

## MINUTES MB MEETING

<b>Event:</b>	<b>38<sup>th</sup> Management Board Meeting</b>
<b>Date:</b>	16-17 December 2021
<b>Place:</b>	via videoconferencing
<b>Status:</b>	<b>Final</b>
<b>Participants:</b>	
Members/Alternates (when Members are not present):	Elise Barbé (FR, Chairperson), Nathalie Denies (BE), Irena Ilieva (BG), Maria Stylianou-Lottides (CY), Veronika Bilkova (CZ), Heiko Sauer (DE), Louise Halleskov Storgaard (DK), Kertti Pilvik (EE), Miltiadis Sarigiannidis (EL), Yolanda Gamarra (ES), Tuomas Ojanen (FI, Day 1), Leena Leikas (FI alternate Day 2), Snježana Bagic (HR), Jim Clarken (IE), Marco Fasciglione (IT alternate), Lyra Jakulevičienė (LT), Noémie Sadler (LU), Mārtiņš Paparinskis (LV), Giannino Caruana Demajo (MT), Rick Lawson (NL, Vice-Chairperson), Csaba-Ferenc Asztalos (RO), Pavol Žilinčík (SK Day 1), Michal Davala (SK alternate, Day 2), Philippe Boillat (CoE)
Director:	Michael O'Flaherty
Representatives COM:	Ingrid Bellander Todino (DG JUST)
Operational services:	Andreas Accardo (Head of Institutional Cooperation and Networks Unit), Joanna Goodey (Head of Research and Data Unit), Constantinos Manolopoulos (Head of Corporate Services Unit), Ann-Charlotte Nygard (Head of Technical Assistance and Capacity Building Unit), Nicole Romain (Head of Communications and Events Unit), Mario Oetheimer (Deputy Head of Research and Data), Ioannis Dimitrakopoulos (Scientific Adviser), Friso Roscam Abbing (Communication Advisor), Andreas Miltos (Accounting Officer), Xavier Catala (Corporate Services), Francesco Saverio Liguori (Corporate Services), Adrianna Bochenek (Director's Office), Sami Nevala (Research and Data Unit), David Reichel (Research and Data Unit), Luca Burello (Corporate Services Unit), Waltraud Heller (Institutional Cooperation and Networks Unit), Massimo Toschi (Institutional Cooperation and Networks Unit), Barbara Jaeschke (Institutional Cooperation and Networks Unit), Sarah Moutard (Institutional Cooperation and Networks Unit), Elena Balzarini (Institutional Cooperation and Networks Unit)
Excused Members:	Peter Kostelka (AT), Gergely Deli (HU), Paulo Jorge Saragoça da Matta (PT), Verica Trstenjak (SI), Anne Ramberg (SE), Emmanuel Crabit (COM)
Alternates (when Members are present)/Observers/ Guests/:	Nathalie Stockwell (DG JUST), Lawrence Early (CoE); Evis Alimehmeti (OBS AL), Saša Gajin (OBS RS); Carleen Scheele (EIGE), Marusa Gortnar (EIGE), Tatiana Termacic (CoE), Christos Giakoumopoulos (CoE), Sheena Keller (FMO – EEA/Norway Grants), Hjörtur Sverrisson (FMO – EEA/Norway Grants), Francesco Palermo (FRA Scientific Committee, Vice-Chairperson), Doriane Givord-Strassel (Internal Audit Service), Friedrich Braeuer (Internal Audit Service), Maria Mardare (Internal Audit Service), Jose Antonio Burillo Pons (Internal Audit Service)

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## 1. a) Opening remarks and approval of the draft agenda, possible conflicts of interest

### b) Possible conflicts of interest

<b>Main Conclusions:</b>	
1.1.	The Chairperson opened the 38 <sup>th</sup> MB meeting and welcomed all participants, in particular the newly appointed members of Ireland, Jim Clarken, and of Greece, Miltiadis Sarigiannidis.
1.2.	The Chairperson reminded the Management Board of the pending nomination of the alternate member from Austria.
1.3.	The Chairperson asked the MB members about any conflict of interest pertaining to the agenda of the meeting.
1.4.	She announced that the annual exercise for the submission of the Declarations of Interests will be launched at the beginning of 2022.
1.5.	No conflict of interest was reported.
1.6.	The Chairperson introduced the draft agenda and informed that due to an unavoidable obligation she will be absent for parts of the MB. In her absence the Vice-Chairperson, Rick Lawson, will chair the meeting.
1.7.	The Chairperson also informed that item 16 relating to the Fundamental Rights Forum 2021 would be addressed after point 4 due to its relevance in the discussion that will follow under item 9.
1.8.	She reminded the Board about the election of one member of the Budget Committee. As no candidature had yet been received for the vacant post, she invited the members wishing to join the working group to submit their candidacy before the election proceedings.
1.9.	No comments were received on the draft agenda which was approved.
<b>Decision:</b>	A. The agenda of the 38 <sup>th</sup> Management Board meeting was approved.

