

## MINUTES MB MEETING

<b>Event:</b>	<b>40<sup>th</sup> Management Board Meeting</b>
<b>Date:</b>	16 September 2022
<b>Place:</b>	FRA Premises, Schwarzenbergplatz 11, 1040 Vienna
<b>Status:</b>	<b>Final</b>

### Participants:

Members/Alternates (when Members are not present):	Elise Barbé (FR, Chairperson,), Irena Ilieva (BG), Jan Lhotsky (CZ, alternate), Christoffer Badse (DK alternate), Mart Susi (EE), Jim Clarken (IE), Miltiadis Sarigiannidis (EL), Yolanda Gamarra (ES), Marco Fasciglione (IT, alternate), Katerina Kallitsioni (CY, alternate), Dace Šulmane (LV, alternate), Lyra Jakulevičienė (LT), Noémie Sadler (LU), Gergely Deli (HU), Giannino Caruana Demajo (MT), Rick Lawson (NL, Vice-Chairperson), Katharina Pabel (AT alternate), Paulo Saragoça da Matta (PT), Csaba-Ferenc Asztalos (RO), Matej Abvelj (SI), Katarina Batková (SK), Per Bergling (SE), Philippe Boillat (CoE)
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Director:	Michael O'Flaherty
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Representatives COM:	Ingrid Bellander Todino (DG JUST), Paul Hafellner (DG JUST, alternate)
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Operational services:	Andreas Accardo (Head of Institutional Cooperation and Networks Unit), Ioannis Dimitrakopoulos (a.i. Head of Equality, Roma & Social Rights Unit), Joanna Goodey (Head of Justice, Digital and Migration Unit), Constantinos Manolopoulos (Head of Corporate Services Unit), Nicole Romain (Head of Communication and Events Unit), Luisa Lopez (Corporate Services), Adrianna Bochenek (Director's Office), Barbara Jaeschke (Institutional Cooperation and Networks Unit), Elena Balzarini (Institutional Cooperation and Networks Unit)
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Excused Members:	Nathalie Denies (BE), Snježana Bagić (HR), Tuomas Ojanen (FI), Naser Ziberi (OBS MK)
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Alternates (when Members are present)/Observers/Guests/:	Michal Davala (SK alternate); Saša Gajn (OBS RS); Evis Alimehmeti (OBS AL). Carlien Scheele (EIGE), Daniele-Nicola Cangemi (CoE), Sheena Elaine Keller (FMO)
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## 1. a) Opening remarks and approval of the draft agenda, possible conflicts of interest

### b) Possible conflicts of interest

Main Conclusions:	
1.1	The Chairperson opened the 40 <sup>th</sup> MB meeting and welcomed all participants. In particular she welcomed the newly appointed members from Estonia, Latvia, Slovenia, Slovakia and Sweden.
1.2	The Chairperson introduced the draft agenda. She confirmed that item 5 would be for information only.
1.3	No comments were received on the draft agenda which was approved.
1.4	The Chairperson asked the MB members about any conflict of interest pertaining to the agenda of the meeting.
1.5	The alternate member from Cyprus informed the Board that her organisation, the Office of the Commissioner for Administration and Protection of Human Rights (also NHRI), has recently become one of the project partners in the project 'Supporting National Human Rights Institutions in monitoring fundamental rights and the fundamental rights aspects of the rule of law' funded under the cooperation of FRA with the EEA and Norway Grants. She confirmed that the member of the Board, Maria Stylianou Lottides in her capacity as Ombudsperson and Commissioner for Administration and Protection of Human Rights is the legal representative of the office in the project. No conflict of interest was identified due to this role.
1.6	The Services confirmed that the participation of the Cypriot NHRI in the project was added after the last Management Board of May due to the unexpected withdrawal of other National Human Rights Institutions and in line with the criteria foreseen for such cases in the project proposal.
1.7	The Management Board took note of the information on the Cypriot member.
1.8	No conflicts of interest was reported.
<b>Decision:</b>	A. The agenda of the 40 <sup>th</sup> Management Board meeting was approved.

