

# MB DECISION



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**Decision n°:** 2009/5

**Subject:** Annual Work Programme 2009: Budgetary transfer

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**Person responsible:** Director

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THE MANAGEMENT BOARD OF THE EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

HAVING REGARD to the Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights, and in particular Article 12 paragraph 6 (d);

HAVING REGARD to the Agency's Financial rules and in particular article 23§2;

HAVING REGARD to the Rules of Procedure of the European Union Agency for Fundamental Rights and in particular article 10;

HAS ADOPTED by written procedure on 24 November 2009 a reallocation on 2009 budget from I to title III is of 1,142,000 EUR, in order to support three operational projects as in Annex I.

14/12/09  
Vienna, .....

  
Anastasia Crickley  
Chairperson of the FRA Management Board

Annexes  
Annex I – 2009/13 budgetary transfer

11 November 2009

### **13/2009 Budgetary transfer**

Approaching the year-end the Agency fine-tunes the allocation of its available and uncommitted appropriations. Surpluses have been identified in the course of the year and this is an opportunity to adjust the allocation of funds either by developing third priority projects or by satisfying new needs that arose in the course of the financial year.

#### Title I – Staff expenditure

Title I accumulated a surplus of 1,331,520 EUR. This amount represents a decrease of 15% compared to the adopted budget. The Agency's 2009 budget was prepared in September 2008 and submitted to the 5<sup>th</sup> Management Board meeting in October 2008 for its adoption. At that time the Agency planned to have finalised its recruitment procedures within a certain timeframe. Due to the fact that the recruitment of new staff members has, on the one hand, taken longer than expected and, on the other, successful candidates were able to take up post later than foreseen, a surplus of funds was created under Title I, representing salary and other entitlement expenses, as well as the expenses related to the taking up of duties.

The major part of the amount of 1,331,520 EUR can be used for the implementation of three operational projects:

#### Title III – Operational expenditure – three new projects are proposed

##### 1. Racist violence and related hate crimes

In previous years the Agency's RAXEN network was tasked with collecting official and unofficial data on racist crimes. In 2009, due to a projected shortfall in the available budget, this specific task was removed from their data collection activities, and instead it was proposed in 2009 to base the Annual Report's chapter on racist violence and crime on EU-MIDIS results alone.

Given that there is now a surplus in the budget under Title I, the proposal is to transfer the amount of 537,000 EUR from Title I to Title III and in particular to commitment item B09-C1-B03311 – Racism, xenophobia and related intolerance to allow RAXEN to undertake this task and to supplement it with additional work. This amount represents an increase of 87% compared to the adopted budget.

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The work would be undertaken as part of the planned project updating the thematic comparative overview reports, published between 2004-2007, on racial and ethnic discrimination in the areas of legislation, education, housing and *racist violence and crime*.

### Justification for the work

The evidence collected by the Agency for the chapter on racist violence and crime in its Annual Report has consistently shown that comprehensive data collection in this area is limited to a couple of Member States. The results from EU-MIDIS have also shown that incidents of racist violence and related crimes are grossly under-reported by victims across the Member States of the EU.

The Agency proposes to launch a study on existing data and data collection mechanisms on racist violence and related hate crimes, with a view to critiquing current practices and identifying good and promising practices in the EU.

As an illustration, the work will result in the following:

- An overview of existing and publicly available data on racist violence and related hate crimes for each Member State – indicating trends, and showing existing gaps in data collection;
- A detailed overview of who (which agencies) collect and publish data on racist and related hate crimes in each Member State, and how this is done in practice – focusing on official data collection mechanisms and current barriers to reporting faced by the public;
- An overview of relevant legislation in each Member State in the fields of racist and related hate crimes, and in the light of the adoption of the Council Framework Decision on combating certain forms and expressions of racism and xenophobia by means of the criminal law;
- An overview of good and promising practices in data collection in the field of racist and related hate crimes, with an indication of how legislation ‘in the books’ currently relates to data collection in practice.

The research results will be presented as developments in the field of racist and related hate crime data collection, which will be based on a critical reading of available data and mechanisms for data collection. The focus will be on the need for improved data collection for the development of evidence-based action and policy responses in the field of hate crime.

The project differs from work undertaken by other stakeholders working in this field, such as the OSCE, as its findings are based on primary data collection and an in-depth critique of existing data collection mechanisms – focusing of course on the EU27, and drawing on the unique results for each Member State offered by the Agency’s EU-MIDIS survey.

