

MINUTES OF THE FRONTEX 83rd MANAGEMENT BOARD MEETING 20-21 January 2021, via videoconferencing

List of attendance

Mr Marko GAŠPERLIN - Chairman of the Management Board (Slovenia - SI)
Mr Günter SCHNITTLER (Austria - AT)
Mr Wald THIELEMANS (Belgium - BE)
Mr Svetlan KICHIKOV (Bulgaria - BG)
Mr Gilio TOIĆ SINTIĆ (Croatia - HR)
Mr Martin VONDRÁŠEK (Czech Republic - CZ)
Mr Thomas CHADJIKYRIAKOU (Cyprus - CY)
Ms Signe HØJLAND JENSEN (Denmark - DK)
Mr Egert BELITŠEV (Estonia - EE)
Mr Markku HASSINEN (Finland - FI)
Ms Sylvie HOUSPIC (France - FR)
Ms Dagmar BUSCH (Germany - DE)
Mr Dimitrios MALLIOS (Greece - EL)
Mr Zsolt HALMOSI (Hungary - HU)
Mr Ennio SCHETTINI (Italy - IT)
Mr Séamus Boland (Ireland - IE)
Mr Andrejs ROGOZINS (Latvia - LV)
Mr Uwe LANGENBAHN (Liechtenstein - LI)
Mr Rustamas LIUBAJEVAS (Lithuania - LT)
Ms Christian STEICHEN (Luxembourg - LU)
Mr Neville XUEREB (Malta - MT)
Mr Hans LEIJTENS (The Netherlands - NL)
Ms Ellen AHNFELT (Norway - NO)
Mr Grzegorz NIEMIEC (Poland - PL)
Mr Carlos MOREIRA (Portugal - PT)
Mr Marius VIZITIU (Romania - RO)
Ms Martina MATUŠKOVICOVA (Slovakia - SK)
Mr Juan Enrique TABORDA ALVAREZ (Spain - ES)
Mr Patrik ENGSTRÖM (Sweden - SE)
Mr Marco BENZ (Switzerland - CH)

Ms. Monique Pariat (European Commission - COM)
Mr Matthias OEL (European Commission - COM)
Ms Corinna Ullrich (European Commission - COM)

Mr Jürgen EBNER (EUROPOL)
Mr Piergiorgio STEFANUCCI (EUROPOL)
Mr Alexander Sorel (EASO)
Mr Timothy COOPER (EASO)
Mr Uku SÄREKANNO (EU-LISA)

Ms Ann-Charlotte NYGARD (FRA) for agenda points 6 and 7
Mr Naum TSEKOV European Parliament - EP) for agenda points 6 and 7

Frontex Executive Director (ED), Mr Fabrice LEGGERI represented the Agency in the meeting.

Minutes were taken by the Secretariat of the Management Board.

List of items debated and/or approved (agenda)

INTRODUCTION POINTS

1. Approval of the agenda
2. Approval of the minutes of the Extraordinary MB meeting of 10 November 2020, 82nd Management Board meeting, and Extraordinary MB meeting of 9 December 2020

A POINTS

3. Programming Document 2022-2024
 - 3.1. Endorsement of the Single Programming Document 2022-2024
 - 3.2. Decision of the Management Board adopting the provisional draft estimate of the revenue and expenditure, including the provisional establishment plan for 2022
4. Decision of the Management Board adopting Agency's rules delegating the powers conferred by the Staff Regulations of Officials on the appointing authority and by the Conditions of Employment of Other Servants of the European Union on the authority empowered to conclude contracts of employment

B POINTS

5. Decision of the Management Board adopting rules for the Executive Director to authorise statutory staff to carry and use weapons, including on mandatory cooperation with the competent national authorities, and ensuring that the conditions for issuing such authorisations continue to be met by statutory staff
6. Follow-up on the situation in the Eastern Mediterranean - report from the WG FRaLO
7. Fundamental Rights
 - 7.1. Decision of the Management Board adopting special rules to guarantee the independence of the Fundamental Rights Officer
 - 7.2. Fundamental Rights Monitors - state of play
 - 7.3. Report from the Fundamental Rights Officer ad interim, including SIRs overview
8. Roadmap for the implementation of the Agency's amended organisational structure
9. Endorsement of the vacancy notices for the recruitment of the three Deputy Executive Directors
10. Standing corps deployment - state of play and discussion
11. Decision of the Management Board establishing an appropriate supervisory mechanism to monitor the application of the provisions on use of force by statutory staff, including rules on reporting and specific measures, such as those of a disciplinary nature, with regard to the use of force during deployments
12. Decision of the Management Board on adopting the modus operandi of the rolling operational plan for return
13. State of play of the draft decision of the Management Board adopting the technical standards for the equipment to be deployed in Frontex activities
14. Decision of the Management Board authorising the Executive Director to negotiate working arrangements with selected EU entities and international organisations
15. List of strategic issues relevant for the long-term activities of the Agency - presentation by the Executive Board

