

EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

Rules of Procedure of the European Union Agency for Fundamental Rights

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**Rules of Procedure
of the European Union Agency for Fundamental Rights**

**THE MANAGEMENT BOARD OF THE EUROPEAN UNION
AGENCY FOR FUNDAMENTAL RIGHTS**

Having regard to Council Regulation (EC) No 168/2007 of 15 February 2007 (hereinafter referred to as “the Regulation”), establishing the European Union Agency for Fundamental Rights (hereinafter referred to as “the Agency”), and in particular Article 12 (6) (g) thereof;

Having regard to the draft submitted by the Director of the Agency;

Having regard to the opinions delivered by the Commission, the Scientific Committee and the independent person appointed by the Council of Europe;

Whereas:

(1) Pursuant to article 32, the Management Board shall examine, each year, the need to revise these Rules of Procedure in the light of the experiences gained from their implementation.

HAS ADOPTED THESE RULES OF PROCEDURE

I MANAGEMENT BOARD

TITLE 1 - ELECTIONS

ARTICLE 1

Chairperson and Vice-Chairperson of the Management Board

1. The Chairperson and the Vice-Chairperson shall be elected by secret ballot from amongst the members of the Management Board appointed pursuant to Article 12, paragraph 1a of the Regulation. Pursuant to Article 7, paragraph 1 of the present Rules of Procedure, the presence of at least two thirds of the members of the Management Board or alternates shall constitute the quorum necessary for the election of the Chairperson and Vice-Chairperson.
2. The Chairperson of the Management Board shall be elected pursuant to Article 12, paragraph 8 of the Regulation.
3. The election proceedings shall be chaired by one of the two representatives of the European Commission serving on the Management Board. The procedure shall be as follows:
 - a) The names of those persons wishing to stand as candidates shall be notified before the beginning of the election proceedings to the Chairperson. A member may declare his or her candidacy in his or her own name or be proposed by another member. A candidacy may be declared after the beginning of the election proceedings only if two rounds of voting have remained unsuccessful.
 - b) If there is only one candidate, that candidate shall be declared elected, unless a member of the Management Board requests a vote.
 - c) If there is more than one candidate, a ballot shall be held and the successful candidate must receive at least two thirds of the votes of all members of the Management Board.
 - d) A candidate may withdraw at any stage of the procedure.
 - g) A vote shall be deemed to be spoiled, at the decision of the Chairperson, if it does not indicate the designated candidate beyond reasonable doubt.
4. The same procedure shall apply, *mutatis mutandis*, to the election of the Vice-Chairperson.
5. In the event of the resignation of the Chairperson or his or her inability to serve for any other reason, a new Chairperson shall be elected for the remainder of his or her term of office. The same conditions shall apply to the Vice-Chairperson.

TITLE 2 – MEETINGS OF THE MANAGEMENT BOARD

ARTICLE 2

Convening of the meetings of the Management Board

1. Pursuant to Article 12, paragraph 9 of the Regulation, the Chairperson shall convene the Management Board twice a year. As a general rule, the Management Board meetings shall be scheduled having due regard to decisions necessary for the functioning of the Agency, such as the need to adopt the budget, the Annual Reports and the Annual Work Programme, and the need to approve the accounts and give discharge to the Director. The Chairperson may also convene extraordinary meetings on his or her own initiative or at the request of at least one third of the members of the Management Board.
2. Each time a meeting is convened, the Chairperson shall notify the members of the date of the meeting at least twenty-eight calendar days before the meeting is due to take place. The Director, in agreement with the Chairperson, shall forward to the members and alternate members the draft agenda of the meeting at least twenty-one calendar days before the meeting is due to take place. All preparatory documents shall be forwarded to the members and alternate members no later than ten working days before the meeting is due to take place. Priority shall be given to the preparatory documents related to issues on which the Management Board shall be called upon to make a decision. In exceptional circumstances, the Chairperson may notify the members of the date of a meeting no later than fourteen calendar days before the meeting is due to take place.
3. Each of the decisions necessary for the functioning of the Agency, such as the adoption of the budget, the Annual Reports and the Annual Work Programme, the approval of the accounts and the granting of discharge to the Director, shall constitute a separate item on the agenda.
4. If at least one third of the members of the Management Board ask that a meeting of the Management Board be convened, the Chairperson shall ensure that such a meeting is held, barring exceptional circumstances, within a period of two months from the request pursuant to the procedure laid down in paragraphs 2 and 3.
5. In the absence of the Chairperson, his or her duties concerning the convening of the meetings of the Management Board shall be performed by the Vice-Chairperson.

