MINUTES OF THE 20TH MB MEETING

EVENT: 20th Meeting of the FRA Management Board
PLACE Vienna
DATE: 11 - 12 December 2014
STATUS: FINAL VERSION

Participants:
Members/Alternates: Maija Saksin (FI, Chairperson), Manfred Nowak (AT, Vice-Chairperson), João Caetano (PT), Patrick Charlier (BE), Tomas Davulis (LT), Maud de Boer-Buquicchio (CoE), Anete Erdmere (LV), Adoración Galera Victoria (ES, alternate), Philip Geddes (UK), Hent Kalmo (EE), Jarmla Lahčíková (SK), Fredrik Malmberg (SE), Stelios Perrakis (EL), Altıla Pélérfalvi (HU), Patricia Prendiville (IE), Fabienne Rossler (LU), Frauke Seidensticker (DE), Pavel Šturma (CZ), Vesselin Hristov Tsankov (BG), Andreja Valič Zver (SI), Jens Vedsted-Hansen (DK), Lora Vidović (HR), Lorenza Violini (IT), Sylvia Wortmann (NL), Mirosław Wróblewski (PL), Irina Zhițescu (RO)

Representatives
COM: Chiara Adamo (JUST), Satish Sule (JUST)

Operational services:
Morten Kjærerum (Director), Constantinos Manolopoulos (Head of ADMIN), Paul Cozzi (Head of HRP), Ioannis Dimitrakopoulos (Head of ECR), Jo Goodey (Head of FI), Friso Roscam Abbing (Head of COR), Andreas Accardo (DIR), Luca Burello (ADMIN), Waltraud Heller (COR), Alina Jalea (DIR), Francesco Saverio Liguori (HRP), Gabriel Toggenburg (DIR), Dennis Van der Veur (COR)

Excused Members:
Miguel Azpitarte-Sánchez (ES), Efthina Nicolaou (CY), Raymond Zammit (MT), Paul Nemitz (COM)

Observers/Guests:
Rosemary Byrne (SC), Matthias Kloth (CoE), Stine Andreassen (EFTA), Finn Denstad (EFTA)

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

Main Conclusions:

1.1 The draft agenda was amended: point 7 ("Decision on official start of the term of office of MB Members") was deleted.

Decision: A.

The draft agenda was amended and approved.

2 Approval of the draft minutes of the 19th MB meeting,

Main Conclusions:

2.1 The draft minutes of the 19th MB meeting were amended and approved.

Decision: B.

The draft minutes of the 19th MB meeting were amended and approved.

3 Director's Report on the work of FRA in the last period, FRA publications etc.
Report from the 32nd and 33rd Executive Board Meeting and on the Chairperson's activities representing FRA

Main Conclusions:

3.1 The Director updated the MB on the work of FRA in the period after the last MB meeting. MB members expressed appreciation for the wide and rich array of activities under the FRA’s strategic and thematic objectives. They encouraged the operational services to continue presenting information on the impact of FRA’s work and enquired about efforts to follow up on past projects. A more in-depth assessment of the achieved objectives was recommended. The planning, monitoring and evaluation policy developed in 2014, which was briefly introduced by the Director at the MB meeting, was welcomed in that regard.

3.2 The MB Chairperson and Vice-Chairperson informed about their attendance in Rome of the Fundamental Rights Conference (November 2014), which they appreciated as a success. The Chairperson also informed about the opportunity to deliver an opening address at a Council of Europe Conference on the linguistic and cultural rights of indigenous peoples in Northern regions.

4 Update on the recruitment of the new FRA Director

Main Conclusions:

4.1 MB members asked for the highest possible degree of transparency of the procedure for the MB. With regard to the provisions of the founding regulation, the Commission pointed out that the "transparent selection procedure" related to the obligation to make the procedure clear to all potential applicants as to its individual steps, e.g. in the vacancy notice. The Commission also pointed to the necessity of separation of the two phases of the
procedure as mapped out in the regulation and confirmed in the recent EMA decision by the Court of Justice. The MB welcomed the Chairperson’s decision to delegate Ms Frauke Seidensticker to undertake the role of observer of the recruitment procedure for the next FRA Director (see attached e-mail of 10 October 2014). The MB expressed the wish to be kept informed – in as far as possible within the legal framework - through its observer of the recruitment process.