POINTS FOR INFORMATION

16. Recent internal developments and procedural issues
17. Recruitment and staffing situation
18. Operational situation
 - 18.1. Monitoring of the situation and related operational response at the external borders
 - 18.2. Activities in the field of return
19. Roadmap for the implementation of the EBCG 2.0 - state of play
20. New building for Frontex HQ - state of play
21. Presentation of the annual work plan of the Working Group on Budget and Accounts
22. Vulnerability assessment implementation - update
23. Implementation of the Annual Work Programme - Budget implementation

ANY OTHER BUSINESS

Main results of the meeting

The 83rd Management Board meeting was held on 20-21 January 2021 via videoconferencing.

The Chairperson of the Management Board opened the meeting, welcomed the participants and informed that a representative of the Fundamental Rights Agency and a representative of the European Parliament's LIBE Committee would join the meeting for the agenda point on the follow-up on the situation in the Eastern Mediterranean and on the agenda point related to the fundamental rights issues.

The minutes of the Extraordinary MB meeting of 10 November 2020, 82nd Management Board meeting, and the Extraordinary MB meeting of 9 December 2020 were adopted.

The Management Board was informed on the decisions adopted in written procedure since 82nd MB meeting.

The Management Board adopted in the meeting:

- MB Decision 5/2021 adopting a provisional draft Estimate of the Agency's Revenue and Expenditure, including the provisional Establishment Plan for 2022, and endorsing the draft Single Programming Document 2022-2024;
- MB Decision 6/2021 adopting special rules to guarantee the independence of the Fundamental Rights Officer and his or her staff;
- MB Decision 7/2021 establishing a supervisory mechanism to monitor the application of the provisions on the use of force by statutory staff of the European Border and Coast Guard Standing Corps;
- MB Decision 8/2021 adopting the modus operandi of the rolling operational plan for return;
- MB Decision 9/2021 authorising the Executive Director to negotiate working arrangements with selected EU entities and international organisations.

The Management Board took note of the new MB member from France.

The Management Board Working Group on Fundamental Rights and Legal and Operational Aspects of Operations reported on the main findings and recommendations regarding the alleged so-called pushbacks in the Eastern Mediterranean. The Management Board issued its conclusions which have been published on the Frontex Website.

The Management Board was briefed on the state of play of the draft Management Board decision adopting the Agency's rules delegating the powers conferred by the Staff Regulations of Officials on the appointing authority and by the Conditions of Employment of Other Servants of the European Union on the authority empowered to conclude contracts of employment.

The Management Board was informed that due to the concerns raised by MS as to certain provisions of Management Board Decision 3/2021, the decision will require amendments. The Management Board was presented with a revised text of Article 7 and was invited to provide written comments.

The Management Board was informed on the state of play of recruitment of the Fundamental Rights Monitors.

The Fundamental Rights Officer ad interim presented the main highlights of her report (including Serious Incident Reports overview) for the period 1 September 2020 - 5 January 2021.

The Management Board was presented with a roadmap for the implementation of the Agency's amended organisational structure. The Executive Board of the Management Board will be following its implementation by the Agency, and the Management Board will be updated regularly.

The Management Board endorsed the vacancy notices for the recruitment of the three Deputy Executive Directors with a view of their appointment in June 2021.

The Management Board was informed on the state of play of deployment of the Standing Corps. Following the discussions, the Management Board issued its conclusions which have been published on the Frontex website

The Management Board took note of the state of play of the draft Management Board Decision adopting the technical standards for the equipment to be deployed in Frontex activities.

The Executive Board presented the list of strategic issues relevant for the long-term activities of the Agency.

The Management Board Chair informed about the meeting of the Executive Board of the Management Board during which the list of the strategic issues, pending Management Board Decisions and roadmap for the implementation of the new organisational structure were discussed; and on the progress of work of the selection panel for the recruitment of the Fundamental Rights Officer.

The Executive Director informed the Management Board on the recent internal developments.

Furthermore, the Management Board was updated on the recruitment and staffing situation.

The Management Board was briefed about the operational situation at the EU external borders, in particular about the monitoring of the situation and the related operational response at the external borders and activities

in the field of return. EASO and Europol provided short update with regard to their respective remits.

The Management Board took note of the annual work plan of the Working Group on Budget and Accounts.

Finally, under AOB the MB Deputy Chairman presented the priorities of the Portuguese Presidency of the European Union. Croatia informed on the situation of the police academy (a partnership academy of Frontex) after two earthquakes.

The information regarding the roadmap for the implementation of the EBCG Regulation, new building for Frontex HQ, implementation of the Vulnerability Assessment, as well as budget implementation report were not presented due to time constraints.