
Decision n°: 2013/04

SUBJECT : 2013-01 Management Board budgetary transfer and amendment of the Annual Work Programme

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 23 October 2008 on the Financial Rules applicable to the budget of the Agency (hereinafter referred to as the 'Financial Rules'), and in particular 23§2 thereof;

HAS DECIDED AS FOLLOWS:

Article 1

The reallocation of funds on 2013 budget within Title III amending the Agency's Annual Work Programme 2013, as explained in Annexes I and II, and III.

Vienna, 24 May 2013

For the European Union Agency for Fundamental Rights



Majja Sakslin
Chairperson of the Management Board

Annexes: Annex I – Explanatory note on the proposed budgetary transfer
Annex II – Amounts per commitment item
Annex III – Documents on the amendment of the Annual Work Programme 2013 (Financial fiches and Financing Decision)

**INTRODUCTORY NOTE**

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Event:	17th Meeting of the FRA Management Board	
Date:	22 – 24 May 2013	
Reference:	2013/17MB/EN/IN_Financial Matters_transfer	
Action:	X	Decision
	X	Discussion/Information
Subject:	Agenda Item 16: Financial Matters 2013-01 MB budgetary transfer and amendment of Annual Work Programme 2013	

a) Background

In accordance with the Agency's implementing rules, article 76 para 2, the decision adopting the Annual Work Programme (AWP) shall be considered to be the financing decision for the procurement contracts involved. Furthermore, based on paragraph 4 of the same article any substantial change in a financing decision already adopted shall follow the same procedure as the initial decision.

Within this context the attached amendment to the 2013 AWP and a budgetary transfer are proposed. This action intends to cover the needs related to the following two projects:

- The project on "*Disability indicators*" that, based on discussions with the European Commission and other key stakeholders, will focus on the political participation of persons with disabilities with a view to releasing results ahead of European Parliament elections in 2014. The budgetary transfer will cover the costs relating to the ad-hoc research conducted by the National Focal Points whose data will be combined with data collected in-house by FRA and analysed by FRANET under the comparative analysis lot. A small peer review meeting to discuss the draft deliverable will also be implemented.
- Following the completion of the research phase of the project '*Fundamental rights of persons with intellectual disabilities and persons with mental health problems*', FRA will translate and layout the final deliverable from the project, a report on legal capacity of persons with intellectual disabilities and persons with mental health problems. FRA will also hold an expert seminar to launch the report on legal capacity in October 2013.

In addition, after an evaluation of the potential impact of the "*S'COOL Agenda and e S'COOL Agenda*" in correlation to other awareness raising activities discussed at the Agency, this project has been provisionally replaced by a corporate report (working title: "*FRA highlights. Helping to make fundamental rights a reality for everyone in the EU*") addressing a broader audience and aiming to increase the understanding of how FRA is working. This corporate report should supplement the FRA Annual Report. Consequently the necessary budgetary transfer was initiated.

Further details are provided in Annexes I, II and III.

b) Action(s)

The Management Board is kindly requested to adopt the proposed 2013 AWP amendment and the budgetary transfer.

c) Annex(es)

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| <ul style="list-style-type: none">- Annex I – Explanatory note on the proposed budgetary transfer- Annex II – Amounts per commitment item- Annex III – 2013 AWP fiches amended (including the relevant financing decision) |
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NOTE

FROM: Administration *PAGE 1/2*

TO: Management Board

DATE: 16 May 2013

SUBJECT: 2013-01 Management Board budgetary transfer

Title III – Operational Expenditure

B-3321 – Discrimination

As part of its role in the EU monitoring framework for the Convention on the Rights of Persons with Disabilities (CRPD), the Agency is tasked to collect and analyse relevant data and develop indicators on selected rights covered by the CRPD. A project on disability indicators, reflecting this role, was approved by the Management Board as part of the Annual Work Programme 2012 (2012-ECR-07) and is currently being implemented.