ARTICLE 3

Venue

1. The meetings of the Management Board shall be held at the seat of the Agency, established in Vienna in the Republic of Austria.
2. The Executive Board may decide to make an exception to the general rule specified in paragraph 1 above. The Executive Board shall give reasons for such a decision.
3. Arrangements shall be made in order to ensure that the venue of Management Board meetings is fully accessible to all participants.

ARTICLE 4

Internal language regime

1. In accordance with the Management Board's unanimous decision of 11 September 2009, the language regime pertaining to meetings of the Management Board and the Executive Board is as follows.
2. The proceedings of the Management Board shall be conducted in English and French.
3. Both working languages referred to in paragraph 2 shall be used for the presentation of the preparatory documents and minutes of meetings.
4. The working languages referred to in paragraph 2 shall be used at the meetings of the Management Board and of the Executive Board. Interpreting services from/to English and French shall be arranged accordingly.
5. In case some Management Board members are not able to follow what is said at and participate in a meeting in English or French, personal interpretation shall be provided as far as feasible.

ARTICLE 5

Agenda

1. The Management Board shall adopt the agenda at the start of the meeting. This agenda shall comprise the items appearing in the draft agenda referred to in Article 2, paragraph 2, and any other item proposed, pursuant to paragraphs 2 and 3 of the present article, by one or more members.
2. Any request, by one or more members of the Management Board, to have an item added to the agenda shall state the reasons on which it is based and shall be submitted in writing to the Chairperson at least fourteen calendar days before the date of the meeting. The Chairperson shall notify forthwith the other members of any such requests. If received later than the specified fourteen calendar days, the request shall be treated as a proposal within the meaning of paragraph 4.

3. However, at the discretion of the Chairperson, urgent matters may be raised at the start of the meeting by one or more members of the Management Board.
4. During a meeting, any member may propose that an item be added to the agenda of the next meeting.

ARTICLE 6

Attendance at meetings

1. The members of the Management Board shall inform the Director as to whether they intend to attend the meeting in person or be represented by their alternates as soon as possible. In case a member does not intend to attend the meeting in person, they shall without delay, inform their alternate member. The latter shall inform the Director about their intention to attend the meeting.
2. Pursuant to Article 15, paragraph 5 of the Regulation, the Director shall attend the meetings of the Management Board without voting rights. Depending on the requirements of the agenda, upon the request of the Director and in agreement with the Chairperson, members of the staff of the Agency may be invited to attend the meetings of the Management Board.
3. At the invitation of the Executive Board, persons especially qualified in the matters to be considered under certain items of the agenda may be invited to attend the meetings of the Management Board for those agenda items.
4. The travelling and accommodation expenses incurred by the members or alternate members of the Management Board, with the exception of the representative(s) of the Commission, shall be paid by the Agency. For reimbursements, the “Rules on the reimbursement of expenses incurred by members or alternate members of the Management Board, members of the Executive Board, members of the Scientific Committee and external members of Selection Committee(s) invited to attend meetings” shall be applied.

TITLE 3 – DECISIONS OF THE MANAGEMENT BOARD

ARTICLE 7

Organisation of proceedings

1. The presence of at least two thirds of the members of the Management Board or alternates shall constitute the quorum for the decisions of the Management Board, which require a two thirds majority. The presence of at least half of the members shall constitute the quorum for all other decisions of the Management Board.
2. The Chairperson shall direct the proceedings, giving priority to members who wish to raise a point of order or preliminary question.

3. If the Chairperson or one of the members challenges the admissibility of a motion tabled by a member during the proceedings, that motion shall be put to the vote.
4. If the Chairperson considers that a motion may disrupt the proceedings, he or she shall put it to the vote immediately, without discussion.
5. The Management Board may form working groups responsible for supporting its work on certain specific matters, on the basis of appropriate terms of reference which it shall define. The duration and procedures for the activities of such working groups shall be determined in accordance with the cost containment principle.

