

MINUTES MB MEETING

Event:	37th Management Board Meeting
Date:	24 September 2021
Place:	via videoconferencing
Status:	Final
Participants:	
Members/Alternates (when Members are not present):	Elise Barbé (FR, Chairperson), Nathalie Denies (BE), Irena Ilieva (BG), Veronika Bilkova (CZ), Julia Duchrow (DE alternate), Christoffer Badser (DK alternate), Kertti Pilvik (EE), Yolanda Gamarra (ES), Snježana Bagic (HR), Sunniva McDonagh (IE, Vice-Chairperson), Marco Fasciglione (IT alternate), Katerina Kallitsioni (CY alternate), Mārtiņš Pāparinskis (LV), Lyra Jakulevicienė (LT), Noémie Sadler (LU), Giannino Caruana Demajo (MT), Rick Lawson (NL), Elzbieta Karska (PL), Inês Ferreira Leite (PT), Csaba-Ferenc Asztalos (RO), Verica Trstenjak (SI), Michal Davala (SK alternate), Tuomas Ojanen (FI), Anne Ramberg (SE), Philippe Boillat (CoE)
Director:	Michael O’Flaherty
Representatives COM:	Emmanuel Crabit (DG JUST), 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), Ioannis Dimitrakopoulos (Scientific Adviser), Andreas Miltos (Accounting Officer), Xavier Catala’ (Corporate Services), Francesco Saverio Liguori (Corporate Services), Luisa Lopez (Corporate Services), Adrianna Bochenek (Director’s Office), Barbara Jaeschke (Institutional Cooperation and Networks Unit), Anna Vuova (Institutional Cooperation and Networks Unit), Tania Giacomuzzi Mota (Institutional Cooperation and Networks)
Excused Members:	Peter Kostelka (AT), Miltiades Sarigiannidis (EL), Gergely Deli (HU), Oreste Pollicino (IT), Paulo Saragoça da Matta (PT), Naser Ziberi (OBS MK)
Alternates (when Members are present)/Observers/Guests/:	Nathalie Stockwell (DG JUST), Kathalijne Buitenweg (NL), Leena Leikas (FI), Lawrence Early (CoE); Evis Alimehmeti (OBS AL), Sasa Gajn (OBS RS); Jolanta Reingarde (EIGE), Tatiana Termacic (CoE), Theodora Kostakopoulou (Chairperson of the FRA Scientific Committee)

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

Main Conclusions:	
1.1	The Chairperson opened the 37 th MB meeting and welcomed all participants. She introduced the newly appointed member of the Commission, Ingrid Bellander Todino, and informed about the nomination of the new members from Greece, Hungary, and the observer from North Macedonia. The Chairperson reminded the Board of the pending nominations of the alternate members from Austria, Hungary, and the member/alternate member from Ireland.
1.2	The Chairperson introduced the draft agenda which was approved.
1.3	The Chairperson asked the MB members about any conflict of interest pertaining to the agenda of the meeting.
1.4	No conflict of interest was reported.
1.5	The Chairperson informed that no candidatures were yet received for the vacant posts in the Budget Committee.
1.6	The Chairperson reminded the Board about the election of the Vice-Chairperson. She informed that two candidatures were received.
Decision:	A. The agenda of the 37 th Management Board meeting was approved.

2. Approval of the draft minutes of the 36th MB meeting

Main Conclusions:	
The draft minutes of the 36 th Management Board meeting were approved.	
Decision:	B. The minutes of the 36 th Management Board meeting were approved.

3. a) Report from the 61st 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:

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- 3.1. The Chairperson reported on the 61st EB meeting, which took place in the morning, to prepare for the 37th MB meeting.
- 3.2. The Director updated the Board on the Agency's activities covering the period 1 May to 1 September. He reported on outputs in the five programme areas of FRA: "Fair and Equal societies", "Just, digital and secure societies", "Asylum, borders and immigration", "Supporting human rights systems", "Communicating rights". He provided a detailed description of the activities undertaken in each area and outputs in development, as well as an update on internal governance matters.
- 3.3. As regards the current COVID situation, the Director updated the Board on the Agency's internal working arrangements.
- 3.4. In response to questions from MB members, the Director updated on the Agency's fundamental rights support to Frontex including to develop its own fundamental rights monitoring capacity, the further development of the EU Fundamental Rights Information System (EFRIS), the envisaged output of the Fundamental Rights Forum 2021, as well as the Agency's follow-up to its report "Protecting civic space in the EU" published on 22 September.

