

MINUTES OF THE 24th MB MEETING



EVENT:	24th Meeting of the FRA Management Board
PLACE	Vienna
DATE:	19 – 20 May 2016
STATUS:	FINAL VERSION
Participants:	
Members/Alternates:	Frauke Seidensticker (DE, Chairperson), Manfred Nowak (AT, Vice-Chairperson), Jacqueline Biesheuvel-Vermeijden (NL), Pierre Calmes (LU), Anete Erdmane (LV), Philip Geddes (UK), Rainer Hiltunen (FI, alternate), Rainer Hofmann (CoE), Imre Juhász, (HU), Hent Kalmo (EE), Krassimir Kanev (BG), Julija Kiršienė (LT), Julie Lejeune (BE), Jernej Letnar Černič (SI, alternate), Daniel Ludet (FR, alternate), Marian Mesároš (SK, alternate), Zinaida Onoufriou (CY, alternate), Nuno Piçarra (PT), Lawrence Quintano (MT), Filippo di Robilant (IT), Alejandro Saiz Arnaiz (ES), Harald Scheu (CZ), Tena Šimonović Einwalter (HR, alternate), Cecilia Sjölander (SE, alternate), Jens Vedsted-Hansen (DK), Mirosław Wróblewski (PL), Irina Zlătescu (RO)
Representatives COM:	Chiara Adamo (JUST)
Operational services:	Michael O’Flaherty (Director) Constantinos Manolopoulos (Head of ADMIN), Xavier Català (Acting Head of HRL), Joanna Goodey (Head of FJ), Ioannis Dimitrakopoulos (Head of ECR), Friso Roscam Abbing (Head of FRPD), Andreas Accardo (DIR), Francesco Saverio Liguori (ADMIN), Gabriel Toggenburg (DIR), Adriano Silvestri (FJ), Waltraud Heller (FRPD), Eva Sobotka (FRPD), Alina Jalea (DIR)
Excused Members:	Jean-Paul Jean (FR), David Joyce (IE), Jarmila Lajčáková (SK), Fredrik Malmberg (SE), Sirpa Rautio (FI), Eliza Savvidou (CY), Andreja Valič Zver (SI), Lora Vidović (HR), EL member (nomination pending)
Observers/Guests:	Han Entzinger (SC), Marjan Janssens (CoE), Finn Denstad (EFTA), Reinder van der Zee (IAS)
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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 and approved.
1.2	The MB Chairperson informed that one full MB member and two alternate MB members had informed of their resignation.

Decision:	A.
	The draft agenda was amended and approved.

2 Approval of the draft minutes of the 23rd MB meeting

Main Conclusions:	
2.1	The draft minutes of the 23 rd MB meeting were amended and approved.

Decision:	B.
	The draft minutes of the 23 rd MB meeting were amended and approved.

3 Adoption of the FRA Annual Report ('Fundamental rights report 2016')

Main Conclusions:	
3.1	The MB adopted the Fundamental Rights Report 2016.
3.2	The MB Working Group AREDIT will discuss the focus section for the 2017 report in September, based on proposals from the FRA services. The Commission suggested that the social pillar could be a valuable reference for FRA to take into account.

Decision:	C.
	The Fundamental rights report 2016 was approved.

4 In camera session

Main Conclusions:	
4.1	The MB discussed matters of litigation, investigation and related issues. Furthermore, the MB discussed access to documents.

**5 - Report from the 38th and 39th Executive Board Meetings and on the Chairperson's activities
- Report of the Director on the work of FRA in the last period**

Main Conclusions:	
5.1	The MB Chairperson informed about her engagement in the visit of the FRA Director to Germany and the recent visit of the LIBE Committee to FRA. In addition, she highlighted the recently completed written procedure for the MB opinion on the new Multiannual Framework and the adoption in the EB of the implementing rules of the

- Staff Regulations regarding reclassification of temporary agents 2f (February) and teleworking (May).
- 5.2 The FRA Director presented his report on FRA's activities over the past six months. He explained that the Agency had gone forward in a spirit of continuity, respecting well-established working methods, on the basis of fundamental and human rights law, and in respect of the strategic priorities set by the MB. He additionally highlighted his commitment to have the Agency engaged robustly on contemporary challenges in real time, as illustrated by FRA's temporary field deployment to Greece to respond to the refugee crisis. The MB expressed appreciation for the Agency's work and support for the engagement in Greece. The MB Chairperson will address a written request to the European Parliament and to the Commission to ask for supplementary emergency resources.
- 5.3 The MB expressed appreciation for a well-built Director's Report. Several members inquired over the support of Member States to the development of FRA's gathering of data, FRA's contribution to the rule of law mechanism, FRA's assistance to EU actors in Greece, the wellbeing survey and other matters.

