications charges	95,500.00	73,653.73	21,846.27	-21,846.27	73,653.73
A-2550	Miscellaneous expenditure for meetings	10,800.00	9,720.46	1,079.54	-1,079.54	9,720.46
A-2601	Studies, surveys, consultations	27,550.00	24,795.00	2,755.00	-2,755.00	24,795.00

<u>Item</u>	<u>Description</u>	<u>Current commitment appropriations</u>	<u>Committed appropriations</u>	<u>Uncommitted appropriations</u>	<u>Budgetary transfer</u>	<u>Commitment appropriations following the budgetary transfer</u>
		(1)	(2)	(3)=(1)-(2)	(4)	(5)=(1)+(4)
TOTAL TITLE II		2,232,000.00	2,025,526.05	206,473.95	(123,138.30)	2,108,861.70
TITLE III						
B3-211	Information society and, in particular, respect for private life and protection of personal data	480,000.00	345,117.25	134,882.75	25,000.00	505,000.00
B3-230	Immigration and integration of migrants	750,000.00	689,592.19	60,407.81	836,965.19	1,586,965.19
B3-311	Racism, xenophobia and related intolerance	95,000.00	80,553.08	14,446.92	-3,000.00	92,000.00
B3-321	Discrimination	1,135,273.11	895,814.42	239,458.69	93,061.60	1,228,334.71
B3-340	Roma integration	135,104.89	115,940.72	19,164.17	-5,000.00	130,104.89
B3-350	Rights of the child	129,025.00	72,374.60	56,650.40	80,883.00	209,908.00
B3-620	Access to justice	2,290,000.00	90,249.77	2,199,750.23	-922,404.98	1,367,595.02
B3-630	Victims of crime & comp.	560,000.00	532,335.85	27,664.15	23,864.00	583,864.00
B3-700	Annual Report	426,320.04	415,476.15	10,843.89	-4,820.04	421,500.00
B3-711	Communication and awareness-raising	989,000.00	702,019.77	286,980.23	182,659.03	1,171,659.03
B3-801	Bodies of the Agency	229,000.00	193,504.35	35,495.65	-27,907.50	201,092.50
B3-802	Consultation mechanisms	109,276.96	84,410.04	24,866.92	18,413.21	127,690.17
TOTAL TITLE III		7,328,000.00	4,217,388.19	3,110,611.81	297,713.51	7,625,713.51
TOTAL 2016 BUDGET		21,359,000.00	17,833,207.98	3,525,792.02	(0.00)	21,359,000.00