

## MINUTES MB MEETING

**Event:** 41<sup>st</sup> Management Board Meeting

**Date:** 15-16 December 2022

**Place:** FRA Premises, Schwarzenbergplatz 11, 1040 Vienna

**Status:** Final

### Participants:

**Members/Alternates (when Members are not present):** Jim Clarken (IE, Chairperson), Els Keytsman (BE), Irena Ilieva (BG), Jan Lhotsky (CZ), Astrid Kjeldgaard-Pedersen (DK), Anne Peters (DE), Mart Susi (EE), Miltiadis Sarigiannidis (EL), Yolanda Gamarra (ES), Marco Fasciglione (IT), Katerina Kallitsioni (CY), Lyra Jakulevičienė (LT), Noémie Sadler (LU), Balázs Gerencsér (HU), Giannino Caruana Demajo (MT), Rick Lawson (NL), Csaba Ferenc Asztalos (RO), Matej Avbelj (SI), Katarína Batková (SK), Per Bergling (SE), 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), Joanna Goodey (Head of Justice, Digital and Migration Unit), Andrey Ivanov (deputy Head of Equality, Roma & Social Rights Unit), Constantinos Manolopoulos (Head of Corporate Services Unit), Nicole Romain (Head of Communication and Events Unit), Friso Roscam Abbing (Adviser on Communication), Adrianna Bochenek (Director’s Office), Francesco Saverio Liguori (Corporate Services), Luisa Lopez (Corporate Services), Christian Popescu (Corporate Services), Sarah Strupp (Corporate Services), Elena Balzarini (Institutional Cooperation and Networks Unit), Camiel De Schutter (Institutional Cooperation and Networks Unit), Barbara Jaeschke (Institutional Cooperation and Networks Unit), Matilda Titeca (Institutional Cooperation and Networks Unit)

**Excused Members:** Snježana Bagić (HR), Artūrs Kučs (LV), Katarina Pabel (AT), Marek Szydło (PL), Paulo Saragoça da Matta (PT), Tuomas Ojanen (FI)

**Alternates (when Members are present)/Observers/Guests/:** Paul Hafellner (DG JUST), Kathalijne Buitenweg (NL); Saša Gajn (OBS RS), Evis Alimehmeti (OBS AL); Daniele-Nicola Cangemi (OBS CoE), Christos Giakoumopoulos (CoE); Dora Kostakopoulou (OBS SC); Ivailo Kalfin (Eurofound, Day 2), Marta Dimauro (CSES, day 2), Jack Malan (CSES, day 2)

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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 41 <sup>st</sup> MB meeting and welcomed all participants, in particular the newly appointed members of Germany, Anne Peters, and of Denmark, Astrid Kjeldgaard-Pedersen.	
1.2. The Chairperson asked the MB members about any conflict of interest pertaining to the agenda of the meeting. No conflict of interest was reported.	
1.3. He announced that the annual exercise for the submission of the Declarations of Interest will be launched at the beginning of 2023.	
1.4. He reminded the Board about the election of one member of the Budget Committee and four members the Annual Report Editorial Committee (AREEDIT). He invited the members wishing to join the working groups to submit their candidacy before the election proceedings.	
1.5. No comments were received on the draft agenda which was approved.	
Decision:	A. The agenda of the 41 <sup>st</sup> Management Board meeting was approved.

## 2. Approval of the draft minutes of the 40<sup>th</sup> MB meeting

Main Conclusions:	
No comments were received on the draft minutes of the 40 <sup>th</sup> Management Board meeting and they were approved.	
Decision:	B. The minutes of the 40 <sup>th</sup> Management Board meeting were approved.