## 2. Approval of the draft minutes of the 39<sup>th</sup> MB meeting

Main Conclusions:	
The draft minutes of the 39 <sup>th</sup> Management Board meeting were approved.	
<b>Decision:</b>	B. The minutes of the 39 <sup>th</sup> Management Board meeting were approved.

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### 3. a) Report from the 65<sup>th</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 Vice-Chairperson reported on the 64<sup>th</sup> EB meeting which took place on 14 September that he chaired in the absence of the Chairperson. He informed that during the meeting the EB adopted two decisions, namely:
- EB Decision 2022/03 on the application by analogy of the Commission Decision C(2022)1788 on working time and hybrid working, and
  - EB Decision 2022/04 on the application by analogy of the Commission Decision C(2022)1715 on home leave for officials, TAs and CAs serving in a third country.
- 3.2 The Chairperson informed the MB about her professional activities regarding judicial training, during which she also informed judges about the Agency's work.
- 3.3 The Vice-Chairperson also reported on his participation in FRA's "Human Rights experts and leaders meeting" on 7-8 September in Rust (Austria).
- 3.4 The Director updated on the Agency's activities since the 39<sup>th</sup> MB meeting of May 2022. He informed about recent outputs and ongoing work, including the cooperation with the European Commission and other EU agencies. He emphasised the importance of the Agency's partnerships, in particular with the Council of Europe and the EEA & Norway Grants. He also briefed on the Agency's relations with Member States, including his interventions in the Council and bilateral meetings with various national ministries. Finally, he updated the Board on internal governance matters and initiatives in support of the staff wellbeing.
- 3.5 The Board expressed appreciation for the activities in the reporting period. It suggested that a discussion on how the MB can support the work of the Agency could be added to the agenda of a future meeting. In this context, the Board welcomed the proposal to revive the previous practice to devote an agenda item annually on activities of Board members to promote the Agency's work at national level.

### 4. Update and discussion on EU-fundamental rights policy developments (COM)

##### Main Conclusions:

- 4.1 The Commission representative updated on recent fundamental rights policy developments. She referred to the recent adoption of the proposal for a Media Freedom Act to bolster media pluralism and independence. She mentioned the upcoming annual report on the implementation of the Charter, which will have a focus on civic space, expressing appreciation for the cooperation with FRA in the preparation of this report. As regards the rights of the child, she reported on the adoption of Council conclusions in June 2022, and the forthcoming 14<sup>th</sup> Forum on the Rights of the Child. Briefing the Board on recent Commission work as regards hate speech and hate crime, she emphasised the importance of FRA's work on improving the recording of hate crime and its research on online content moderation.

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- 4.2 She further informed about Commission actions on combating antisemitism and referred to the Commission's upcoming Communication (October 2022) on the implementation of the 2020 EU Roma Strategic Framework and the related Council recommendations of 2021. Moreover, she updated on the implementation of the LGBTIQ Equality Strategy and Anti-Racism Action Plan, while highlighting the usefulness of FRA's contributions on those issues. In the area of equal treatment, she mentioned an upcoming legislative initiative on binding standards for equality bodies and progress on initiatives in the area of gender equality.
- 4.3 The Commission representative referred to the publication of the 3rd annual rule of law report (July 2022), for the first time comprising recommendations to Member States, including as regards civic space and human rights defenders, for which FRA's information was considered most helpful.
- 4.4 Finally, the Board was informed about some internal changes in DG JUST which led to the appointment of the new alternate member of the Commission to the Board.

## 5. Adoption of the FRA Rules of Procedures rev. no. 5

### Main Conclusions:

- 5.1 The Board was informed that, by the date of the meeting, the Opinion of the Commission on revision no. 5 of the FRA Rules of Procedure had not yet reached the Agency. Therefore, the Board agreed to adopt revision no. 5 of the FRA Rules of Procedure by Written Procedure as soon as the Commission will have issued its opinion.
- 5.2 The Agency has already received the favourable opinion of the independent person nominated by the CoE and the FRA Scientific Committee on the revision.

