

## MINUTES MB MEETING

<b>Event:</b>	<b>39<sup>th</sup> Management Board Meeting</b>
<b>Date:</b>	19-20 May 2022
<b>Place:</b>	Hotel InterContinental, Johannesgasse 28, 1030 Vienna, Austria
<b>Status:</b>	<b>Final</b>
<b>Participants:</b>	
Members/Alternates (when Members are not present):	Elise Barbé (FR, Chairperson, Day 2), Els Keytsman (BE alternate), Irena Ilieva (BG), Veronika Bilkova (CZ), Christoffer Badse (DK alternate), Julia Duchrow (DE alternate), Kertti Pilvik (EE), Jim Clarken (IE), Miltiadis Sarigiannidis (EL), Yolanda Gamarra (ES), Snježana Bagic (HR), Oreste Pollicino (IT), Maria Stylianou-Lottides (CY), Mārtiņš Pāparinskis (LV), Lyra Jakulevicienė (LT), Noémie Sadler (LU), Balázs Gerencsér (HU), Giannino Caruana Demajo (MT), Rick Lawson (NL, Vice-Chairperson), Katharina Pabel (AT alternate), Elżbieta Karska (PL), Inês Vieira da Silva Ferreira Leite (PT alternate), Csaba-Ferenc Asztalos (RO), Verica Trstenjak (SI), Pavol Žilinčík (SK), Maria Bergström (SE alternate), 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), 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), Andreas Miltos (Accounting Officer), Francesco Saverio Liguori (Corporate Services), Luisa Lopez (Corporate Services), Manuel Wenigwieser (Corporate Services), Michail Beis (Communication and Events Unit), Gabriel Toggenburg (Institutional Cooperation and Networks Unit), Adrianna Bochenek (Director’s Office), Barbara Jaeschke (Institutional Cooperation and Networks Unit), Sarah Moutard (Institutional Cooperation and Networks Unit), Margot Denier (Institutional Cooperation and Networks Unit), Sabina Gjylsheni (Institutional Cooperation and Networks Unit)
Excused Members:	Tuomas Ojanen (FI), Evis Alimehmeti (OBS AL), Naser Ziberi (OBS MK)
Alternates (when Members are present)/Observers/Guests/:	Jan Lhotsky (CZ alternate), Salome Mbugua (IE alternate), Katerina Kallitsioni (CY alternate), Michal Davala (SK alternate); Saša Gajn (OBS RS); Carlien Scheele (EIGE), Daniele Cangemi (CoE), Olga Fylaktaki (FMO), Paul Hafellner (DG JUST)

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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 Vice-Chairperson opened the 39 <sup>th</sup> MB meeting and welcomed all participants. He welcomed the observers of EIGE, Carlien Scheele, the Council of Europe, Daniele Cangemi, and the FMO, Olga Fylaktaki.
1.2	The MB members introduced themselves through a tour de table.
1.3	The Vice-Chairperson introduced the draft agenda.
1.4	The Vice-Chairperson informed that items 4 on FRA's work regarding Ukraine would be merged with item 3.b) due to its relevance for the report of the Director on the work of FRA in the last period. He added that item 12, namely the in-camera session, would be postponed to the beginning of the meeting on day 2 so that the Chairperson could be present.
1.5	No comments were received on the draft agenda which was approved as amended orally.
1.6	The Vice-Chairperson asked the MB members about any conflict of interest pertaining to the agenda of the meeting.
1.7	No conflict of interest was reported.
<b>Decision:</b>	A. The agenda of the 39 <sup>th</sup> Management Board meeting was approved as amended.

## 2. Approval of the draft minutes of the 38<sup>th</sup> MB meeting

Main Conclusions:	
The draft minutes of the 38 <sup>th</sup> Management Board meeting were approved.	
<b>Decision:</b>	B. The minutes of the 38 <sup>th</sup> Management Board meeting were approved.