An amendment to the Annual Work Programme regarding the project on disability indicators is also proposed to the Management Board. Based on discussions with the European Commission and other key stakeholders, the project will focus on the political participation of persons with disabilities with a view to releasing results ahead of European Parliament elections in 2014.

Part of the data collection will be contracted via the FRANET network. The National Focal Points (NFP) will be asked to conduct ad-hoc desk research. This data, combined with data collected in-house by FRA, will then be analysed by FRANET under the comparative analysis lot. The budgetary transfer will cover the costs relating to this comparative analysis. It will also cover the costs of a small peer review meeting to discuss the draft deliverable.

The comparative analysis will cost €25,859.00. The FRA will know the exact price of the peer review meeting only when the related transport and accommodation costs are identified. The comparative analysis conducted by FRANET will be revised in-house. Project outputs will be layouted and printed.

The estimated cost of this service is:

- €25,859.00 for the comparative analysis, and
- around €15,000.00 for the peer review meeting.

The amount of €40,859.00 is proposed to be covered by the operational reserve.

NOTE

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In addition, following the completion of the research phase of the project 'Fundamental rights of persons with intellectual disabilities and persons with mental health problems', FRA will translate and layout the final deliverable from the project, a report on legal capacity of persons with intellectual disabilities and persons with mental health problems. FRA will also hold an expert seminar to launch the report on legal capacity in October 2013.

In keeping with the FRA's translation policy, the Agency will also layout the French and German translations of the report 'Choice and control: the right to independent living', which was published in June 2012.

An amendment to the Annual Work Programme 2013 to introduce the project 'Fundamental rights of persons with intellectual disabilities and persons with mental health problems' is also proposed to the Management Board. This project will not include a research element, but will focus on these communication and stakeholder engagement activities.

The estimated cost of this service is:

- €33,160 for the translation and layout of the legal capacity report into German and French
- €6,000 for the layout of the Choice and control report in German and French, and
- €35,500 for the launch of the report on legal capacity

The above services amount to €74,660.00. Of this total, €26,887.14 will be covered by the funds that the Agency received in 2012 from the Danish government's as a contribution to the 2012 Disability project. The remaining €47,772.86 is proposed to be transferred from the operational reserve.

B-3900 – Reserve for Title III

For the purpose of this transfer €88,631.86 will be used representing 3.8% compared to the adopted budget.

Project fiche 3.3.4 | First Priority Discrimination based on sex, race or ethnic origin, religion or belief, disability, age or sexual orientation and against persons belonging to minorities and any combination of these grounds

Indicators on the political participation of persons with disabilities

Project description

Description

The EU is party to the UN CRPD and, to the extent of its competences, has an obligation to monitor the respect, promotion and fulfilment of the rights of persons with disabilities. In keeping with the requirements of Article 33 of the CRPD, the EU has put in place a monitoring framework composed of several institutions, including the FRA. FRA's primary role in this framework is to collect and analyse relevant data and, in close cooperation with the European Commission, further develop indicators and benchmarks. In addition, Article 31 of the CRPD obliges the EU, as a State Party to the convention, to collect statistical and research data on a regular basis.

The development of indicators and benchmarks in 2013 will focus on the right to political participation of persons with disabilities, as guaranteed by Article 29 of the CRPD and Article 20 of the Treaty on the Functioning of the European Union, which establishes that citizens of the EU have the right to vote and to stand as candidates in elections to the European Parliament and in municipal elections in their Member State of residence. The right to political participation is closely related to the principles of autonomy and inclusion, which are cross-cutting themes of the CRPD and the European Disability Strategy 2010-2020, and areas in which the FRA has already carried out work through its project on the fundamental rights of persons with intellectual disabilities and persons with mental health problems.

The refinement and population of indicators on political participation of persons with disabilities will be based on the structure-process-outcome framework developed by OHCHR and applied by the FRA to all indicator related work, for example the EU indicators on the rights of the child requested by the European Commission in 2009. The indicators will be identified and developed in close cooperation with the Commission. They will be populated through desk research and analysis of secondary data. These activities will complement, and be carried out in coordination with, the work conducted by the Academic Network of European Disability Experts (ANED).