5 Decision on the interim Director

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<tr>
<th>Main Conclusions:</th>
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<tbody>
<tr>
<td>5.1 Constantinos Manolopoulos was designated to fill in the position of interim Director after 31 March 2015 and until a new Director takes office. Announcement of interim arrangement will be made in March 2015.</td>
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<th>Decision:</th>
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<td>Constantinos Manolopoulos was designated to fill in the position of interim Director after 31 March 2015 and until a new Director takes office.</td>
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6 Election of a new Chairperson, a new Vice-Chairperson and two new members of the Executive Board not appointed ex-officio

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<tr>
<td>6.1 Frauke Seidensticker (DE) was elected as new MB Chairperson, to take up office on 28 March 2015. Manfred Nowak (AT) was re-elected as MB vice-chairperson. Anete Erdmane (LV) and Miroslav Wróblewski (PL) were elected as new EB members.</td>
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<td>6.2 Hent Kalmo (EE) announced that he would terminate his mandate as EB member two and a half months earlier, so that all newly elected EB members can take up office on 28 March 2015.</td>
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<td>6.3 A public announcement is to be made in March 2015.</td>
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<tr>
<td>Frauke Seidensticker (DE) is the new MB chairperson. Manfred Nowak (AT) is MB vice-chairperson. Anete Erdmane (LV) and Miroslav Wróblewski (PL) are the new EB members not appointed ex-officio. They will take up office on 28 March 2015.</td>
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7 21st MB meeting

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<tr>
<td>7.1 In case the operational services will not find accommodation in Vienna, the MB agreed that the 21st MB meeting could take place in Budapest, at the CEPOL headquarters, on 20-21 May 2015.</td>
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**Decision:**

| E. | In case the operational services will not find accommodation in Vienna, the MB agreed that the 21st MB meeting could take place in Budapest, at the CEPOL headquarters, on 20-21 May 2015. |

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8 **Update and discussion on EU fundamental rights policy developments**

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<td>8.1 COM presented the new EU institutional landscape and the main results of the electoral year, as well as the new task distribution among the EU Commissioners whose mandates are relevant to FRA’s work.</td>
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<td>8.2 Among the thematic priorities in the field of fundamental rights will be the renewal of the EU Agenda for Children in 2015 at the closure of the 2011-2014 Agenda. FRA’s work in this field has been of great use in 2014, as well the work on Antisemitism and hate crime. In regards to the latter, COM noted that the transitional period for the former 3rd pillar ended on 1 December 2014 so that it now acquired enforcement powers for instruments such as the Framework Decision on Racism and Xenophobia. It counts on FRA’s research findings in order to promote increased awareness in the Member States on existing gaps. Regarding the Internal Security Strategy, COM highlighted that a section on fundamental rights was part of the Council Conclusions and that there would be a focus on prevention, including an encouragement of efforts for integration and anti-discrimination so as to avoid radicalisation. COM informed on FRAME, a new research project on the defence of human rights inside and outside the EU. The project is led by a consortium of universities for a duration of four years, with a 6 million Euro budget. COM encouraged synergies with FRA’s work.</td>
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<td>8.3 COM gave an outlook on upcoming fundamental rights highlights until the end of 2014: a) forthcoming Court of Justice opinion on EU’s accession to the European Convention for Human Rights; b) adoption of Conclusions on rule of law in the General Affairs Council; c) Commission Conference on the Charter of Fundamental Rights of the EU: assessing the training needs in public authorities. The FRA Director opens the second day of the Conference.</td>
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<td>8.4 COM confirmed the interest of EU candidate countries to participate as observers in the FRA’s work. Once financial arrangements are finalised, COM will submit proposals to the Council of the EU in this regard.</td>
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<td>8.5 Sylvia Wortmann (NL) announced cooperation with COM during the Dutch Presidency of the EU in 2015 on the occasion of a one-day seminar in Amsterdam on promising practices on the application of the Charter in policy processes. A contribution by FRA to this event was encouraged.</td>
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9 Follow up to the conclusions and recommendations from the 
Fundamental Rights Conference 2014
Follow up on the FRA work on migration

Main Conclusions:

9.1 The Head of the Communication and Outreach Department briefed on the Fundamental Rights Conference (November, Rome). MB members, having participated in the event, assessed the Conference as a well organised event, with an excellent choice of speakers and participants. It was noted that more time could have been allocated to working groups to allow for further in-depth debate on specific themes of the Conference. MB members who could not attend the event commended the operational services for the live transmission.