## 3. a) Report from the 63<sup>rd</sup> and 64<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:
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- 3.1. The Vice-Chairperson reported on the 63<sup>rd</sup> EB meeting of 11 March 2022, during which the EB adopted decision 2022/01 laying down general implementing provisions on the conduct of administrative enquires and disciplinary proceedings.
- 3.2. He also reported on the extraordinary EB meeting of 27 April 2022 during which the EB adopted the provisional decision on behalf of the Management Board concerning the Appointing Authority powers.
- 3.3. The Vice-Chairperson informed about the 64<sup>th</sup> EB meeting, which took place in the morning, to prepare the 39<sup>th</sup> MB meeting.
- 3.4. The Director informed the Board on the Agency's past activities from 01 December 2021 to 01 May 2022.
- 3.5. He stated that FRA is undergoing a historic year, owing to the Agency's 15<sup>th</sup> anniversary, the entry into force of the amended regulation, and the fundamental rights implications of the war in Ukraine.
- 3.6. The Director informed about the internal structural adjustments in the Agency which were proposed in March and took effect on 1 April after staff consultation. Those entailed the reconfiguration of the "Research and Data" and "Technical Assistance and Capacity Building" Units along thematic lines, namely "Justice, digitalisation and migration" and "Equality, Roma and social rights". The mainstreaming of research and capacity building across all units entailed the obsolescence of horizontal thematic programs, which ceased to exist.
- 3.7. The Director informed the Board on the Agency's recent outputs and ongoing activities. He highlighted the strong referencing of FRA's work by EU policy and lawmakers and FRA's high media presence and dissemination figures as regards its publications.
- 3.8. The Director updated the Board on FRA's work in response to fundamental rights implications of the war in Ukraine. He flagged that the Agency published a report on the situation at the EU's external borders with Ukraine on 23 March 2022, following a FRA mission to selected border crossing points. He then updated on FRA's further work regarding displaced people fleeing the war in Ukraine, with the heads of FRA's operational unit providing further detail about respective activities.
- 3.9. The Head of Corporate Services informed the Board of the de-prioritisation of some FRA activities to be able to fund activities related to Ukraine.
- 3.10. In response to questions from MB members, the Director elaborated further on FRA's work in the area of migration. He assured that FRA is maintaining its focus on migration related work, while adjusting its scope to the changed migratory movements. He also informed the Board that the Agency had offered to provide assistance to Lithuania and Poland regarding the situation on the Belarussian border, which however had not been met with interest.
- 3.11. In response to questions from MB members, the Head of the Justice, Digital and Migration Unit explained that the Agency would cooperate with GREVIO, EIGE and Eurojust within the scope of the planned FRA survey of displaced women fleeing Ukraine regarding experiences of violence and related human rights abuses.

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

### Main Conclusions:

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- 4.1. The COM representative informed the Board that the implementation of the many EU strategies, which it had adopted in the area of fundamental rights and equality, was now at full speed. She also briefed on the COM's response to the Russian aggression against Ukraine, referring to the activation of the temporary protection directive and highlighting that a particular focus was on the protection of children, given the large number of children amongst the people fleeing the war in Ukraine.
- 4.2. COM pointed to the forthcoming Council conclusion on rights of child and the designation of a new coordinator on the rights of the child in the European Commission.
- 4.3. As regards hate crime, COM updated on progress in the Council on the proposal to include hate speech and crime into the list of "Eurocrimes". Referring to the recently adopted Council conclusions on combating anti-racism and antisemitism committing to draw national strategic or action plans on antisemitism, COM expressed appreciation for the Agency's work on hate crime recording and antisemitism.
- 4.4. COM also referred to its initiative to protect journalists and human rights defenders against abusive litigation, known as SLAPP ('Strategic Lawsuits against Public Participation').
- 4.5. Finally, COM emphasised the Commission's work on gender equality, with the adoption of a proposal for a directive on combating violence against women and domestic violence and the current work on a Recommendation on the prevention of harmful practices. The strong cooperation with FRA in this, as well as in other contexts, was highlighted.
- 4.6. The Director updated the Board on the European conference on antisemitism co-organised by FRA and the Federal Chancellery of Austria. He expressed appreciation for the cooperation with Austria on this issue.
- 4.7. In response to questions from MB members, the COM representative also updated the Board on the state of play regarding the accession of the European Union to the European Convention on Human Rights.