6 Update and discussion on EU-Fundamental Rights Policy developments

Presentation of the Commission's proposal for the Multiannual Framework 2018-2022

Main Conclusions:

- 6.1 The Commission presented an overview of recent EU fundamental rights policy developments and highlighted the recent adoption of its Annual Report 2015 on the application of the Fundamental Rights Charter. It announced the launch on 14 June of a new high level group on combatting racism, xenophobia and all forms of intolerance, as another concrete follow up to the 2015 Annual Colloquium, which is meant to maximise synergies in the field. FRA was invited to play a major role and join the Member States, international organisations (Council of Europe - ECRI, OSCE - ODIHR, UNHCR) and civil society. In addition, the Commission will soon adopt an Action Plan on integration, which brings the equality perspective in the fight against racism and xenophobia across policies. On hate speech, the Commission will announce in the June Council meeting the agreement with IT companies on a code of conduct to tackle illegal hate speech (e.g. incitement to violence). On 7 June, the Commission will launch a Communication on anti-radicalisation policies. In the context of the upcoming 2016 Annual Colloquium, it launched a public consultation on media pluralism and democracy. On rule of law, the Commission informed on the recent empowerment of Vice-President Timmermans by the College of the Commission to issue a formal opinion to Poland. With regard to the Annual Dialogue of the Council of the EU, the Commission noted the invitation for attendance to the FRA Director as an important sign of recognition. Also in connection to the Council, the Commission flagged the upcoming FRA presentation of its Annual Report 2016 in the FREMP Working Party. In the framework of the European Semester, the Commission adopted its annual country report recommendations to Member States, containing a substantial chapter on fundamental rights. Regarding FRA observers, the Commission informed that it would soon present to the Council a proposal for Serbia and Albania to accede to the FRA MB as observers.
- 6.2 The Commission presented its draft proposal for Council Decision on FRA's Multiannual Framework 2018-2022. The proposal fully follows the MB opinion and gives increased attention to social inclusion, whilst removing the exclusion of judicial cooperation in criminal matter and adding a reference to police cooperation. The proposal is still subject to approval by the College before being submitted to the EP (for consent) and Council (for adoption).

7 Financial Matters

Main Conclusions:	
7.1	The Chair of the MB's Budget Committee presented an overview of the budget execution and budgetary transfers, indicating a sound management of financial resources.
7.2	The consumption of the 2015 budget in committed appropriations was 100% and 72% in paid appropriations, which is higher by 2.17% compared to the same period in 2014. The implementation of the 2015 carried forward appropriations reached 98%, which is higher by 0.71% compared to 2014. The cancellation rate remains low at 1.61%. The 2014 budget outturn was 99.61%, which is higher by 0.31% compared to 2013. In 2015, eleven budgetary transfers took place (nine Agency transfers and two MB transfers) maintaining the number of transfers low, equal to financial year 2014. This number is an indicator of the good Agency's planning.
7.3	By the end of March 2016, the consumption of the 2016 budget (C1 funds) in committed appropriations was 71%, which is higher by 9% compared to the same period of 2015 (62%), and 15% in paid appropriations, which is higher by 1% compared to the same period of 2015 (14%). The implementation of the 2016 carried forward appropriations (C8 funds) reached 18%, which is higher by 3% compared to the same period of 2015 (15%). Currently, the cancellation of C8 funds remains low at 0.5% and it is expected to be maintained at last year's level (below 2%).
7.4	FRA's discharge report 2014 was adopted in the European Parliament plenary in April 2016. All Agencies received discharge for 2014 with an endorsing speech from the rapporteur.

8 Opinion of the MB on the Final Accounts 2015

Main Conclusions:	
8.1	The financial regulations indicate that EU Agencies have an external audit. This year FRA had an audit on the accounts done by Ernst and Young. At the same time, the European Court of Auditors carried out a desk review on legality and regularity. FRA has received the Court of Auditors' observations on the provisional 2015 accounts.
8.2	The MB was requested to give its opinion on the final annual accounts for 2015 before the Court of Auditors would publish its report in June 2016. The proposed opinion of the MB was, as in previous years, subject to any observations from the Court of Auditors.
8.3	The MB gave a favourable opinion on the 2015 Final Accounts.

Decision:	D.
	The MB gave a favourable opinion on the 2015 Final Accounts.