## 3. a) Report from the 67<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 Chairperson reported on the 67 <sup>th</sup> EB meeting, which took place on 14 and 15 December 2022.	
3.2. He informed that during the first day of the 67 <sup>th</sup> meeting, the EB undertook the shortlisting of the new members of the Scientific Committee. This item would be presented to the Board and discussed during the in-camera session. The second day of the 67 <sup>th</sup> EB was dedicated to the preparation of the MB meeting.	
3.3. The Vice-Chairperson recalled that during the 40 <sup>th</sup> MB meeting on 16 September 2022 the Board appointed an Appeals Committee (AC) to deal with complaints against decisions taken by the Director. The AC is composed of three members and an alternate member within the Executive Board. He informed that the EB met in an extraordinary meeting on 16 September and nominated Philippe Boillat, Ingrid	

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Bellander Todino, and Rick Lawson as members of the committee. Lyra Jakulevičienė was nominated as alternate member. Rick Lawson was nominated as Chair of the AC.

- 3.4. The Director presented the Board with the Agency's past activities from 1 September to 1 December. He informed the Board about FRA's recent publications, and the high recognition received from policy makers for the quality and utility of FRA's research. He also updated the Board on FRA's surveys, cooperation with other organisations, and his most recent country visits.
- 3.5. The Director also reported to the Board on internal matters.
- 3.6. In response to questions from MB members, the Director elaborated further on FRA's work in the area of migration and the rule of law.

## 4. Update and discussion on EU-Fundamental Rights Policy developments (COM)

### Main Conclusions:

- 4.1. The Commission provided an overview of recent fundamental rights policy developments, with a focus on files in which DG JUST is in the lead while highlighting the importance of cooperation with FRA in those areas.
- 4.2. The Commission informed about the publication of its annual report on the application of the Charter with a thematic focus on the role of civil society for upholding fundamental rights in the EU.
- 4.3. The Commission also informed on activities in the area of the rights of the child, hate speech and hate crime, on the transposition of the Whistle-blower Protection Directive, the Commission's 2023 annual rule of law report, the proposed Directive on Anti-SLAPP, and on the progress regarding the EU Anti-Racism Action Plan, including the work to support the development of national anti-racism action plans.
- 4.4. The Commission shared information on the implementation of the EU Roma strategic framework for equality, inclusion and participation and reported on the two new legislative proposals to strengthen equality bodies, focussing on their independence, resources and powers. It provided information on the substantial progress of the Gender Equality Strategy, including agreement in the Council on the Equal Pay Directive.
- 4.5. Management Board members asked a series of questions related to the Commission's legislative work regarding asylum, migration, artificial intelligence, equal treatment across discrimination grounds including intersectionality, and corporate due diligence.

## 5. Financial matters

### Main Conclusions:

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- 5.1. The Board received an update on financial matters, including on the budget consumption in 2022.
- 5.2. The Board was also informed about the financial situation impacting on the implementation of FRA surveys. As already presented at the 40<sup>th</sup> MB of 16 September 2022, the Board was informed of the exponential growth of costs for the surveys and implications for the budget of 2024. To contain costs, the Board endorsed the proposal of the services of reducing the geographic scope of the Roma survey to Central and Eastern Europe. For the same cost-containment reason, the MB also endorsed the proposal to conduct the survey on immigrants and descendants of immigrants as an online survey.

## 6. Budgetary transfer 2022\_02 and amendment n. 3 of the Programming Document 2022 – 2024

### Main Conclusions:

- 6.1. The Head of Corporate Services (CS) introduced the second budgetary transfer which covers a transfer of surplus from Title I and II to the operational expenditures in Title III. In addition, internal transfers will take place within Title III.
- 6.2. He informed the Board about the third amendment of the Programming Document 2022-2024.
- 6.3. The Management Board adopted the budgetary transfer n. 2 and the amendment n. 3 of the Programming Document 2022-2024.

### Decision:

C. The Management Board adopted the Budget transfer 2022\_02 and the amendment n. 3 of the Programming Document 2022-2024.

## 7. Amending budget 2022\_03

### Main Conclusions:

- 7.1. The Head of CS presented the proposed amending budget n. 3 providing a detailed explanation about the funds received by the Agency including funds from the Financial Mechanism Office (FMO), the Bulgarian National Statistics Institute, and the Austrian authorities.
- 7.2. The Management Board discussed and adopted the Amending Budget n. 3.