## 5. a) Adoption of the Fundamental Rights Report 2022

### b) Fundamental Rights Report 2023 Focus section and future developments

#### Main Conclusions:

- 5.1. The Chair of the Annual Report Editorial Committee (AREDIT), Philippe Boillat, reported on the activities of AREDIT regarding the Fundamental Rights Report (FRR) 2022. The work of the FRR drafting team was praised during the presentation.
- 5.2. The MB discussed and adopted the Fundamental Rights Report 2022.
- 5.3. The AREDIT Chair also reported on the discussion in AREDIT concerning the proposed topic of the focus chapter in the FRR 2023 and that AREDIT had expressed a preference for dealing with the impact of the war in Ukraine on fundamental rights in the EU.
- 5.4. The Board selected the following topic for the focus section of the FRR 2023: "Fundamental Rights implications for the EU of the war in Ukraine".

#### Decision:

- C. The Fundamental Rights Report 2022 was adopted.

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<b>Decision:</b>	D. The Management Board selected "Fundamental Rights implications for the EU of the war in Ukraine" as the Fundamental Rights Report 2023 focus section.
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## 6. Financial Matters

<b>Main Conclusions:</b>
6.1. The Vice-Chairperson updated the Board on the election of Irena Ilieva (BG) as Chair of the Budget Committee.
6.2. The Chair of the Budget Committee updated the Board on FRA's financial matters.

## 7. Opinion of the MB on the Final Accounts 2021

<b>Main Conclusions:</b>	
7.1. The FRA Accounting Officer presented to the Board the Agency's 2021 Final Accounts.	
7.2. The Management Board adopted its opinion on the Final Accounts 2021.	
<b>Decision:</b>	E. The Management Board adopted its opinion on the Agency's Final Accounts 2021.

## 8. Appointment of a new Deputy Accountant

<b>Main Conclusions:</b>	
8.1. The Accounting Officer informed the Management Board of the need to appoint a new Deputy Accountant.	
8.2. The Management Board appointed Manuel Wenigwieser as new Deputy Accountant.	
<b>Decision:</b>	F. The Management Board appointed Manuel Wenigwieser as new Deputy Accountant.

## 9. Adoption of the Consolidated Annual Activity Report 2021

<b>Main Conclusions:</b>
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- 9.1. The Management Board was presented with the Consolidated Annual Activity Report (CAAR) 2021. The CAAR describes the achievement of FRA's objectives across its areas of work. It provides an overview of FRA evidence and expert opinions, technical advice, and other activities that contributed to the EU priorities and policy agenda. It also lists the main publications that FRA published in 2021.
- 9.2. The Activity Based Budgeting was implemented throughout 2021, indicating that 86% of budget expenditure was operational and 14% administrative. The Agency implemented effective controls as regards legality and regularity, with no overall amounts at risk to be reported for 2021. Statements concerning the Internal Audit are included in the report.
- 9.3. The Management Board adopted the report, praising its overall quality and giving credit to the Agency's staff for the activities and achievements.

<b>Decision:</b>	G. The Management Board adopted the Consolidated Annual Activity Report 2021.
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## 10. a) Budget transfer 2022-01

### b) Amendment of the Programming Document 2022-2024

#### Main Conclusions:

- 10.1. The Head of Corporate Services introduced the first budgetary transfer and the first amendment of the Programming Document 2022-2024, including resource reallocations, additional activities and changes.
- 10.2. In the context of a newly agreed project level cooperation under the EEA and Norway Grants Financial Mechanism 2014-2021 regarding a regional project to support National Human Rights Institutions in seven EU Member States, the Board and the FMO praised the fruitful cooperation between FRA and the FMO.
- 10.3. The Management Board discussed and adopted the first budgetary transfer 2022-01 and the first amendment of the Programming Document 2022-2024.