9 Adoption of the Annual Activity Report 2015

Main Conclusions:	
9.1	The head of the Administration Department submitted the Consolidated Annual Activity Report 2015 to the attention of the MB with a recommendation for adoption.

Decision:	E.
	The MB amended pages 24 and 33 and then adopted the Consolidated Annual Activity Report 2015.

10 Amending budget and budget transfer 2016-01**Main Conclusions:**

- 10.1 The MB was informed on the contribution from the Austrian authorities, with regard to one third of the 2016 rent of the Agency's premises. According to the Financial Rules, the amount can enter FRA's budget in the form of an amending budget.

Decision:**F.**

The MB approved the amending budget 2016-01.

10a Paperless approach at MB meetings**Main Conclusions:**

- 10a.1 The FRA Director proposed that the future EB and MB meetings rely only on the electronic version of the documents, which will be uploaded on a tablet, using a specific software. He highlighted several aspects that led to this suggestion: environmental and financial concerns, human labour required by the multiplication of folders, etc. FRA will also use the tablets for other purposes (e.g. training).

Decision:**G.**

The MB decided to adopt the new approach on the electronic preparation of the EB and MB future meetings.

11 Programming Document 2017 – 2019**Main Conclusions:**

- 11.1 The Commission orally introduced its preliminary comments on the Programming Document 2017-2019, praising FRA for continuing to provide high-quality data and evidence-based assistance. It invited FRA to repeat large scale surveys in order to identify trends and pleaded for a new survey on anti-Semitism in 2017. It called on FRA to collect data on anti-Muslim hatred and welcomed FRA's efforts to improve hate crime data collection methodologies in EU Member States. Regarding awareness raising and in addition to the Fundamental Rights Forum, the Commission encouraged FRA to plan targeted events to promote fundamental rights at national and sub-national level. In response to the ongoing rule of law debate, the Commission encouraged FRA to become a one-stop-shop for relevant country specific data, bringing together relevant data from the international human rights system. Regarding Roma integration, it welcomed the timely development and delivery of the EU-MIDIS findings. The Commission also invited the Agency to look into conditions of (pre- and post-trial) detention. The Programming Document will be updated once the official Commission Opinion is received (July).
- 11.2 Some MB members suggested that FRA looks into the detention area, also from the angles of radicalisation in prisons and density of prisoners. One MB member suggested that FRA does research on the status of rule of law in a number of Member States from Eastern Europe.

12 Director's note on the development of the Annual Work Programme 2018

Main Conclusions:

- 12.1 The MB praised the newly introduced format of a Director's note on the draft Annual Work Programme 2018. It made a number of preliminary comments, advising, for example, that specific work on social inclusion be considered if the future MAF expands to this area. The MB largely welcomed the suggested potential new activities, explicitly mentioning for example activities related to freedom of religion, consumer rights, business and human rights, age, and the rule of law.
- 12.2 The MB, including the Commission, asked the FRA services to develop dedicated work on anti-Muslim hatred. It underlined the importance of approaching the Muslim community more comprehensively, not only from a migration angle. It also expressed support for activities to promote awareness of the Charter, and guarding the protective space for civil society on the basis of FRA's mandate.
- 12.3 One MB member proposed that FRA initiates research into aspects related to the former totalitarian regimes in Europe. He showed the importance of FRA surveying the perceptions of the past, which the youth segment currently embraces.

13 External Evaluation 2017: Adoption of the Terms of Reference

Main Conclusions:

- 13.1 The MB proposed a series of amendments to the draft Terms of Reference, which focused on the evaluation criteria (effectiveness, efficiency, added value).
- 13.2 The MB also addressed matters linked to the independence of the Agency, the scientific quality of its research and the assessment of areas important for the legislator in relation to a possible review of the founding act.

Decision:

H.

The MB amended and then adopted the terms of reference for the external evaluation of the Agency (2017).

14 Dates of the Management Board and Executive Board Meetings in 2017

Main Conclusions:

- 14.1 The operational services proposed a list of dates for MB and EB meetings in 2017.
- 14.2 The EB meetings would take place on 3 March, 18 May, 22 September and 13 December.
- 14.3 The MB meetings would take place on 18-19 May and 13-14 December.

Decision:

I.

The MB adopted the proposal of the operational services. The MB Retreat (initially planned for 2017) will be postponed to May 2018 in order to be organised in the context of the results of the second external evaluation and the new Strategic Plan.