## 2. Approval of the draft minutes of the 37<sup>th</sup> MB meeting

<b>Main Conclusions:</b>	
The draft minutes of the 37 <sup>th</sup> Management Board meeting were approved.	
<b>Decision:</b>	B. The minutes of the 37 <sup>th</sup> Management Board meeting were approved.

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### 3. a) Report from the 62<sup>nd</sup> Executive Board Meeting and on the Chairperson's activities

#### b) Report of the Director on the work of FRA in the last period

##### Main Conclusions:

- 3.1. The Chairperson reported on the 62<sup>nd</sup> EB meeting, which took place in the morning, to prepare the 38<sup>th</sup> MB meeting.
- 3.2. She reported on her participation in the Fundamental Rights Forum (FRF) 2021 on 10 October 2021 in Vienna, acknowledging the importance of the FRF for human rights actors and stakeholders in the EU.
- 3.3. The Vice-Chairperson informed the Board of his participation in the European Commission stakeholders meeting on its Anti-SLAPP (strategic lawsuits against public participation) initiative of 25 November.
- 3.4. The Director informed the Board on the Agency's past activities from 1 September to 1 December. He also shared the sad news of the sudden loss of a colleague early in December.
- 3.5. The Director highlighted the outcome of the FRF 2021. He stressed that the hybrid nature imposed by the Covid pandemic led to a broader participation than a traditional in-person model.
- 3.6. He informed the Board about FRA's recent publications, and the high recognition received from policy makers for the quality and utility of FRA's research. He also updated the Board on FRA's surveys, FRA's cooperation with other organisations, and his most recent country visits. He reminded the Board that the FRA's amended regulation is expected to be adopted in 2022, abolishing the multiannual framework.
- 3.7. The Director also informed the Board on internal matters, including issues of staff wellbeing under the current challenging circumstances.
- 3.8. In response to questions from MB members, the Director elaborated further on FRA's work in the area of migration.

### 4. Update and discussion on EU-Fundamental Rights Policy developments

##### Main Conclusions:

- 4.1. The Commission representative presented COM activities since the last Management Board meeting. She updated on the publication of the Charter Report 2021 and the awareness raising campaign under the hashtag #RightHereRightNow.
- 4.2. She also informed the Board about the opening of calls for proposals under the Citizens, Equality, Rights and Values Programme (CERV), including on capacity building on the Charter, strategic litigation, and a major call to promote and protect Union values.
- 4.3. She reported on the Commission Communication of 9 December on extending the list of 'EU crimes' laid down in Article 83(1) TFEU to include hate speech and hate crime, as well as on the adoption of the first EU strategy on combatting antisemitism and fostering Jewish life.

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4.4. The Commission also informed on activities in the area of the rights of the child, on the Whistleblower Protection Directive and on the Anti-SLAPP initiative. Information on the launch of the EU Capitals of Diversity and Inclusion Award – one of the deliverables of the new anti-racism action plan - and on the upcoming legislative initiative to propose binding standards on Equality Bodies was provided.

## 5. Fundamental Rights Forum

### Main Conclusions:

- 5.1. The Vice-Chairperson took over the chairing of the meeting.
- 5.2. The Head of the Communications and Events Unit presented feedback from the Forum 2021. She informed the Board on the programme of the event, providing information on the demographics of participants and on activities that took place before the Forum, i.e. the fundamental rights dialogues. She described the hybrid format of the Forum and reported on the events that took place in the different hubs around Europe.
- 5.3. The Director highlighted the positive feedback received from participants. He informed that the hybrid model allowed an outreach and an engagement that physical events do not permit. Based on the positive results of the FRF 2021, the Director suggested that the future edition of the FRF would keep the hybridity, with hubs in different locations. He also proposed that the FRF would take place every two years to ensure continuity and impact between the gatherings.
- 5.4. The Board was made aware that originally in the PD 2023-2025 the next Forum had been envisaged to take place in 2024. The Director explained that the PD 2023-2025 was developed before the Forum 2021 and that considering the results of this year's edition the Board was invited to consider that the next Forum would be anticipated to 2023. The Director clarified that the Board is asked for endorsement of the new date to confirm in principle that the Agency is going into the right direction. A formal decision by the Board will only be taken once the Commission has delivered its formal opinion and following the standard external stakeholder consultation on the PD.
- 5.5. The MB also heard positive testimonials from members and guests who participated in the FRF.
- 5.6. The Board expressed appreciation for the work of the Agency in the organisation of the Forum.