ARTICLE 8

Adoption of decisions

1. Motions to exclude or defer a decision or refer an issue to the Management Board for consideration shall be put to the vote before the substance of the issue is considered.
2. A motion addressing several issues shall be divided into several parts, where necessary, at the discretion of the Chairperson.
3. When several motions have been tabled on the same question, the widest-ranging motion shall be put to the vote first. If amendments are proposed, the amendment departing farthest from the basic text shall be put to the vote first. The final vote shall be taken on the version of the text resulting from the previous votes. In the event of any doubt as to the order of priority, a decision shall be made by the Chairperson.

ARTICLE 9

Voting procedures

1. The vote shall be taken by show of hands. The Chairperson may, however, choose any other appropriate method to establish the vote of each member beyond reasonable doubt. In the event of disputes on the voting procedure, a vote shall be taken by roll call.
2. By way of derogation from paragraph 1, the vote shall be taken by secret ballot at the instigation of the Chairperson, or if so requested by one third of the members present, or if the issue addressed relates to an individual.
3. The results of the votes shall be placed on record for each decision adopted by the Management Board. The views expressed by the minority shall likewise be placed on record if so requested.
4. The Chairperson may give a member leave to make a brief statement of the reasons for his or her vote, at the request of the member in question. Any member may also request that his or her statement be placed on record.

ARTICLE 10

Written procedure

1. On a proposal by the Executive Board or by the Chairperson, the Management Board may also adopt decisions by a written procedure in case of urgent business that is essential for the functioning of the Agency. The proposal for a written procedure shall be considered accepted provided there is no objection by any member of the Management Board within seven calendar days from the date of the note circulated to the members, notifying them of the intention to launch a written procedure.
2. Following the acceptance of the proposal for a written procedure, the decisions mentioned in paragraph 1 shall be deemed to have been adopted by the Management Board if a two thirds majority of the members enter no objection within seven calendar days from the date of the note launching the written procedure. The objections from the members of the Management Board may be communicated by email.
3. The Director shall notify all members forthwith of the outcome of the written procedure.

ARTICLE 11

Closure of meetings

1. The Chairperson shall propose that the meeting be closed when he or she considers that all members have had the opportunity to express an opinion on the items of the agenda. Any member of the Management Board may likewise propose that the meeting be closed.
2. Any member wishing to speak on the subject of closure shall have priority.
3. Any motion to declare the meeting closed shall be put to the vote.

ARTICLE 12

Minutes of meetings and recording of decisions

1. Every meeting of the Management Board shall be recorded in minutes, which shall include:
 - (a) the attendance list;
 - (b) the record of the proceedings, as well as declarations of interests by participants concerning their independence and the action taken;
 - (c) the decisions adopted or rejected, the result of each vote and the statements made by the members of the Management Board giving reasons for their votes, in accordance with Article 9 paragraphs 3 and 4 of the Rules of Procedure. The decisions shall be placed on record separately, arranged in chronological order for ease of reference.

2. The Director shall be responsible for compiling the draft minutes and collecting the decisions.
3. A copy of the draft minutes shall be sent to each member within a period that shall not normally exceed five weeks after the meeting, and shall be submitted for approval at the next meeting.
4. Where possible, motions to amend the draft minutes shall be submitted in writing to the Chairperson before the opening of the meeting at which the minutes are to be adopted or shall be communicated orally when the minutes are discussed.
5. The minutes shall be deemed to have been adopted when they have been signed by the Chairperson.

ARTICLE 13

Confidentiality

1. The Management Board may determine certain part(s) of a meeting to be treated as confidential. This duty of confidentiality shall apply to the members of the Management Board and to any other person present at the meetings.
2. The Management Board can at a later moment decide that certain information is no longer to be treated as confidential under paragraph 1 so that it can be published or disseminated in other form or by other methods.

ARTICLE 14

Independence

1. Members of the Management Board shall not have financial or other interests of relevance to the mission of the Agency which could affect their independence.
2. They shall undertake to act in the public interest and in an independent manner. In accordance with the “Rules governing conflict of interest in the Management Board and Scientific Committee of the European Union Agency for Fundamental Rights”, they shall make an annual declaration of their financial interests which shall include all interests which could relate to the mission of the Agency (Annex V).
3. Members shall declare, at each meeting, any specific interests which could be considered to be prejudicial to their independence with respect to the items on the agenda.