### Decision:

D. The Management Board adopted the amending budget 2022\_03.

## 8. a) Programming Document 2023-2025 b) Statement of revenue and expenditure 2023

### Main Conclusions:

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8.1. The Head of CS presented the final Programming Document 2023-2025.	
8.2. The Management Board discussed and adopted the final Programming Document 2023-2025.	
8.3. The Management Board discussed and adopted the Statement of revenue and expenditure for 2023.	
<b>Decision:</b>	E. The Management Board adopted the Programming Document 2023-25.
<b>Decision:</b>	F. The Management Board adopted the Statement of revenue and expenditure for 2023.

## 9. a) Draft Single Programming Document 2024-2026 b) Draft estimate of revenue and expenditure 2024

<b>Main Conclusions:</b>	
9.1. The Management Board was presented with the draft Single Programming Document 2024-2026. The Director explained the process behind the development of the Programming document and the next steps before its final adoption at the MB meeting in December 2023. He provided an overview of the Agency's priorities and activities in 2024, including the next Fundamental Rights Forum in 2024.	
9.2. The Management Board endorsed the draft PD 2024-2026. The Commission abstained in view of its formal opinion to be delivered in July 2023.	
9.3. The Management Board was presented with the draft estimate of revenue and expenditure 2024 and adopted it.	
<b>Decision:</b>	G. The Management Board endorsed the Draft Single Programming Document 2024-2026 (with the Commission's abstention).
<b>Decision:</b>	H. The Management Board adopted the draft estimate of revenue and expenditure 2024.

## 10. Budget Committee: Election of new member

<b>Main Conclusions:</b>	
10.1. The Chairperson informed that following his election as Chairperson of the MB in September 2022, he withdrew from his position in the Budget Committee. Hence one post has become available.	
10.2. Per Bergling (SE) submitted his candidacy and presented his expertise in the field.	
10.3. The Management Board elected Per Bergling (SE) to the Budget Committee for a term of 2.5 years starting on 16 December 2022.	
<b>Decision:</b>	I. The Management Board elected Per Bergling (SE) as member of the Budget Committee for a term of 2.5 years starting on 16 December 2022.

## 11. Annual Report Editorial Committee (AREDIT): Revision of the Terms of Reference and elections of 4 members

### Main Conclusions:

- 11.1. The Management Board was presented with the fourth revision of the Terms of Reference of the Annual Report Editorial Committee (AREDIT).
- 11.2. The revision, mainly of a technical nature, reflects the changes introduced by the amendment of the FRA Regulation, the current structure of the Agency and aligns the length of the term of the Chairperson of AREDIT with the one of the terms as member of the Committee.
- 11.3. The Management Board adopted the revision n. 4 of the Terms of Reference.
- 11.4. The Chairperson introduced the proceedings for the election of new members of AREDIT for which candidacies were open.
- 11.5. Current members of AREDIT Philippe Boillat (CoE), Oreste Pollicino (*in absentia*, IT), Irena Ilieva (BG), and Lyra Jakulevičienė (LT), submitted their candidacy for a new term. The latter candidate later withdrew her candidacy. Miltiadis Sarigiannidis (EL) submitted his candidacy.
- 11.6. The Management Board re-elected Philippe Boillat (CoE), Oreste Pollicino (IT), Irena Ilieva (BG), and elected Miltiadis Sarigiannidis (EL), to the Annual Report Editorial Committee (AREDIT) for a term of 2.5 years starting on 26 March 2023.

### Decision:

- J. The Management Board adopted the revision n. 4 of the Terms of Reference of the Annual report Editorial Committee (AREDIT).
- K. The Management Board re-elected Philippe Boillat (CoE), Oreste Pollicino (IT), Irena Ilieva (BG), and elected Miltiadis Sarigiannidis (EL), to the Annual Report Editorial Committee for a term of 2.5 years starting on 26 March 2023.