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## 6. Financial matters

### Main Conclusions:

- 6.1. The Board received an update on financial matters, including an update on the budget consumption in 2021.

## 7. Budgetary transfer 2021\_03 and amendment n. 2 of the Programming Document 2021-2023

### Main Conclusions:

- 7.1. The Head of Corporate Services (CS) introduced the third budgetary transfer which covers a transfer of surplus from title I and II to the operational expenditures in title III.
- 7.2. He presented the Board with the second amendment of the Programming Document 2021-2023.
- 7.3. The Management Board adopted the budgetary transfer n. 3 and the amendment n. 2 of the Programming Document 2021-2023

### Decision:

- C. The Management Board adopted the Budget transfer 2021\_03 and the amendment n. 2 of the Programming Document 2021-2023.

## 8. Amending budget 2021\_03

### Main Conclusions:

- 8.1. The Head of CS presented the proposed amending budget n. 3 providing a detailed explanation about the funds received by the Agency under its partnership agreement with the EEA and Norway Grants.
- 8.2. The Board was presented with the proposal that every time that the Agency receives funds as foreseen under a signed partnership agreement under the EEA and Norway Grants, those are entered directly into the Agency's budget. An amending budget will be published accordingly. The MB will be informed during the first available meeting of any funds thereby received and entered into the budget.
- 8.3. The Management Board discussed and adopted the Amending Budget n. 3 and the proposal presented by the services.

### Decision:

- D. The Management Board adopted the amending budget 2021\_03 and the proposal that the reception of funds under the EEA and Norway Grants will be entered into the budget and an amending budget published accordingly.

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## 9. a) Programming Document 2022-2024

### b) Statement of revenue and expenditure 2022

Main Conclusions:	
9.1. The Head of CS presented the final Programming Document 2022-2024.	
9.2. The Management Board discussed and adopted the final Programming Document 2022-2024.	
9.3. The Management Board discussed and adopted the Statement of revenue and expenditure for 2022.	
<b>Decision:</b>	E. The Management Board adopted the Programming Document 2022-24.
<b>Decision:</b>	F. The Management Board adopted the Statement of revenue and expenditure 2022.

## 10. a) Draft estimate of revenue and expenditure 2023

### b) Programming Document 2023-2025

Main Conclusions:	
10.1. The Management Board was presented with the draft estimate of revenue and expenditure 2023 and adopted it.	
10.2. The Management Board was presented with the draft Programming Document 2023-2025. The Director illustrated the process behind the development of the PD and the next steps before its final adoption at the December MB meeting. He provided an overview of the Agency's themes and activities in 2023, including the next Fundamental Rights Forum.	
10.3. The Management Board endorsed the draft PD 2023-2025 with the oral amendment to organise the Fundamental Rights Forum in 2023 instead of 2024.	
10.4. The Commission abstained from the endorsement in view of its formal opinion to be delivered in July 2022.	
<b>Decision:</b>	G. The Management Board adopted the draft estimate of revenue and expenditure 2023.
<b>Decision:</b>	H. The Management Board endorsed the Draft Programming Document 2023-2025 (with the Commission's abstention) with the oral amendment to organise the Fundamental Rights Forum in 2023 instead of 2024.

## 11. Election of a new member of the Budget Committee

<b>Main Conclusions:</b>	
11.1. The Vice-Chairperson introduced the proceedings of the election of a new member of the Budget Committee for which candidacies were open.	
11.2. Jim Clarcken (IE) submitted his candidacy and informed about his expertise in the field.	
11.3. The Management Board elected Jim Clarcken to the Budget Committee for a term of 2.5 years starting on 17 December 2021.	
<b>Decision:</b>	I. The Management Board elected Jim Clarcken as member of the Budget Committee for a mandate of 2.5 years starting on 17 December 2021.