II EXECUTIVE BOARD

ARTICLE 15

Elections

1. With regard to the two members of the Executive Board other than the Chairperson and the Vice-Chairperson of the Management board – who are to be elected by the Management board, the procedures laid down in Article 1 (3) apply *mutatis mutandis*. These elections shall be chaired by the Chairperson of the Management Board. The names of the elected Executive Board members shall be recorded in the minutes of the meeting and shall be made public.
2. In the event of the resignation of the one or both of such elected members of the Executive Board or their inability to serve for any other reason, new members shall be elected for the remainder of his/her/their term of office.

ARTICLE 16

Responsibilities of the Executive Board

1. The Executive Board shall be chaired by the Chairperson of the Management Board or, in the event of the absence or unavailability of the Chairperson, by the Vice-Chairperson of the Management Board. In the event of the absence or unavailability of both the Chairperson and the Vice-Chairperson, the Executive Board shall be chaired by one of the two elected members of the Executive Board.
2. At every Management Board Meeting, the Chairperson shall inform the Management Board of the measures adopted by the Executive Board. This covers measures taken for the preparation of upcoming MB decisions as well as measures taken under the delegated responsibilities in accordance with article 12.7 of the Regulation.

ARTICLE 17

Attendance at meetings

1. Depending on the requirements of the agenda, upon the request of the Director and in agreement with the Chairperson, members of the staff of the Agency may be invited to attend the meetings of the Executive Board.
2. At the invitation of the Chairperson and in consultation with the Director, persons especially qualified in the matters to be considered under certain items of the agenda may be invited to attend meetings of the Executive Board while those items on the agenda are being discussed.

ARTICLE 18

Meetings of the Executive Board

1. The Executive Board shall meet when convened by the Chairperson. The meetings of the Executive Board shall be held at the seat of the Agency in Vienna.
2. In exceptional circumstances and in accordance with the principle of cost containment, the Chairperson may decide to hold a meeting of the Executive Board at a place other than Vienna. The Chairperson shall give reasons for his or her decision.
3. The quorum for the Executive Board shall be three members.
4. The Chairperson shall prepare the draft agenda in consultation with the Director. The Executive Board shall adopt the draft agenda at the start of the meeting.
5. In principle, all documents that require a decision by the Executive Board should be distributed 10 working days before the meeting is due to take place.
6. The Executive Board shall adopt decisions by a simple majority. In the event of a tied vote, the Chairperson shall have the casting vote.
7. The Director shall be responsible for preparing the draft minutes of the meetings of the Executive Board. A copy of the draft minutes shall be sent to each member within a period that shall not normally exceed three weeks after the meeting, and shall be submitted for approval at the next meeting.
8. The members of the Executive Board shall be entitled to reimbursement of expenses incurred as a result of their attendance at the meetings of the Executive Board, on the terms laid down in Article 6, paragraph 4.
9. If the Chairperson, Vice-Chairperson or other member of the Executive Board of the Agency is invited to attend a conference in that capacity, and if the connection between the tasks of the Agency and the theme of the conference is clearly established and the member's attendance is in the nature of an exception, his or her travel and accommodation expenses shall be paid by the Agency, if the Director agrees and unless it is covered by the organisers of the conference.
10. Arrangements shall be made in order to ensure that the venue of Executive Board meetings is fully accessible to all participants.

ARTICLE 19

Written procedure

1. On a proposal by the Chairperson and in agreement with the Director, the Executive Board may also adopt decisions by a written procedure in case of urgent business that is essential for the functioning of the Agency.

2. The decisions in a written procedure shall be deemed to have been adopted by the Executive Board unless at least a 3/5 majority of the members enters an objection within seven calendar days from the date of the note launching the written procedure. The objections from the members of the Executive Board may be communicated by email.

III SCIENTIFIC COMMITTEE

ARTICLE 20

Appointment of the members of the Scientific Committee

The detailed conditions governing the appointment of the Scientific Committee are described in Annex I.