## 12. Exchange of views with the Council of Europe (CoE) and the cooperation between the Agency and the CoE

### Main Conclusions:

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- 12.1. The Management Board held an exchange of views with Christos Giakoumopoulos, Director General of Human Rights and the Rule of Law of the CoE, on the cooperation between FRA and the CoE.
- 12.2. Mr Giakoumopoulos highlighted the fruitfulness of the cooperation between the two organisations, pointing to the joint handbooks, the Fundamental Rights Forum, EFRIS and the Human Rights Education for Legal Professionals (HELP) courses as concrete examples. In view of FRA's future strategy, he emphasised opportunities for intensifying cooperation in further areas, including as regards socio-economic rights, environmental rights, democratic governance, and support to the European human rights architecture.
- 12.3. The Director provided highlights on the valuable cooperation with the CoE in the last year. The FRA Director reaffirmed that the cooperation between FRA and the Council of Europe is in excellent health, strong and enriching. He highlighted the many fields of cooperation and complementarity among the two organisations and reported on his recent very positive meetings with the CoE Secretary General, the President of the Parliamentary Assembly, the President of the European Court of Human Rights, and the regular dialogue with the Commissioner for Human Rights. The Director looked forward to reinforcing cooperation between the two organisations in further areas, such as regarding socio-economic rights.
- 12.4. The Management Board expressed appreciation for the cooperation between the Agency and the Council of Europe. Given that this was the last exchange with Mr Giakoumopoulos, the Board expressed their highest appreciation for the excellent collaboration under his leadership.

## 13. Update on the implementation of the agreement with the EEA and Norway Grants

### Main Conclusions:

- 13.1. The Management Board received an update on the cooperation with the EEA and Norway Grants.
- 13.2. The Director provided an overview of the programmes and projects undertaken in cooperation with the Grants. He reported on the outcomes of the recent annual meeting with the Donors (Norway), who gave a very positive assessment of their cooperation with FRA. He also informed the Board about the envisaged contribution of the Grants to a FRA conference co-organised with the incoming Swedish Presidency of the Council of the EU and the Fundamental Rights Forum 2024.
- 13.3. The Management Board expressed appreciation for the multi-level cooperation between the Grants and the Agency.

## 14. Update on the Cooperation with EIGE

### Main Conclusions:



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- 14.1. The Management Board was presented with an overview of the cooperation between FRA and EIGE, including as regards a forthcoming survey on violence against women.
- 14.2. The Director confirmed to the Board the strong cooperation with EIGE on the 2nd violence against women survey. He also provided examples of the strong partnership between the two agencies, highlighting the participation in each other's events such as at FRA's Human Rights Leaders and Experts meeting and EIGE's Gender Equality Forum meeting.
- 14.3. The Management Board expressed appreciation for the cooperation between the Agency and EIGE.

### **15. Update on the cooperation with the European Foundation for the Improvement of Living and Working Conditions (Eurofound)**

#### **Main Conclusions:**

- 15.1. The Management Board was presented with an overview of the cooperation between FRA and Eurofound.
- 15.2. Eurofound's Executive Director Ivailo Kalfin participated for the first time in the FRA Management Board as observer. He underlined the complementarities between the two agencies, in particular as regards data collection and surveys, and he acknowledged the excellent cooperation between FRA and Eurofound's experts. He informed about Eurofound's areas of work in 2023 in which cooperation can be further extended or strengthened, including digitalisation and digital transition, migration, consequences of the Ukraine war, access to essential services and employment.
- 15.3. The FRA Director commended the cooperation between the two agencies as an excellent example of inter-agency cooperation. He highlighted the importance of inter-agency cooperation for FRA as it allows to reinforce actions and share resources.
- 15.4. The Management Board expressed appreciation for the cooperation between FRA and Eurofound.