## 2. Homophobia

Following a request during the 11<sup>th</sup> EB meeting that took place on 18 September 2009, the FRA will update in 2010 its 2008 Legal Comparative Report on Homophobia and Discrimination on grounds of Sexual Orientation.

The main objective is to provide the Agency with updated country specific information and data on legislation and legal practice addressing homophobia and discrimination on grounds of sexual orientation, as well as relevant “good practices”, namely legal provisions, measures, projects and other initiatives by public authorities, which are effective or innovative and could serve as model for other Member States and European Union institutions.

The updated report has been specifically requested to be used by the Council of Europe report on Homophobia and discrimination on grounds of sexual orientation in its member states. The CoE research will not cover EU Member States, but rely on the relevant updated FRA report.

Given that there is now a surplus in the budget under Title I, the proposal is to transfer the amount of 70,000 EUR from Title I to Title III and in particular to commitment item B09-C1-B03321 – Discrimination to allow the FRALEX group of legal experts to undertake this task. This amount represents an increase of 10% compared to the adopted budget.

## 3. Access to justice and situation for Asylum seekers

At page 34, part 2.4 of the 2010 Work Programme it is stated that there is evidence to indicate that in practice equality before the law and access to justice can be problematic for certain groups of persons, such as asylum-seekers. Therefore, the Work Programme foresees that in 2010, the Agency will explore access to justice and the situation for asylum seekers. However, given the budgetary constraints in 2010, this activity was de-prioritised and no research budget allocated to it. Activities planned by FRA in this area were therefore limited to the drafting of in-house products based on evidence available from other research projects.

Given that there is now a surplus in the budget under Title I, but that no funds were allocated to this activity in 2010, the proposal is to transfer the amount of 535,000 EUR from Title I to Title III and in particular to commitment item B09-C1- B03601 – Access to efficient and independent justice to allow RAXEN to undertake this task and to supplement it with additional work. This amount represents an increase of 208% compared to the adopted budget.

### Justification for the work

With the availability of additional funds, FRA could make an important qualitative difference in the area of asylum: it could underpin its work with primary data specifically

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collected by the Agency for this purpose thus providing useful evidence for the policy decisions that the Union and its Member States will have to take in this sensitive area in the near future.

FRA therefore proposes to use the requested funds to undertake interviews in the 27 EU Member States with persons who are in the asylum procedure as well as with successful applicants in order to collect their views on their situation.

Individuals of different age, gender and background will be selected in each of the Member State for this purpose. Issues to focus on during the data collection could include areas such as the availability of information and legal advice or access to work to enable asylum seekers to live in dignity during the procedure.

Furthermore, successful applicants granted subsidiary protection could be interviewed on their situation as regards the enjoyment of key fundamental rights in order to identify possible areas of discrimination or particular obstacles.

The research by FRA would complement studies undertaken in this field by UNHCR, including the Study on the Implementation of the Qualification Directive as well as the forthcoming study on asylum procedure, as none of these studies collect the views of the persons directly concerned, namely those who have requested or received asylum.

European Union Agency for Fundamental Rights



Administration

13-2009 MB Budgetary transfer on C1 credits

| <u>Item</u>    | <u>Description</u>                                   | <u>Current<br/>commitment<br/>appropriations</u> | <u>Committed<br/>appropriations</u> | <u>Uncommitted<br/>appropriations</u> | <u>Budgetary transfer</u> | <u>Commitment<br/>appropriations<br/>following the<br/>budgetary transfer</u> |
|----------------|--|--|-------------------------------------|---------------------------------------|---------------------------|---|
|                |  | (1)  | (2)                                 | (3)=(1)-(2)                           | (4)                       | (5)=(1)+(4)   |
| <b>TITLE I</b> |  |  |                                     |                                       |                           |   |
| A-1101         | Family allowances                                    | 384,000.00                                       | 279,000.00                          | 105,000.00                            | -83,480.00                | 300,520.00  |
| A-1102         | Expatriation and foreign-residence allowances        | 457,000.00                                       | 423,000.00                          | 34,000.00                             | -34,000.00                | 423,000.00  |
| A-1113         | Trainees   | 166,000.00                                       | 161,000.00                          | 5,000.00                              | -5,000.00                 | 161,000.00  |
| A-1115         | Contract Agents                                      | 690,000.00                                       | 570,000.00                          | 120,000.00                            | -70,000.00                | 620,000.00  |
| A-1120         | Professional training of staff                       | 195,000.00                                       | 132,539.12                          | 62,460.88                             | -42,000.00                | 153,000.00  |
| A-1130         | Insurance against sickness                           | 112,000.00                                       | 107,000.00                          | 5,000.00                              | -5,000.00                 | 107,000.00  |
| A-1131         | Insurance against accidents and occupational disease | 29,000.00  | 25,000.00                           | 4,000.00                              | -4,000.00                 | 25,000.00   |
| A-1132         | Insurance against unemployment                       | 53,000.00  | 42,000.00                           | 11,000.00                             | -11,000.00                | 42,000.00   |
| A-1141         | Travel expenses for annual leave                     | 66,000.00  | 59,000.00                           | 7,000.00                              | -7,000.00                 | 59,000.00   |
| A-1175         | Interim services                                     | 534,000.00                                       | 532,635.80                          | 1,364.20                              | -1,000.00                 | 533,000.00  |
| A-1178         | External services                                    | 39,000.00  | 32,018.30                           | 6,981.70                              | -6,981.70                 | 32,018.30   |
| A-1180         | Miscellaneous expenditure on staff recruitment       | 100,000.00                                       | 75,000.00                           | 25,000.00                             | -25,000.00                | 75,000.00   |
| A-1181         | Travel expenses                                      | 37,000.00  | 10,000.00                           | 27,000.00                             | -27,000.00                | 10,000.00   |