ARTICLE 21

Election of the Chairperson and Vice-Chairperson of the Scientific Committee

1. The Scientific Committee shall elect from among its members a Chairperson and Vice-Chairperson by a two-thirds majority of the votes of all members. The terms of office of the Chairperson and Vice-Chairperson shall be one year.
2. The Chairperson shall be elected by secret ballot. Subject to a unanimous decision by the Scientific Committee, the secrecy requirement for the ballot may be waived. The Director of the Agency shall chair the election procedures. The procedure shall be as follows:
 - a) The election proceedings shall be chaired by the Director.
 - b) The names of those persons wishing to stand as candidates shall be notified before the beginning of the election proceedings to the person chairing the election process. A member may declare his or her candidacy in his or her own name or be proposed by another member. A candidature after the beginning of the election proceedings is only possible if two rounds of voting remained unsuccessful.
 - c) If there is only one candidate, that candidate shall be declared elected, unless a member of the Committee requests a vote.
 - d) If there is more than one candidate, a ballot shall be held and the successful candidate must receive at least two thirds of the votes of all members of the Committee. If a candidate does not receive a two-thirds majority in the first ballot, then a second ballot shall be held in which the candidate who receives a simple majority of the votes of all members shall be elected.
 - e) A candidate may withdraw at any stage of the procedure.
 - f) A vote shall be deemed to be spoiled, at the decision of the Chairperson, if it does not indicate the designated candidate beyond reasonable doubt.

3. The same procedure shall apply, *mutatis mutandis*, to the election of the Vice-Chairperson. The names of the Chairperson and Vice-Chairperson shall be recorded in the minutes of the meeting and shall be made public.

ARTICLE 22

Convening of meetings

1. The Scientific Committee shall be convened by its Chairperson four times a year. If necessary, the Chairperson shall convene extraordinary meetings on his or her own initiative or at the request of at least four members of the Scientific Committee.
2. The Scientific Committee shall establish a schedule of its meetings for the forthcoming calendar year. This schedule shall generally conform to the times of the year when the Agency requires, according to the Regulation, the opinion of the Scientific Committee.
3. As a general rule, the Agency's operational services shall confirm a meeting of the Scientific Committee not less than 15 working days before the date of the meeting and shall give notification of cancellation not less than five working days before the date of the meeting.
4. Meetings of the Scientific Committee may be called at short notice according to the urgency of the matter.
5. The draft agendas of the meetings of the Scientific Committee shall be drawn up by the Agency's operational services in consultation with the Chairperson. The draft agenda shall be circulated to members, generally within fourteen calendar days of the meeting. The agenda shall be adopted at the beginning of the meeting taking account of any agreed amendments.
6. Wherever possible, documents including reports and draft opinions shall be made available by the Agency's operational services to the members one week before that meeting.
7. The Scientific Committee shall issue its opinions within the time limit specified in the requests for these opinions, except in duly justified circumstances. The Scientific Committee shall prioritise its work to ensure that time limits are respected.

ARTICLE 23

Decision making

1. The Scientific Committee shall adopt its opinions by a majority of two thirds of the votes cast by a quorum of eight members attending the meeting.
2. The Scientific Committee shall adopt its opinions at its plenary meetings or by the written procedure set out in Paragraph 4.

3. In exceptional circumstances, with the prior consent of the Chairperson of the Scientific Committee, the members of the Scientific Committee may vote by proxy. The appointment of a proxy must be in writing. It must include instructions on the vote and be signed by the Member appointing the proxy. The proxy holder shall notify the Chairperson at the beginning of the meeting at which such proxy is to be used. This shall be recorded in the minutes. In addition to his or her own vote each member may receive a maximum of one vote by proxy.
4. On a proposal by its Chairperson, the Scientific Committee may also adopt decisions by a written procedure in urgent cases. Decisions shall be deemed to have been adopted if a two thirds majority of the members enter no objection before a specified date. The objections from the members of the Scientific Committee may be communicated by email. If the required majority is not achieved, the draft decision must be placed on the agenda for the next meeting of the Scientific Committee or, if the urgency requires this, an *ad hoc* meeting shall be convened at the earliest date at which the quorum of eight members attending can be assured.
5. Decisions on the Scientific Committee's opinions on reports, conclusions and opinions of the Agency are adopted in accordance with Article 25.