15 MB members' report on the IMPACT of FRA work at national level**Main Conclusions:**

- 15.1 Several MB members described numerous initiatives that they developed in their countries with the purpose to intensify the impact of the FRA. To give only a few examples, MB members initiated meetings of the FRA family in their country (FI), introduced FRA reports into discussions of inter-ministerial human rights networks (PL, IT), initiated cooperation with unions of journalists (RO), promoted the introduction of human rights and FRA in the curriculum of the law faculties (RO).
- 15.2 Several challenges were identified, such as:
- low fundamental rights culture and awareness in many Member States
 - fragmented landscape of fundamental rights actors
 - a not satisfactory level of media coverage and public attention given to fundamental rights challenges in general, and to the Agency's work in particular
 - FRA reports being seen as relevant in a particular Member State mainly if that country ranks 'best or worst'
- 15.3 Many MB members presented future proposals for FRA tools to increase visibility of its work and promote the respect of fundamental rights in the EU Member States. These could be: launches of the Annual Report and of FRA handbooks, thematic meetings that bring different stakeholders at the table, increased visibility in national parliaments, enhanced cooperation with the academia, contacts with the local media, regular country visits of the FRA Director and experts, etc.

16 Towards an enhanced Fundamental Rights Platform**Main Conclusions:**

- 16.1 The MB was briefed on FRA's new approach on the cooperation with civil society. It welcomed the Agency's design of a new functioning of the Fundamental Rights Platform (FRP). According to this, FRA will strive that all six groups listed in the Founding Regulation actively participate in the FRP (currently 85% are only from the group of non-governmental organisations). The cooperation with the FRP is also meant to become a permanent process of engagement in contrast to the current annual meetings and online consultations.
- 16.2 MB members expressed interest in being informed at the next meeting on the FRP structure, based on thematic and country balance criteria.

17 Update on FRA work in the context of the refugee situation**Main Conclusions:**

- 17.1 The FRA services updated the MB on its temporary deployment to Greece. The Director explained that FRA's role is to identify protection gaps on the basis of the fundamental rights framework, encourage the EU actors on the ground to help address those gaps, and offer support within the limits of FRA's mandate and capacities. He emphasised that FRA had neither mandate nor capacity to monitor the situation comprehensively, or deal with individual cases. He indicated that FRA is currently moving from the observation phase to a more targeted assistance phase.
- 17.2 The MB commended FRA for its engagement in Greece. Regarding the dissemination of the monthly reports that FRA writes on the situation, the MB advised that the Agency look into the possibility of joining EASO dissemination channels.

- 17.3 The Commission suggested that parts of FRA's monthly reports could feed into the Integrated Situational Awareness and Analysis (ISAA) reports, which are produced by the Commission. They are weekly distributed to all main stakeholders, including the Committee of Permanent Representatives (COREPER) in Brussels that prepares the agenda of the ministerial meetings of the Council of the EU.

18 Presentation of the Internal Audit Service (IAS): Results of the risk assessment and strategic audit plan 2017-2019

Main Conclusions:

- 18.1 The Director for Audit in EU Agencies and other autonomous bodies from the Internal Audit Service (IAS) updated the MB on the results of the risk assessment of FRA's major processes. Based on the results, IAS presented a Strategic Audit Plan 2017-2019, which the MB endorsed.
- 18.2 IAS presented a list of prospective topics for IAS audits during the coming three years. These are: a) governance and ethics; b) research project design and implementation (including procurement); c) communication and dissemination of project results.
- 18.3 Some MB members drew attention to the importance of developing an audit on the relation between production and dissemination of FRA products, on one hand, and the availability of human resources.

19 Fundamental Rights Forum 2016

Main Conclusions:

- 19.1 The Head of the Fundamental Rights Promotion Department updated the MB on the status of the Fundamental Rights Forum.
- 19.2 The MB reiterated its readiness to concretely contribute to an optimal development of the Forum.

20 FRA surveys – 2016 and beyond

Main Conclusions:

- 20.1 The Head of the Freedoms and Justice Department briefed the MB on FRA's planned surveys in 2016/2017. The new MB members were informed that FRA is one of the three EU Agencies (out of 42) that do surveys and that the violence against women survey is replicated by the OSCE in ten non-EU Member States. She also announced that in the coming years, the Agency will complement more and more its own survey research with existing administrative and survey data produced by other sources.

21 Any other business

Main Conclusions:	
21.1	The FRA Director informed the MB of progress in the developing cooperation with the EEA & Norway Grants.
21.2	The FRA Director flagged the upcoming 10 th year anniversary of the Agency in 2017.

Date of the next meeting: 13-14 December 2016

Approved on	<u>December 13th, 2016</u>
by the Chair	<u>J. Sen</u>