9.2 The Head of the Freedoms and Justice Department presented FRA’s main projects in the area of asylum, migration and borders (severe forms of labour exploitation, use of biometric data in large EU IT systems and the collaboration with the EU agency eu-Lisa). A second edition of the Handbook on European law relating to asylum, borders and immigration was finalised, in response of the strong interest by practitioners.

10 Cooperation with EU Member States – Report from the Working group IMPACT
FRA – Civil society cooperation

Main Conclusions:

10.1 The chair of the MB Working Group IMPACT briefed on the recent activity of the group and made several recommendations: 1) the mandate of the WG should continue beyond the end of June 2015; 2) a network of FRA associates be established in every Member State to promote FRA work at the national level (e.g. events on the occasion of the Annual Report launch); 3) the agenda of the MB Retreat in September 2015 should contain a discussion on how MB members could help promote FRA work at the national level; 4) FRANET could play a stronger role in supporting FRA efforts for national level impact. The continuation of the MB WG and its input for the September retreat will be discussed at the next MB meeting (May 2015).

10.2 Lora Vidović (HR) informed about a recent meeting of the FRA associates in Croatia and their decision to hold bi-annual meetings of this kind.

10.3 Some MB members emphasised the importance of consulting national stakeholders when developing FRA’s work. A strategic and tailor-made approach was recommended to have real impact at the national level. There was general agreement that impact should be defined as more than a series of meetings and events.

10.4 The MB welcomed the Strategic framework of FRA-Civil society cooperation and underlined the importance of a strategic partnership with FRA stakeholders, including civil society organisations.

11 EEA/Norway Grants and EFTA

Main Conclusions:

11.1 The Director of the Financial Mechanism Office presented the interest of EFTA to strengthen collaboration with FRA, particularly on issues related to Roma inclusion, hate
11.2 The MB welcomed the developing cooperation with EFTA and underlined the importance of a speedy resubmission of the administrative arrangements for cooperation to the MB, following revision by the operational services after consultation with COM.

Decision: F.

In light of the developing cooperation, the MB will continue to invite the Financial Mechanism Office to attend MB meetings as observer on an ad hoc basis, in line with article 12, paragraph 10 of the founding regulation.

12 Financial Matters
a) Report from the Budget Committee
b) 2014-03 MB budgetary transfer
c) Conflict of interest
d) Implementing rules to the financial rules of the European Union Agency for Fundamental Rights

Main Conclusions:

12.1 The Budget Committee expressed preference to be informed before the launch of any written procedure on budgetary issues. It recommended that the operational services sends budget execution reports to the Committee on a more frequent basis. The Committee recommended that FRA continues fine-tuning existing planning tools in order to minimise the amount of surpluses. One solution would be to include more “third priority” projects in the Annual Work Programmes.

12.2 The Head of the Administration Department provided the MB with an overview of the reallocation of funds to Title III as proposed in the 2014-03 MB transfer. The various amounts per commitment item were discussed. The Head of the Freedoms and Justice Department and the Head of the Equality and Citizens’ Rights Department explained how the funds would be used for the implementation of specific projects, notably in the fields of discrimination, Roma integration, rights of the child, access to justice and victims of crime. The Budget Committee expressed a positive opinion on the 2014-03 MB budgetary transfer.

12.3 MB was provided with background information on the work of the FRA Working Group on Conflict of Interest (CoI). It was introduced to the main changes proposed to the final rules on CoI for the MB and the Scientific Committee, as brought forward for adoption. Changes (e.g. inclusion of an Annex on the acceptance of gifts, creation of a board of appeal) were introduced to make the existing CoI rules more compliant with those of the COM, and to take into account both real and perceived conflict of interest.

12.4 The Chairperson explained that in order to foster transparency, a list of MB members working for organisations having agreements with FRA was compiled.