**Decision:** C. Revision no. 5 of the FRA Rules of procedure will be adopted by Written Procedure

## 6. Election of the Chairperson of the Management Board

### Main Conclusions:

- 6.1 The representative of the Commission chaired the election of the new Chairperson of the Management Board. After the candidates' statements and one round of elections, the Management Board elected Jim Clarken (IE) as new Chairperson.
- 6.2 Given that Jim Clarken was already a member of the Executive Board and that his post as EB member became vacant, the Board proceeded in organising an election for the vacant post in the EB.
- 6.3 The current Chairperson of the MB chaired the EB election. After the candidates' statements and two rounds of elections, the Management Board elected Lyra Jakulevičienė (LT) as new member of the Executive Board.
- 6.4 Mr Clarken's mandate as Chairperson of the Management Board will start on 20 September 2022 for a period of two and a half years.
- 6.5 Ms Jakulevičienė's mandate as EB member will start on 20 September 2022 for a period of two and a half years.

**Decision:** D. The MB elected Jim Clarken (IE) as new Chairperson of the Management Board



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<b>Decision:</b>	E. The MB elected Lyra Jakulevičienė (LT) as new member of the Executive Board
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## 7. MB decision on the handling by the Management Board of complaints lodged under Article 90(2) of the Staff Regulations

<b>Main Conclusions:</b>	
7.1	The Head of Corporate Services recalled to the Board that under Article 2.3 of the MB Decision 2022/07 (delegating the Appointing Authority powers to the Director and authorising the Director to sub-delegate such powers), the MB retains the Appointing Authority powers to handle complaints under Article 90(2) of the Staff Regulation (SR) against decisions taken by the Director. In such cases, the complaint would reach the MB in its responsibility of "appeals instance".
7.2	For reasons of expediency and confidentiality requested by the handling of complaints, the Board discussed and agreed to establish an "Appeals Committee" to take decisions on behalf of the MB to handle complaints under Article 90(2) of the SR against decisions taken by the Director.
7.3	The Appeals Committee will be composed of members of the Executive Board. It will nominate its Chair from amongst its members and adopt its own Rules of Procedure.
7.4	The Executive Board would need to convene as early as feasible (possibly in an extraordinary meeting) to appoint the members of the Appeals Committee.
<b>Decision:</b>	F. The MB Decision 2022/08 on the establishment of an "Appeals Committee" to handle complaints under Article 90(2) of the Staff Regulations against decisions taken by the Director of FRA was adopted.

## 8. In camera session

<b>Main Conclusions:</b>	
8.1	The Management Board discussed confidential matters.

## 9. Financial Matters

<b>Main Conclusions:</b>	
9.1	This item was deferred.

## 10. Amendment no. 2 of the Single Programming Document 2022-2024

<b>Main Conclusions:</b>	
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10.1	The Head of Corporate Services introduced the changes to the Single Programming Document 2022-2024.
10.2	The Management Board discussed and adopted amendment no. 2 of the Single Programming Document 2022-2024.
<b>Decision:</b>	G. The Management Board adopted amendment no. 2 of the Single Programming Document 2022-2024.

## 11. Amending Budget 2022-02

<b>Main Conclusions:</b>	
11.1	The Head of Corporate Services presented the proposed amending budget 2022-02, which was then adopted by the Management Board.
<b>Decision:</b>	The Management Board adopted the amending budget 2022-02.

## 12. Any other business

<b>Main Conclusions:</b>	
12.1	The Director informed the Board about the intention to strengthen the relations between FRA and the European Foundation for the Improvement of Living and Working Conditions (Eurofound). The Director has been invited to participate in Eurofound's next MB meeting. The Board agreed to invite the Director of Eurofound as an observer to the MB meeting in December and to have an exchange of views between the two agencies.
12.2	The Board discussed the possibility to dedicate an agenda item in one of the next meetings to the impact of the financial situation on the FRA surveys.
12.3	Following a request for information on the possibilities for Ukraine to become an observer in the FRA MB, it was clarified that the procedure would require a proposal by the Commission and a request from Ukraine followed by a decision by the relevant Association Council determining the modalities.
12.4	The Management Board and the Director, on behalf of the FRA staff, thanked Elise Barbé for her leadership during her mandate (ending on 19 September 2022) as Chairperson of the Board.

Date of the next meeting: 15-16 December 2022

<b>Approved on:</b>	15 December 2022
<b>By the Chairperson:</b>	