ARTICLE 24

Accompanying and approving scientific guidance

1. The Scientific Committee shall provide scientific guidance as a collegiate body. However this guidance can be based on the preparatory work of individual members or of subgroups of members of the Scientific Committee who on the basis of their particular expertise have been designated as "rapporteur" or "rapporteurs" by the Plenary.
2. Accompanying scientific guidance may be provided throughout the project cycle of the Agency's work and can take various formats, including contacts with staff members of the Agency when carrying out their work on a project or commenting on research guidelines.
3. Approving scientific guidance is required with regard to all reports, conclusions and opinions of the Agency, before the finalisation of the document in question. It is provided in accordance with Article 24.

ARTICLE 25

Procedure for approving guidance

1. Approving guidance is provided by the Scientific Committee as a collective body but will be based on the draft opinion of a rapporteur selected in advance by the Plenary.
2. A reasonable time limit for the delivery of scientific guidance to the contact person who is responsible for the communication between the Scientific Committee and the operational services shall be set by the latter, in agreement with the Chairperson of the Scientific Committee and the rapporteur.
3. The rapporteur shall send a draft opinion on a draft report, draft conclusions or a draft opinion of the Agency to the other members of the Scientific Committee and shall set an appropriate time limit for making comments on that draft opinion. Such comments shall be sent to the rapporteur and, in parallel, to all other members of the Scientific Committee.
4. The draft opinion is considered adopted if no member of the Scientific Committee formally expresses his or her disagreement within the time limit set. Where disagreement is formally expressed, the rapporteur shall attempt to reach consensus among the members of the Scientific Committee; in doing so he or she shall, notably, assess the possibility of taking account of the comments made by other members of the Scientific Committee. Where no consensus among the members of the Scientific Committee can be reached within 1 week after the expiry of the time limit set, the opinion shall be adopted by vote, in accordance with Article 23.
5. Once the opinion is adopted the rapporteur shall send it to the contact person who is responsible for the communication between the Scientific Committee and the operational services and, in parallel, to the other members of the Scientific Committee.
6. The review by the Scientific Committee is formally concluded by the Chair signing a 'final assessment form' confirming that the Committee adopted an opinion on the draft report and that, against the background of subsequent amendments integrated into the final report by the operational services, the Committee is satisfied with the overall scientific quality of the report.

ARTICLE 26

Reimbursements and indemnities

1. The travelling and accommodation expenses incurred by the members in connection with the meetings of the Scientific Committee shall be paid by the Agency. For attendance in meetings of the Scientific Committee and for attendance in other events upon invitation by the Agency the "Rules on the reimbursement of expenses incurred by members or alternate members of the Management Board, members of the

Executive Board, members of the Scientific Committee and external members of Selection Committee(s) invited to attend meetings” shall be applied.

2. For participation in meetings of the Scientific Committee, the indemnities shall be EUR 450 for each full day participation or EUR 225 for participation in a morning or afternoon meeting.
3. Accompanying scientific guidance mentioned in article 24 paragraph 2 does not entitle Scientific Committee members to any indemnities. Where the provision of accompanying guidance involves travelling, article 26 paragraph 1 applies.
4. Approving scientific guidance entitles to an indemnity. Every rapporteur assigned to provide a draft opinion on a draft report, draft conclusions or a draft opinion of the Agency is entitled to a single payment of the standard indemnity of 450 EUR. The review of deliverables shorter than 10 pages (annexes excluded) does not entitle to any indemnity. The Scientific Committee members have the responsibility to submit their requests for indemnity no later than 60 calendar days after the signing of the ‘final assessment form’.

ARTICLE 27

Minutes of meetings

1. The Agency’s operational services shall prepare draft minutes of plenary meetings of the Scientific Committee. These shall contain, *inter alia*:
 - the list of participants,
 - declarations of interests by participants concerning their independence and the action taken,
 - a summary of discussions under the different agenda items including important minority standpoints and agreed actions,
 - a record of decisions taken and opinions adopted.
2. The draft minutes shall be circulated to members for comments and adopted not later than the next meeting.

ARTICLE 28

Confidentiality

1. Members of the Scientific Committee shall not divulge to third parties information specifically identified by the Agency as “restricted or confidential”.
2. Members of the Scientific Committee shall sign a written declaration that they will comply with the rules of confidentiality set out in paragraph 1 (Annex II).