### **16. Adoption of the new Rules on Conflict of Interest**

#### **Main Conclusions:**

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- 16.1. The Management Board was presented with the new Rules governing the prevention and management of conflicts of interests in the Management Board and Scientific Committee of European Union Agency for Fundamental Rights.
- 16.2. Following the changes introduced by the amended FRA Regulation in Articles 12 and 14 and in light of past experiences, the revised Rules on Conflict of Interest are in line with the provisions in the amended Regulation. The revised version aims at clarifying the procedure for the cases of lack of independence, it changes the majority rule, and introduces gender neutral language across the Rules.
- 16.3. The Management Board adopted the revised Rules governing the prevention of conflict of interest for the members of the Management Board and the Scientific Committee.

<b>Decision:</b>	L. The Management Board adopted the new Rules governing the prevention and management of conflicts of interests in the Management Board and Scientific Committee of European Union Agency for Fundamental Rights.
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### 17. Adoption of the FRA Rules of Procedure

#### Main Conclusions:

- 17.1. The FRA services presented the Management Board with the 5<sup>th</sup> revision of the FRA Rules of Procedure. The revision takes into consideration the changes introduced by the amended FRA Regulation. It also formalises the possibility of holding meetings online as well as some consolidated institutional practices.
- 17.2. The services informed that, in line with the relevant procedure, the independent person appointed by the Council of Europe, the FRA Scientific Committee and the European Commission were consulted and issued their opinions on the revised version. The opinions were included where relevant into the revised version presented to the Board for discussion and adoption.
- 17.3. The Management Board adopted revision n. 5 of the FRA Rules of Procedure.

<b>Decision:</b>	M. The Management Board adopted revision n. 5 of the FRA Rules of Procedure.
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### 18. In camera session I

#### Main Conclusions:

- 18.1. The Management Board discussed confidential matters.

### 18.a. In camera session II: Selection of the new FRA's Director (COM) and approval of the vacancy notice

#### Main Conclusions:

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18a.1. The Management Board discussed confidential matters related to the approval of the vacancy notice for the selection of the new FRA Director.

18a.2. The procedure will be organised by the Commission as per the relevant rules.

18a.3 Two members of the Board refrained to participate in the in camera session II due to a potential conflict of interest.

18a.4. The Management Board appointed the Vice-Chairperson as observer to the pre-selection panel.

**Decision:**

N. The Management Board approved the vacancy notice for the selection of the new FRA Director and appointed the Vice-Chairperson as observer to the pre-selection panel.

## 19. FRA Strategy discussion: updates and next steps

**Main Conclusions:**

19.1. The Chair of the MB Working Group Strategy updated the Board on the MB working group's work and reported on the activities of the Working Group in the preparation of the new FRA Strategy.

19.2. The contractors from the Centre for Strategy and Evaluation Services (CSES) gave a presentation on the results of the internal and external consultations and presented next steps aimed at preparing a first draft by the beginning of the year.

19.3. The Board discussed the results of the consultations held.

19.4. The Chair of the MB Working Group Strategy provided an overview of the next steps aimed at adopting the new FRA Strategy at the MB's May meeting.

## 20. Promotion and use of FRA's work at the national level: presentation of activities from MB members

**Main Conclusions:**

20.1. The Director gave an overview of activities and promising practices that have been undertaken on the promotion of FRA's work and fundamental rights nationally.

20.2. The Board members welcomed the presentation and provided additional examples of activities undertaken at the national level in support of FRA and fundamental rights. The Board agreed to make this topic a recurring MB agenda item.

## 21. Any other business

**Main Conclusions:**

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- 21.1. The Commission representative informed that Emmanuel Crabit, member of the Management Board for the European Commission, will conclude his mandate as MB member at the end of January due to his retirement from the Commission. The Chairperson thanked Emmanuel Crabit for his dedication and contributions to the FRA Management Board.
- 21.2. The Chairperson informed that the next MB would take place on 25 and 26 May 2023 in person.

Date of the next meeting: 25<sup>th</sup> and 26<sup>th</sup> May 2023

<b>Approved on:</b>	25 May 2023
<b>By the Chair:</b>	