The results and methodologies refined during this project will feed into future FRA work on indicators in the area of equality and will support FRA's contribution to the EU CRPD monitoring framework.

Objectives

- To develop indicators on the right to political participation of persons with disabilities
- To populate the indicators through the collection and analysis of relevant data
- To provide EU institutions with robust, comparable data

Overall outputs

- Structure, process and outcome indicators populated with data on the right to political participation of persons with disabilities, developed in consultation with the Commission and ANED
- Reports and other deliverables

Beneficiaries and target groups

- European Commission, European Parliament, European Council
- CRPD Committee
- Member States' monitoring mechanisms under Article 33 CPRD
- European and national political parties
- NHRIs/Equality Bodies
- Civil society, including disabled persons organisations

Activities and results achieved so far

The project follows up on work on the fundamental rights of persons with mental health problems and persons with intellectual disabilities undertaken by FRA. In particular, in 2010 the FRA published a comparative legal report on the right to political participation of persons with mental health problems and persons with intellectual disabilities. Furthermore, recent FRA Annual Reports have considered the right to vote of persons with disabilities under the 'participation of the citizens of the Union in the Union's democratic functioning' area of the Agency's previous Multiannual Framework.

A discussion on the development of rights-based indicators, including in the area of disability, took place during the FRA Symposium on indicators in May 2011. Building on the outcomes of this symposium and FRA's experience of indicator development in other areas, for example the rights of the child and Roma integration, the Agency started preparation work for the further development of indicators. The refinement of indicators in this project will reflect FRA's framework for indicators, and be carried out in close coordination with the wider work on fundamental rights indicators.

Planned activities in 2013

- Mapping of existing initiatives in the area of disability indicators
- Refinement of indicators on the political participation of persons with disabilities and identification of data sources
- Desk research and analysis of secondary data
- Population of indicators
- Stakeholder engagement
- Refinement of indicators to monitor selected rights covered by UN CRPD, developed in closed consultation with the European Commission
- Comparative analysis
- Peer review meeting.

Planned outputs in 2013

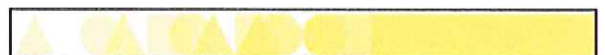
- Indicators on the right to political participation of persons with disabilities
- Data analysis

Output indicators

- Stakeholders' assessment of the relevance of this project.

FINANCIAL AND HUMAN RESOURCES ALLOCATED TO THE PROJECT

	Temporary Agents	Contract Agents	Seconded National Experts	Total	Budget 2013
Research and stakeholder cooperation	1	0.2	-	1.2	105.859,00
Communication awareness-raising	-	-	-	-	-
Total	1	0.2	-	1.2	€105.859,00



Project fiche 3.3.7 | First Priority Discrimination based on sex, race or ethnic origin, religion or belief, disability, age or sexual orientation and against persons belonging to minorities and any combination of these grounds

Fundamental Rights of Persons with Intellectual Disabilities and Persons with Mental Health Problems

Project description

The EU is party to the UN CRPD and, to the extent of its competences, has an obligation to monitor the respect, promotion and fulfilment of the rights of persons with disabilities. FRA's primary role in the EU CRPD monitoring framework is to collect and analyse relevant data.

Following on the completion of the research activities of the project on fundamental rights of persons with intellectual disabilities and persons with mental health problems, additional communication activities and stakeholder engagement will be carried out in 2013.

Objectives

To provide EU institutions and EU Member States with robust, comparable data with regard to the fundamental rights of persons with intellectual disabilities and persons with mental health problems, with particular focus on the issue of equal recognition before the law (Article 12 of the CRPD)..