3. Members of the Scientific Committee shall be required, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy.

ARTICLE 29

Independence

1. Members of the Scientific Committee shall not have financial or other interests of relevance to the mission of the Agency which could affect their independence.
2. They shall undertake to act independently of any external influence. For this purpose, they shall make a declaration of commitment (Annex III) and, in accordance with the “Rules governing conflict of interest in the Management Board and Scientific Committee of the European Union Agency for Fundamental Rights”, an annual declaration of interests which shall include all interests which could relate to the mission of the Agency (Annex IV).
3. Members shall declare, at each meeting, any specific interests which could be considered to be prejudicial to their independence with respect to the items on the agenda.

ARTICLE 30

Delegation of responsibilities

1. The Members of the Scientific Committee are nominated in a personal capacity. Notwithstanding Article 23 Paragraph 3, they shall therefore not delegate their responsibilities to another member or to a third person.
2. If the Chairperson is not in a position to fulfil his or her function, he or she may be replaced by the Vice-Chairperson or, failing that, in common accord of the members.

ARTICLE 31

Secretarial support for the Scientific Committee

1. The Agency’s operational services shall be responsible for providing the secretarial support necessary to facilitate the efficient functioning of the Scientific Committee and compliance with the rules of the Agency, including in relation to the requirements for excellence, independence and transparency and with any rules established by the Scientific Committee. To this effect the Director nominates a contact person who is responsible for the coordination of the relation of the operational services with the Scientific Committee.
2. Specific duties include:
 - Preparing the work of the Scientific Committee, in consultation with its Chairperson;

- Drafting agendas and minutes of meetings;
- Coordinating the work carried out by the Scientific Committee, including its rapporteurs;
- Ensuring that the relevant background information is made available to the Scientific Committee;
- Ensuring best use of the Agency's resources and the planning to meet priorities and time limits;

IV FINAL PROVISIONS

ARTICLE 32

Revision of the Rules of Procedure

The Management Board shall examine, each year, the need to revise these Rules of Procedure in the light of the experiences gained from their implementation.

ARTICLE 33

Entry into force

In accordance with Article 12, paragraph 6g of the Regulation, these Rules of Procedure shall enter into force upon their adoption by the Management Board of the Agency.

ARTICLE 34

Repeal

The Rules of Procedure of the European Union Agency for Fundamental Rights, adopted by the Management Board on 14 December 2016, shall be repealed with effect from the date of entry into force of the present Rules of Procedure.

For the Management Board, the Chairperson



Done at Vienna,

14 DEC. 2018

ANNEX I: DETAILED CONDITIONS GOVERNING THE APPOINTMENT OF THE SCIENTIFIC COMMITTEE

Procedures and arrangements for the selection and appointment of the members of the Scientific Committee of the European Union Agency for Fundamental Rights (hereinafter “the Agency”)

Article 1: Pre-selection

1. The selection of candidates for membership of the Scientific Committee of the Agency shall be advertised through a call for expressions of interest in accordance with the present procedures. The call for expressions of interest shall be published in the EU Official Journal (OJ), in relevant leading academic publications as well as the Agency’s website. The closing deadline for submission of candidates’ expressions of interest shall be fixed six weeks after the above mentioned publication.
2. The Director of the Agency shall prepare and organise the work for the pre-selection of the members of the Scientific Committee. He or she shall chair a pre-selection panel, composed of the Heads of Department of the Agency and a person appointed for the purpose by the Council of Europe. Two members of the Agency’s Management Board, as well as one member of the sitting Scientific Committee may attend the pre-selection panel as observers.
3. The pre-selection panel shall verify the eligibility of the candidates, in accordance with the eligibility requirements. Failure to comply with one of these requirements will result in the exclusion of the concerned candidate from the next steps of the selection process.
4. The pre-selection panel shall then assess each eligible candidate according to the requirements for selection. It will draw up an ‘Individual Assessment Form’ for each candidate which will include a short comment highlighting the specific values/shortcomings of the candidate concerned.
5. The Director shall present the results of the pre-selection process, including information on the candidates deemed ineligible, to the Agency’s Executive Board.

Article 2: Selection

1. The Executive Board shall assess all the candidates on the basis of the established selection requirements.
2. In this assessment the Executive Board shall take into account:
 - The work of the pre-selection panel;
 - The need that the specialist fields of the members of the Scientific Committee shall cover the most relevant scientific fields linked to fundamental rights, in accordance with the mission and objectives of the Agency;
 - The need to ensure even geographical and gender balance.