<b>Decision:</b>	H. The Management Board adopted the budgetary transfer 2022-01.
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<b>Decision:</b>	I. The Management Board adopted the amendment n. 1 of the Programming Document 2022-2024.
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## 11. Amending Budget 2022-01

#### Main Conclusions:

- 11.1. The Head of Corporate Services presented the proposed amending budget 2022-01, which was adopted by the Management Board.

<b>Decision:</b>	J. The Management Board adopted the amending budget 2022-01.
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## 12. In camera

### Main Conclusions:

12.1. The Management Board discussed confidential matters.

## 13. FRA Amended Regulation and MB Delegation of the Appointing Authority powers

### Main Conclusions:

13.1. FRA's Legal Officer introduced the amendments to the Agency's founding Regulation. She explained that the aim of the amendments was to align the FRA Regulation with the common EU approach on EU agencies, as well as to bring the Regulation in line with the Lisbon Treaty.

13.2. The Chairperson informed that she had signed on behalf of the Board on 28 April 2022 the decision (adopted by written procedure) to authorise the Director to ask the Commission for its agreement on the delegation of the appointing authority powers.

13.3. The COM representative informed that the Commission's agreement would be given the following week.

13.4. The Management Board agreed that the decision on the Delegation of the Appointing Authority powers to the Director would be adopted by written procedure.

13.5. In response to questions from MB members, the Director expressed disappointment regarding the exclusion of the area of Common Foreign and Security Policy from FRA's mandate under the amended Regulation.

13.6. The Head of Corporate Services alerted the Management Board that the amended FRA regulation also foresees the adoption of a communication strategy and rules on conflicts of interest, which would be proposed to the MB for adoption at its meeting in December 2022.

<b>Decision:</b>	K. The Management Board confirmed the EB's provisional decision on the authorisation to the Chairperson to act on behalf of the MB in matters pertaining to the Appointing Authority powers.
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<b>Decision:</b>	L. The Management Board agreed that the decision on the Delegation of the Appointing Authority powers to the Director will be adopted by written procedure.
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## 14. Development of a new FRA Multiannual Strategy: appointment of an MB working group and adoption of the working group's terms of reference

### Main Conclusions:



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- 14.1. The Director introduced the need to develop a new FRA Multiannual Strategy and, proposed that an MB working group "Strategy" would be established to prepare the strategic discussion.
- 14.2. The Management Board established the "Strategy" working group and adopted the working group's terms of reference.
- 14.3. The Director clarified that the working group's terms of reference foresees the group to be active until May 2023, but that the Strategy could be finalised earlier.
- 14.4. The Board appointed Miltiadis Sarigiannidis (EL), Lyra Jakulevičienė (LT) and Rick Lawson (NL) as working group members. In addition to the appointed members, one representative of the Commission and the independent person nominated by the CoE (Philippe Boillat) will participate in the WG.

<b>Decision:</b>	M. The Management Board established the MB working group "Strategy" and adopted its terms of reference.
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<b>Decision:</b>	N. The Management Board appointed Miltiadis Sarigiannidis (EL), Lyra Jakulevičienė (LT) and Rick Lawson (NL) as members of the WG.
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## 15. Update on the Programming Document 2023-2025

### Main Conclusions:

- 15.1. The Board was presented with the updated draft Programming Document (PD) 2023-2025.
- 15.2. The COM representative welcomed the draft, confirming that it is in line with the EU policy agenda and providing its informal preliminary views. She emphasised the importance of a timely delivery of the results from FRA's large surveys and invited continued commitment to support Member States on data collection methodologies, recording of hate crime and Roma inclusion, feeding into the relevant Commission working groups. She expressed appreciation for FRA's cooperation with civil society and reiterated COM's invitation to support national level dialogue with civil society on the basis of the Commission's rule of law report. Finally, as regards violence against women, she welcomed the close cooperation with EIGE and invited FRA to revise the related project fiche to reflect COM's adoption of a proposal for a directive in this area.
- 15.3. The Director explained that the PD will be updated in light of the comments from the Commission and to reflect the amended FRA Regulation.