| <u>Item</u>              | <u>Description</u>   | <u>Current<br/>commitment<br/>appropriations</u> | <u>Committed<br/>appropriations</u> | <u>Uncommitted<br/>appropriations</u> | <u>Budgetary transfer</u> | <u>Commitment<br/>appropriations<br/>following the<br/>budgetary transfer</u> |
|--------------------------|--|--|-------------------------------------|---------------------------------------|---------------------------|---|
|                          |  | (1)  | (2)                                 | (3)=(1)-(2)                           | (4)                       | (5)=(1)+(4)   |
| A-1182                   | Installation, resettlement and transfer allowances                     | 271,000.00                                       | 100,000.00                          | 171,000.00                            | -171,000.00               | 100,000.00  |
| A-1183                   | Removal expenses   | 276,000.00                                       | 57,688.62                           | 218,311.38                            | -217,000.00               | 59,000.00   |
| A-1184                   | Temporary daily subsistence allowances                                 | 248,000.00                                       | 65,000.00                           | 183,000.00                            | -183,000.00               | 65,000.00   |
| A-1190                   | Salary weightings  | 340,000.00                                       | 271,000.00                          | 69,000.00                             | -69,000.00                | 271,000.00  |
| A-1300                   | Mission expenses, duty travel expenses and other ancillary expenditure | 360,000.00                                       | 288,849.43                          | 71,150.57                             | -60,538.30                | 299,461.70  |
| A-1520                   | Staff exchanges  | 242,000.00                                       | 151,000.00                          | 91,000.00                             | -91,000.00                | 151,000.00  |
| A-1620                   | Other welfare expenditure  | 182,000.00                                       | 174,489.10                          | 7,510.90                              | -6,000.00                 | 176,000.00  |
| A-1630                   | Early childhood centres and creches                                    | 41,000.00  | 18,000.00                           | 23,000.00                             | -23,000.00                | 18,000.00   |
| <b>TOTAL TITLE I</b>     |  | <b>8,121,000.00</b>                              | <b>6,966,956.74</b>                 | <b>1,144,043.26</b>                   | <b>-1,142,000.00</b>      | <b>6,979,000.00</b>   |
| <b>TITLE III</b>         |  |  |                                     |                                       |                           |   |
| B0-3311                  | Racism, xenophobia and related intolerance                             | 660,000.00                                       | 632,822.67                          | 27,177.33                             | 537,000.00                | 1,197,000.00  |
| B0-3321                  | Discrimination   | 1,232,670.20                                     | 605,654.73                          | 627,015.47                            | 70,000.00                 | 1,302,670.20  |
| B0-3601                  | Access to efficient and independent justice                            | 243,952.83                                       | 211,653.26                          | 32,299.57                             | 535,000.00                | 778,952.83  |
| <b>TOTAL TITLE III</b>   |  | <b>5,686,000.00</b>                              | <b>3,788,990.32</b>                 | <b>1,897,009.68</b>                   | <b>1,142,000.00</b>       | <b>6,828,000.00</b>   |
| <b>TOTAL 2009 BUDGET</b> |  | <b>17,000,000.00</b>                             | <b>12,691,710.21</b>                | <b>4,202,599.79</b>                   | <b>-</b>                  | <b>17,000,000.00</b>  |