3. The Executive Board shall submit to the Management Board a list of most eligible candidates. This list should include more than eleven and fewer than twenty-two names. This list shall also include merit points and a conclusion concerning the suitability as a member of the Scientific Committee for each candidate.
4. The Chairperson shall present the results of the selection process to the Management Board, including a record of the candidates not included in the lists mentioned above as well as on candidates deemed ineligible.
5. The Agency's operational services shall provide technical and logistical support for the selection process.

Article 3: Appointment

1. On the basis of the list submitted by the Executive Board, the Agency's Management Board shall appoint the members of the Scientific Committee, after having consulted the competent committee of the European Parliament. The candidates not appointed shall be put on a reserve list.
2. The members of the Scientific Committee shall be appointed for a five-year term, which shall not be renewed, in accordance with Article 14, paragraph 2 of the Regulation.
3. The reserve list shall be valid for the duration of the term of the appointed Scientific Committee. In the event of a vacancy, the Management Board shall appoint a new member from the reserve list. The filling in of a vacancy shall be for the rest of the duration of the term of the Scientific Committee. Where the remaining term of office is less than two years, the mandate of the new member may be extended for a full term of five years. However, in accordance with Article 14, paragraph 3 of the Regulation, the Management Board shall follow a process of appointment identical to the one followed for the appointment of the original member including consultation of the competent committee of the European Parliament.

ANNEX II: DECLARATION CONCERNING CONFIDENTIALITY

Name: _____

Position : Member of the Scientific Committee

I hereby declare that I am aware of my obligation to respect confidentiality. I know that I am obliged not to divulge information acquired as a result of my participation in the Scientific Committee if this information is subject to a request for confidentiality. I shall also respect the confidential nature of the opinions expressed by members of the Scientific Committee or observers during discussions in meetings or provided in written form.

Done at _____ on _____

Signature: _____

ANNEX III: COMMITMENT OF INDEPENDENCE

Name: _____

Position : Member of the Scientific Committee

I hereby undertake to act independently of any external influence. In particular I know that I am obliged to make an annual written declaration of interests and to declare at each meeting of the Scientific Committee any interest which might be considered prejudicial to my independence in relation to the items on the agenda.

Done at _____ on _____

Signature: _____

ANNEX IV: DECLARATION OF SCIENTIFIC COMMITTEE MEMBERS' INTERESTS¹

Name: _____

Position: Member of the Scientific Committee

Information on direct or indirect interests of relevance to the mission of the Agency

(1) Direct interest (financial benefits arising from, for example, employment, contracted work, investments, fees etc.):

(2) Indirect interests (indirect financial, e.g. grants, sponsorships, or other kind of benefits):

(3) Interests deriving from the professional activities of the member or his/her close family members:

(4) Any membership role or affiliation that the member has in organisations or bodies or clubs with an interest in the work of the Agency:

¹ Any change in circumstances should be communicated immediately to the Agency's operational services.

(5) Other interests or facts that the member considers pertinent:

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Declaration:

I declare on my word of honour that the information provided above is true and complete.

Done at _____ on _____

Signature: _____

ANNEX V: DECLARATION OF MANAGEMENT BOARD MEMBERS' INTERESTS²

Declaration of Interest

Information on direct or indirect interests of relevance to the mission of the Agency

Name: _____

Organisation/Company: _____

Legal Address: _____

Position: Member/Alternate of the Management Board

do hereby declare on my honour that, to the best of my knowledge, the only direct or indirect interests I have in are those listed below:

(1) Direct interest (financial benefits arising from, for example, employment, contracted work, investments, fees etc.)

(2) Indirect financial interests e.g. grants, sponsorships, or other kind of benefits

(3) Interests deriving from the professional activities of the member or his/her close family Members

² Any change in circumstances should be communicated immediately to the Agency's operational services.

(4) Interests to the choice of contractor especially in calls regarding the selection of FRANET National Focal Points and interests in intervening in the performance of the contract and in the operation of business relationship between FRA and its National Focal Points

(5) Other interests or facts that the undersigned considers pertinent

I declare on my word of honour that the information provided above is true and complete.

Done at _____ on _____

Signature: _____