12.5 The Management Board was informed that the proposed Implementing rules to the financial rules of the FRA do not deviate from the Commission Delegated Regulation No 1268/2012 and that the related consultation between DG Budget and the Agency was finalised. The Budget Committee expressed a positive opinion on the Implementing rules, which were adopted by the MB.
13 Draft Budget and Annual Work Programme 2015

Main Conclusions:

13.1 The Budget Committee expressed a positive opinion on the Draft budget and Annual Work Programme 2015.

13.2 COM inquired whether the amount of human resources mentioned in the Annual Work Programme 2015 would be adjusted.

13.3 The operational services confirmed that the staff capacity would be re-adjusted once the 2015 budget was adopted. A brief overview of the staff cuts as proposed by COM in 2015 was given.

13.4 COM also commented on the description of the project on free movement, which should be re-focused in line with the changes suggested for the Annual Work Programme 2016. The activities will be re-formulated in line with these comments.

14 Draft estimate and Annual Work Programme 2016

Main Conclusions:

14.1 The MB reiterated its wish to link Annual Work Programme projects to longer term objectives (as per Strategic Plan) and underlined the need for a stronger link between communication and research projects.

14.2 COM highlighted the importance of linking FRA research with EU policy priorities. The following FRA projects would be of particular relevance for COM work: hate crime, victims, legal aid, children in judicial procedures, access to justice, Roma. COM also suggested FRA to develop work in new areas, specifically mentioning the area of children in detention. It called for strong coordination with EIGE on any work related to gender-based violence. The operational services underlined that in the case of the proposed FRA project on freedom of movement the forthcoming COM opinion should include a specific COM thematic request (in line with Art. 4.1(c) and 5.3 of FRA’s founding Regulation) as it would go beyond the existing Multiannual Framework. The operational services also shared the assessment of usefulness of research on children in detention, underlining the need for a specific thematic request from COM on this issue too, given that it would touch on the area of policy and judicial cooperation in criminal matters.

14.3 The FRA Scientific Committee gave its view on the draft Programme.
14.4 The Council of Europe introduced its written comments and recommended cooperation on: violence against women, racism, anti-Semitism, new guides on human rights for internet users.

**Decision:**

K.

The MB adopted the draft estimate of revenue and expenditure 2016 and provisionally endorsed the AWP 2016. After receiving the opinion of COM, the AWP 2016 will be adopted by written procedure. In case of major issues, the AWP 2016 will be presented for adoption at the next MB meeting in May.

15 **Anti-fraud strategy**

**Main Conclusions:**

15.1 The MB was provided with an overview of the anti-fraud requirements mentioned in the FRA financial rules, the relevant controls already in place, and the strategic objectives to support the prevention of fraud. It was explained that the anti-fraud strategy proposed for MB endorsement was prepared in cooperation with the European Anti-Fraud Office (OLAF), which provided positive feedback. OLAF could be invited to give trainings on anti-fraud.

**Decision:**

L.

The MB adopted the anti-fraud strategy.

16 **Outlook on conferences 2015**

**Main Conclusions:**

16.1 The Head of the Communication and Outreach Department offered an outlook on key events planned for 2015. COM encouraged coordination regarding the timing of FRA’s launch of its report on children and justice with the Annual Forum on Rights of the Child, as well as scheduling the related meeting with FRP participants back-to-back with the Forum.

17 **Annual Report 2014: update**

**Main Conclusions:**

17.1 The chair of the MB Working Group AREEDIT presented the future stages of the drafting process. The draft Annual Report will be sent to MB members on 13 February 2015, in view of its adoption at the 20-21 May 2015 MB meeting. The Focus Chapter of Annual Report 2014 will be dedicated to fundamental rights indicators.

17.2 The MB agreed that the mandate of the Working Group AREEDIT should continue until the end of June 2015. New elections shall take place in September 2015, allowing newly appointed MB members to join AREEDIT.
**Decision:**

M.
The mandate of the Working Group AREDI T was extended until the end of June 2015.

**18 FRA’s chairmanship of the Network of EU agencies**

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<tr>
<td>18.1 The Director and the Head of the Administration Department presented an overview of FRA’s efforts to increase visibility of the EU Agencies Network, in its capacity as chair of the network. The feedback from the EU institutions shows that a positive shift of perspective regarding the role and added value of EU Agencies has been achieved. During the various meetings and events organised by FRA, several steps were taken to help mainstream the issue of fundamental rights into the work of other EU agencies.</td>
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**19 Any other business**