## 12. Anti-Fraud Strategy: revision n. 2

<b>Main Conclusions:</b>	
12.1. The Head of CS presented to the Board the revision n. 2 of the FRA Anti-Fraud Strategy, aimed at strengthening the area of fraud prevention and detection. The revised strategy also continues to raise awareness regarding fraud matters among staff members and contractors, facilitating detection of possible fraudulent behaviours.	
12.2. The Management Board discussed and adopted the revised FRA Anti-Fraud Strategy.	
<b>Decision:</b>	J. The Management Board adopted the revised FRA Anti-Fraud Strategy.



### **13. Exchange of views with the Council of Europe (CoE) and the cooperation between the Agency and the CoE**

#### **Main Conclusions:**

- 13.1. The Management Board held an exchange of views with Christos Giakoumopoulos, Director General of Human Rights and the Rule of Law of the CoE, on the cooperation between FRA and the CoE.
- 13.2. The Director provided highlights on the valuable cooperation with the CoE in the last year.
- 13.3. Christos Giakoumopoulos underlined the solidness of the institutional cooperation beyond the day-to-day desk level, including the contribution of the CoE to the Fundamental Rights Forum 2021. He gave concrete examples of the thematic cooperation, such as in the area of migration and refugees, rights of the child, and cybercrime. He pointed at the extensive endeavours of the CoE in the area of human rights and the rule of law, stressing the importance of the excellent cooperation with the Agency.

### **14. Update on the implementation of the agreement with the EEA and Norway Grants**

#### **Main Conclusions:**

- 14.1. The Management Board received an update on the cooperation with the EEA and Norway Grants. The Director informed how the long-standing relationship with the Grants has allowed the multiplication of impact in core areas of FRA's work.
- 14.2. The Observers from the Financial Mechanism Office (FMO) of the EEA and Norway Grants, Hjortur Sverrisson and Sheena Keller, provided an overview on the scope and area of activities of the Grants. They also presented in detail the current cooperation between the Grants and the Agency.
- 14.3. The Management Board expressed appreciation for the multi-level cooperation between the Grants and the Agency.

## 15. Update on the Cooperation with EIGE

### Main Conclusions:

- 15.1. The Head of Unit Research and Data informed the Management Board on the cooperation between the Agency and the European Institute on Gender Equality (EIGE). She recalled the developments of the cooperation since the signature of the cooperation agreement between FRA and EIGE in 2010, including the recently agreed joint project, the survey on violence against women in selected EU Member States.
- 15.2. The EIGE's Observer, Marusa Gortnar, confirmed to the Board the valuable cooperation and complemented with information on the intensification of exchanges between FRA and EIGE.
- 15.3. The Management Board expressed appreciation for the cooperation between the Agency and EIGE.

## 16. 2021-2023 Internal Audit Service (IAS) Strategic internal audit plan for the European Union Agency for Fundamental Rights

### Main Conclusions:

- 16.1. The representatives from the Internal Audit Services (IAS) presented the work of the IAS in the context of the Strategic Internal Audit Plan (SIAP) 2021-2023 for the FRA.
- 16.2. They informed the Board about the 2021 risk assessment exercise and the 2022 planned audit topic on communication and dissemination of projects' results.
- 16.3. The IAS expressed appreciation for the relationship with the Agency confirming that the overall results of the Agency are very good.

## 17. FRA's work on Artificial Intelligence

### Main Conclusions:

- 17.1. The Management Board received a detailed presentation on the Agency's work in the area of Artificial Intelligence since 2018, covering both FRA's research outputs and the participation of the Agency in specialised European and international committees and the high-level group on AI.
- 17.2. The MB expressed strong appreciation for the Agency's work on Artificial Intelligence.

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## 18. FRA's work on Civic Space

### Main Conclusions:

- 18.1. The Management Board was presented with an overview of FRA's work on the issue of civic space since its first contribution to the topic in 2018.
- 18.2. The Board received a detailed presentation of the key findings of the two large comparative reports on civic space published in 2018 and 2021 respectively.
- 18.3. The MB expressed strong appreciation for the Agency's work on civic space in the current times.

## 19. Any other business

### Main Conclusions:

- 19.1. The Chair of the Annual Report Editorial Committee (AREdit), Philippe Boillat, updated the Board on the MB working group's work. He informed the members that the consultation on the Fundamental Rights Report 2022 will be launched on 22 February 2022.
- 19.2. The Chairperson informed that the next MB would take place on 19 and 20 May 2022.

## 20. In camera session

### Main Conclusions:

- 20.1. The Management Board discussed confidential matters.

Date of the next meeting: 19<sup>th</sup> and 20<sup>th</sup> May 2022

**Approved on:**

20.05.2022

**By the Chair:**