Overall outputs

Reports and other material on the situation of persons with intellectual disabilities and persons with mental health problems

Beneficiaries and target groups

- European Commission and European Parliament
- CRPD Committee
- Member States (Ministry of Justice; Government depts.; public sector bodies etc.)
- Council of Europe
- Professional organisations
- Member States' monitoring mechanisms under Article 33 CPRD
- NHRIs/Equality Bodies
- Civil society, including disabled persons organisations

Activities and results achieved so far

In 2009-2010, the Agency collected legal data on national and international legal frameworks available to persons with intellectual disabilities and persons with mental health problems. In 2010 the Agency published short report on the right to political participation, in 2011 on the legal protection of persons with disabilities under non-discrimination law; and in 2012 a report on involuntary placement and treatment of persons with disabilities. In 2010-2011, the Agency conducted a social study on the situation of persons with lived experience of intellectual disability or mental health problems. The results were published in 2012 during a major conference organized by the FRA in cooperation with the Danish Ministry of Social Affairs and the Danish Institute for Human Rights. In the context of this project the Agency conducted several networking activities aimed at mobilizing relevant stakeholders.

Planned activities in 2013

- Stakeholder engagement and launch of a report on legal capacity of persons with mental health problems and persons with intellectual disabilities (in English, French and German).
- Publication of French and German translations of the report
- Choice and control: the right to independent living
- The work will also feed into FRA's role in the EU CRPD monitoring framework

Planned outputs in 2013

- Socio-legal report on 'Legal capacity of persons with mental health problems and persons with intellectual disabilities' in English, French and German
- Social report on Choice and control: the right to independent living in French and German
- Seminar with legal experts working on the legal capacity file form Ministries of Justice across the EU
- Stakeholder engagement

Output indicators

- Relevance of the information and the analyses provided to the specific objectives
- Stakeholders' perception of the relevance of this work to their needs
- Timely delivery of outputs

FINANCIAL AND HUMAN RESOURCES ALLOCATED TO THE PROJECT

	Temporary Agents	Contract Agents	Seconded National Experts	Total	Budget 2013
Research and stakeholder cooperation	-	-	-	-	
Communication awareness-raising	-	0.25	-	-	€74,660
Total	-	0.25	-	0.25	€74,660



Oral explanation given during the 17th Management Board Meeting for shifting project 3.3.8, "Raising awareness of Human Rights Education", from third to first priority and for the transfer of 60.000,00 Euros to Budget line B3-311:

"Operationally we are ready to proceed with implementation of the project activities. In particular, the implementation of the project activity concerning training module and pilot training for EU officials on the Holocaust and Human Rights Education can go ahead. The COM approved the concept of the training and implementation of this activity as a priority for Mr Paul Nemitz, the Director of DG JUST C."

Raising awareness of Human Rights Education

Project description

The Agency collects regularly existing data and information on the situation regarding antisemitism in the EU and has carried out a specific multi-annual project on Holocaust education. In 2011-12 in an effort to make up for the lack of official – and comparable – data on antisemitism across the EU it conducted a survey on Jewish people's experiences and perceptions of antisemitism in selected EU Member States. The issues covered include experiences of discrimination (direct, indirect and harassment) in key areas of social life, as well as experiences of criminal victimisation and hate crime. In addition perceptions of the extent of discrimination and hate crime were also explored, as well as awareness of legal remedies and victim support.

FRA will also continue to collect data and publish its annual update report on antisemitism based on existing data and information. In addition, it will continue engaging with EU and national actors in activities concerning Holocaust education, particularly in a broader context of human rights education and efforts to preserve the memory of crimes committed by totalitarian regimes in pre-war and post-war Europe.

Objectives

The overall objective is to provide evidence based advice to EU and national policy makers in regard to combating antisemitism effectively and raising awareness on preserving the memory of crimes committed by totalitarian regimes.

Overall outputs

- Annual update on the situation regarding antisemitism in the EU
- Communication of the survey results to key stakeholders
- Networking with relevant actors to raise awareness
- Human rights training module for EU officials and pilot training implementation

Beneficiaries and target groups

- EU Institutions and Member States
- EU officials
- Civil Society

Activities and results achieved so far

The FRA regularly collects data on antisemitism, which it publishes in the form of an annual update on the situation in the EU. In 2012, it completed a multi-annual project on Holocaust and human rights education with multiple deliverables. Data collection for the survey on antisemitism was also completed in 2012.