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

Main Conclusions:

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- 4.1. The Commission updated the MB on the progress in the Council regarding the proposed amendments to the FRA Founding Regulation. She recalled that the compromise text introduces two main changes: the "Lisbonisation" of the Founding Regulation, but with the exclusion of the Common Foreign and Security Policy hence departing on this point from the Commission's proposal, and the alignment of the FRA's regulation with the common approach for EU agencies. On the latter, the Council also agreed on the removal of the procedure of the Multiannual Framework, which will give FRA more autonomy in its programming. The Commission informed that all EU Member States agreed to the adoption of the compromise text as it now stands and that the European Parliament gave its consent to the Council text. Two countries are now finalising their internal procedures with their national parliaments before the final adoption by the Council. The two countries in question have reassured that their internal procedures will be completed in time before the current MAF expires at the end of 2022.
- 4.2. The Commission informed the Board about the upcoming adoption on 5 October of the EU strategy on combating antisemitism and fostering Jewish life, thanking for FRA's evidence and contribution in this area. By the end of the year, the Commission will propose to add hate speech and hate crime on specific grounds to the list of so-called EU crimes under the Treaty. The sixth monitoring report on the code of conduct on hate speech will be published on 7 December.
- 4.3. The Board received an update on the EU strategy on the rights of the child adopted in March 2021. The Commission is now implementing the actions set out and the Council is finalising its conclusions on the strategy.
- 4.4. In relation to the anti-racism action plan (adopted in September 2020), the Commission thanked FRA for its support on the guidelines for national action plans. Among other activities, the Commission informed about the setting up of a permanent forum of civil society organisations that will support the Commission in the implementation of the action plan.
- 4.5. The Board was updated on the EU Roma strategic framework for equality, inclusion and participation. The Commission informed that Member States are expected to present national Roma strategies by September 2021 and underlined that it counts on FRA's support in providing data to monitor their implementation.
- 4.6. In the 2nd half of 2022, the Commission will present an initiative on binding standards for equality bodies regarding mandates, powers, independence, resources, data collection requirements etc., amending the existing equality directives covering all grounds of discrimination.
- 4.7. The Commission mentioned the ongoing evaluation of the victims' rights directive, on which basis the Commission will assess the need for a possible revision.
- 4.8. Finally, the Board was informed that the Commission would propose a directive on gender-based violence and domestic violence by the end of the year together with the Eurocrime initiative. The Commission concluded thanking EIGE and FRA to agree to complement the Eurostat survey on violence against women in this context.

5. Election of the Management Board Vice-Chairperson

Main Conclusions:

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<p>5.1. The election of the Vice-Chairperson was chaired by the representative of the Commission, Emmanuel Crabit.</p> <p>5.2. Two candidatures were received before the beginning of the Management Board: the candidature of Rick Lawson (NL) and Martins Paporinskis (LV).</p> <p>5.3. Rick Lawson (NL) introduced himself, he presented his credentials and motivation.</p> <p>5.4. Mārtiņš Paporinskis (LV) introduced himself, he presented his credentials and motivation.</p> <p>5.5. After the candidates' statements, the election was launched. The Management Board elected Rick Lawson as the new Vice-Chairperson of the Management Board.</p> <p>5.6. Rick Lawson's mandate as Vice-Chairperson of the Management Board will start as of 11 October 2021 for a term of two and a half years.</p>	
Decision:	C. Rick Lawson (NL) was elected as Vice-Chairperson of the Management Board for a term of two and a half years as of 11 October 2021.

6. Election of two members of the Budget Committee (BC)

Main Conclusions:	
<p>6.1. The Chairperson reminded the Board of the two positions in the Budget Committee, one post being vacant since September 2020 and one which will become vacant as of 11 October.</p> <p>6.2. Rick Lawson (NL) proposed his candidature for the position vacant as of 11 October.</p> <p>6.3. The Management Board elected Rick Lawson as member of the Budget Committee.</p> <p>6.4. As no other candidature was received, the election for the remaining vacant post was postponed to the Management Board meeting of December 2021.</p>	
Decision:	D. Rick Lawson was elected as member of the Budget Committee for a mandate of two and a half years starting on 11 October 2021.
Decision:	E. The election for the remaining vacant post was postponed to the Management Board meeting of December 2021.