## 16. Director's note on the development of the Annual Work Programme 2024

### Main Conclusions:

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- 16.1. The Director presented the proposed priorities and planned activities for 2024.
- 16.2. The Management Board expressed appreciation for the quality and ambition of the note. Feedback from Board members highlighted a number of pressing topics, including business and human rights, human rights and the environment, data protection implications arising from the use of artificial intelligence in the judiciary and by law enforcement, backsliding on the Rule of Law, social rights in light of relevant Charter provisions, and access to the right to education. The Board flagged the importance of granting additional resources to the Agency given its recent and much awaited mandate expansion.
- 16.3. In response to questions from MB members, the Director acknowledged the need to prioritise resources and work. He reassured the Board that its comments would be taken into consideration when developing the work programme for 2024.
- 16.4. In response to questions from MB members, the Head of the Institutional Cooperation and Networks Unit explained the work currently being developed on foresight in the area of fundamental rights and the foreseen timeline.

### 17. FRA Rules of Procedures

#### Main Conclusions:

- 17.1. The Chairperson informed the Board that the revised Rules of Procedure will be adopted by written procedure as the consultation procedure is still on-going.
- 17.2. The Head of Corporate Services explained that the Rules of Procedure needed to be revised in response to FRA's amended Regulation and implications of the Covid-19 pandemic.

**Decision:** O. The Management Board agreed to adopt the revised Rules of Procedure by written procedure

### 18. Executive Board: Election of one new member

#### Main Conclusions:

- 18.1. The Chairperson opened the election of one member of the Executive Board.
- 18.2. Jim Clarken (IE) submitted his candidacy and presented his area of expertise and qualifications.
- 18.3. The Management Board elected Jim Clarken to the Executive Board for a term of 2.5 years.
- 18.4. The mandate of Jim Clarken will start on 13 July 2022.
- 18.5. Verica Trstenjak (SI) expressed her appreciation for having been part of the Executive Board.

**Decision:** P. Jim Clarken (IE) was elected member of the Executive Board for a mandate of 2.5 years starting on 13 July 2022.

### **19. New Scientific Committee: new call for expression of interest and nomination of two MB members as observers in the pre-selection panel**

<b>Main Conclusions:</b>	
19.1. The Head of Corporate Services informed that a new call of expression of interest for the selection of the new Scientific Committee will need to be launched. He presented the procedure and the timeline for the selection.	
19.2. He informed that the procedure foresees that two MB members participate in the pre-selection panel as observers.	
19.3. Irena Ilieva (BG) and Miltiadis Sarigiannidis (EL) volunteered to be observers in the pre-selection panel.	
<b>Decision:</b>	Q. The Management Board nominated Irena Ilieva (BG) and Miltiadis Sarigiannidis (EL) as observers in the pre-selection panel for the selection of the new Scientific Committee.

### **20. Presentation on FRA's work on the Charter of Fundamental Rights**

<b>Main Conclusions:</b>	
20.1. The Board received a presentation on the Agency's work on the Charter of Fundamental Rights.	
20.2. The MB expressed strong appreciation for the Agency's work on the topic, especially in raising awareness amongst legal professionals. They emphasised the importance to translate all FRA published material in this regard.	
20.3. The COM representative also expressed appreciation for the Agency's work on the Charter and for the partnership with the Agency on that matter.	

### **21. Tour de table on the experience of outgoing MB members**

<b>Main Conclusions:</b>	
21.1. During a tour de table, the outgoing MB members took stock of their experience at FRA. Acknowledging the important and impressive contribution of the Agency in many areas, they praised the high professionalism of FRA staff and expressed appreciation for their work.	

### **22. Any other business**

<b>Main Conclusions:</b>	
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22.1. The Chairperson informed that the next MB meeting would take place on 16 September 2022, preceded by a retreat on 15 September 2022 which will serve to discuss the Agency's next multiannual strategy on the basis of the work of the MB working group Strategy.

22.2. The Chairperson flagged the upcoming election of a new MB Chairperson during the next MB meeting.

Date of the next meeting: 16 September 2022

<b>Approved on:</b>	16.9.22
<b>By the Chair:</b>	