Planned activities in 2013

Based on the data collected and analysed the Agency will publish its annual update on the situation concerning antisemitism in the EU. It will also communicate and discuss the results of its relevant survey work and the results of its past work on holocaust and human rights education and training, also by networking with key stakeholders. The FRA will also develop a training module for EU officials in close cooperation with the European Commission and conduct a pilot training.

Planned outputs in 2013

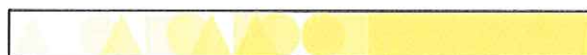
- Data analysis
- Publication of results
- Meetings with stakeholders
- Meeting reports
- Training module

Output indicators

- ♣ relevance of the information and the analyses provided to the specific objectives;
- ♣ relevance of the meetings to the specific objectives, based on the participants' feedback;
- ♣ stakeholders' perception of the relevance of this work to their needs; and
- ♣ participation rate in the meetings with selected key stakeholders.

FINANCIAL AND HUMAN RESOURCES ALLOCATED TO THE PROJECT

	Temporary Agents	Contract Agents	Seconded National Experts	Total	Budget 2013
Research and stakeholder cooperation	0,25	-	-	0,25	15,000
Communication awareness-raising	-	0.1	-	0.1	45,000
Total	0.25	0.1	-	0,35	60,000



**FRA**

EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

European Union Agency for Fundamental Rights

Administration

Annex II - 2013-01 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 III						
B3-311	Racism, xenophobia and related intolerance	184,000.00	26,924.90	157,075.10	60,000.00	244,000.00
B3-321	Discrimination	1,685,000.00	420,816.50	1,264,183.50	88,631.86	1,773,631.86
B3-900	Reserve for Title 3	424,510.00	-	424,510.00	-148,631.86	275,878.14
	TOTAL TITLE III	7,628,510.00	1,923,735.87	5,704,774.13	-	7,628,510.00
	TOTAL 2013 BUDGET	21,348,510.00	13,872,808.97	7,438,701.03	-	21,348,510.00

Amendment

Discrimination based on sex, race or ethnic origin, religion or belief, disability, age or sexual orientation and against persons belonging to minorities and any combination of these grounds

Legal basis: Council Regulation (EC) No 168/2007 / Council Decision of 28 February 2008 implementing Regulation 168/2007
Budget line: B0-3321

Project 3.3.4: Disability Indicators

Objectives: See AWP2013 project fiche
 Budget: € 105.859,00

Objectives: See AWP2013 project fiche
 Budget: € 105.859,00
 Description of the action: Research and stakeholder cooperation
 Type of contracts: Framework contract (FRANET or individual contract)
 Number of contracts: 2
 Indicative timeframe for procurement: 1st quarter and 4th quarter
 Indicative budget for procurement: € 105.859,00

Project 3.3.7: Fundamental Rights of Persons with Intellectual Disabilities and Persons with Mental Health Problems

Objectives: See AWP2013 project fiche
 Budget: € 74.600,00

Objectives: See AWP2013 project fiche
 Budget: € 74.600,00
 Description of the action: Communication and awareness raising
 Type of contracts: Framework contract (launch event, translation and lay outing)
 Number of contracts: 2
 Indicative timeframe for procurement: 4th quarter
 Indicative budget for procurement: € 74.660,00

Racism xenophobia and related intolerance

Legal basis: Council Regulation (EC) No 168/2007 / Council Decision of 28 February 2008 implementing Regulation 168/2007
Budget line: B0-3311

Project 3.3.8: Raising awareness of Human Rights Education

Objectives: See AWP2013 project fiche
 Budget: € 60.000,00

Description of the action: Research and stakeholder cooperation
 Type of contracts: Framework contract – FRANET or individual contract
 Number of contracts: 2
 Indicative timeframe for procurement: 4th quarter
 Indicative budget for procurement: € 15.000,00

Description of the action: Communication and awareness raising
 Type of contracts: Framework contract (launch event, translation and lay-outing)
 Number of contracts: 2
 Indicative timeframe for procurement: 4th quarter
 Indicative budget for procurement: € 45.000,00