7. Financial Matters

Main Conclusions:	
<p>7.1. The Head of Corporate Services provided the Board with an overview and update on FRA's budget execution and budgetary transfer that took place since the May Management Board.</p>	

8. Budget Transfer 2021-02

Main Conclusions:	
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- 8.1. The Head of Corporate Services presented the Board with the information relevant to the Budgetary Transfer n. 2 which covers a transfer of surplus from title I and II to the operational expenditures of title III.
- 8.2. The Board was informed about the project level cooperation with the EEA and Norway Grants under which the agency entered a project level partnership with the Greek Ombudsman. To facilitate the implementation of the project partnership agreement, the services proposed that the Management Board agrees that following reception of the funds foreseen in the agreement, such funds are directly entered in the Agency's budget and an amending budget is published accordingly.
- 8.3. As no objections were received, the budgetary transfer n. 2 was adopted, including the arrangements for project level cooperation with the EEA and Norway Grants.

Decision:	F. The Management Board adopted the Budget transfer 2021-02.
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9. Amending Budget 2021-02

Main Conclusions:

- 9.1. The Head of Corporate Services presented the proposed amending budget 2021-02, which was adopted by the Management Board.
- 9.2. The Director also alerted the Board to the shrinking rent subsidy which the Agency receives from its host state.

Decision:	G. The Management Board adopted the amending budget 2021-02.
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10. Draft Programming Document 2022-2024 –Opinion of the Commission

Main Conclusions:

- 10.1. The COM representative highlighted the main elements of the Commission's opinion on FRA's draft Programming Document 2022-2024, issued in July 2021, welcoming the high quality of the draft document.
- 10.2. FRA Director expressed appreciation for FRA's cooperation with the Commission in the stages before the issuing of the Commission's opinion on the Programming Documents. He provided a comprehensive response explaining how the Agency intends to address the Commission's comments.

11. FRA Internal Rules on restrictions under Article 25 Regulation 2018/1725

Main Conclusions:

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<p>11.1. The Board was presented with an amendment of the FRA’s internal rules concerning the restrictions of certain rights of data subjects in relation to processing of personal data in the framework of the functioning of the FRA.</p> <p>11.2. The Management Board adopted the decision laying down FRA’s Internal Rules on restrictions of data subjects rights under Article 25 of Regulation 2018/1725.</p> <p>11.3. The new decision repeals the Executive Board Decision 2019/05.</p>	
Decision:	H. The Management Board adopted the decision laying down FRA’s Internal Rules on restrictions of data subjects rights under Article 25 of Regulation 2018/1725.

12. Suspension of the FRA external evaluation process until the amended FRA regulation comes into force

Main Conclusions:	
<p>12.1. The Head of Corporate Services reminded the Board that the current Regulation states that an independent external evaluation shall be commissioned to undertake a review of progress and achievements during the first five years of operations of the agency. He recalled that the first external evaluation took place in 2012 and that the Management Board at its 23rd meeting in December 2015 decided to a five-year periodicity for FRA’s external evaluations. The second external evaluation took place in 2017. Following the periodicity of five years, under the current Regulation the next evaluation would be envisaged to take place in 2022.</p> <p>12.2. The Head of Corporate Services informed that the amended FRA regulation, expected to enter into force at the beginning of 2022, foresees that an external evaluation is commissioned five years after its entry into force. The Board was invited to agree on a suspension of the current external evaluation process until the FRA’s amended regulation comes into force so that the periodicity would then be in line with the new provisions.</p> <p>12.3. As no objection to the proposal was received, the Management Board agreed to suspend the external evaluation process until the amended Regulation will come into force.</p>	
Decision:	I. The Management Board agreed to suspend the external evaluation until the amended Regulation will come into force.

13. Any other business

Main Conclusions:

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- 13.1. The Head of the Communications and Events unit provided an update on the organisation and programme of the Fundamental Rights Forum, taking place on 11 and 12 October 2021.
- 13.2. The COM representative informed of the state of play of the EU accession to the European Convention on Human Rights.
- 13.3. The Chairperson thanked Sunniva McDonagh, the Irish member of the Board and its Vice-Chairperson, for her contribution to the work of the MB during her mandate including her participation in the Budget Committee. FRA's Director joined the Chairperson in thanking Ms McDonagh, on behalf of the staff of the Agency, for her contribution to the Management Board.
- 13.4. The Chairperson informed that the next MB meeting will take place on 16-17 December 2021. FRA Director proposed that if the rules allow, the next MB will be a hybrid meeting, allowing members to choose between in-person or virtual participation.

14. In camera session

Main Conclusions:
14.1. The Management Board discussed confidential matters.

Date of the next meeting: 16-17 December 2021

Approved on:	16 December 2021
By the Chair:	