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<td>19.1 As this was the Director’s last Management Board meeting before the end of his contract, the Management Board thanked him for the excellent work done during his term of FRA Director. The Chairperson made a résumé of his achievements and praised his merits as Director, underlining that he had been extremely active in representing not only the Agency but also fundamental rights in Europe.</td>
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Date of the next meeting: 20 - 21 May 2015

Approved on 22 June 2015

by the Chair

Annex 1: e-mail of the Chairperson to the MB of 10 October 2014
From: Management Board Chairperson
Sent: 10 October 2014 17:04
To: (AT) NOWAK 1; (AT) NOWAK 2; (BG) TSANKOV; (CoE) DE BOER-BUQUICCHIO (maud.buquicchio@gmail.com); (CY) NICOLAOU; (CZ) STURMA; (DE) SEIDENSTICKER (info@seidenstickercc.eu); (DK) VEDSTED-HANSEN; (EE) KALMO; (EE) KALMO 2; (ES) AZPITARTE-SANCHEZ; (HR) VIDOVIC; (HU) PETERFALVI 1; (HU) PETERFALVI 2; (IE) PRENDIVILLE; (IT) VIOLINI; (LT) DAVULIS; (LV) ERDMANE; (MT) ZAMMIT; (NL) WORTMANN 1; (NL) WORTMANN 2; (NL) WORTMANN 3; (PL) WROBLEWSKI 1; (PL) WROBLEWSKI 2; (PT) CAETANO; (RO) ZLATESCU; (RO) ZLATESCU 2; (i.zlatescu@yahoo.com); (SE) MALMBERG; (SI) VALIC ZVER; (SK) LAJCAKOVA; (UK) GEDDES; (AT) PABEL; (BG) MARINOVA; (CoE) Hofmann; (CY) TSIARTAS; (CZ) LANGASEK (tomas.langasek@nssoud.cz); (DE) SCHMAHL; (DK) RAHBAEK; (EE) NUTT; (EL) TAKIS; (FI) PIRJATANNIEMI; (HR) SIMONOVIĆ EINWALTER 1; (HR) SIMONOVIĆ EINWALTER 2; (HU) SCHANDA; (IE) SCHABAS; (LT) VITKAUSKAITĖ-MEURICE; (LV) OLSENA 1; (LV) OLSENA 2; (MT) SPITERI BAILEY (ian@sbadvocates.com.mt); (NL) SEVENSTER; (PL) BALCERZAK; (RO) RIZOIU; (SE) SJÖLANDER (cecilia.sjolander@allmannaarnhhuset.se); (SI) LETNAR CERNIC; VAJDA, Alexander
Cc: (FI) SAKSLIN; ADAMO, Chiara; HOEFMANS, Alexander; SULE, Satish; JAESCHKE Barbara (FRA); SIDDIQI Afsheen (FRA)
Subject: Vacancy notice for the post of new FRA Director

Dear Members and alternate Members of the Management Board,

Please be informed that the vacancy notice for the post of new FRA Director was published today in the Official Journal. The link in the following:


In this context, I encourage you to distribute this information also to your networks in order to reach as many potential candidates as possible.

Furthermore, I hereby would like to give you the following information:
My term as Chairperson will end on 27 March 2015 and my term as Management Board Member will end on 11 July 2015.

Therefore and after consultation with the Executive Board, taking into consideration that the process will most probably not be finalised before I am going to leave, I decided to delegate the role of observer of the recruitment procedure for the new FRA Director to Ms Frauke Seidensticker.

Her term of office as MB member will continue after July 2015 and she will therefore be in a position to follow the whole procedure and report back to the Management Board whenever the appointment by the MB will take place.

I am convinced that in this way the role of the Management Board during the process can be most effectively guaranteed. I hope that you share my opinion.

Kind regards,
Maija Saksln
Chairperson of the Management Board

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Visit us on: http://fra.europa.eu | Facebook | Twitter | YouTube | LinkedIn

Helping to make fundamental rights a reality for everyone in the European Union Tackling sexual orientation and gender identity discrimination: next steps in EU and Member State policy making, Brussels conference, 28 October

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