

ANNEX 1

Horizontal rules on the creation and operation of Frontex Working Groups and sub-groups

Article 1

Subject matter and scope

1. These horizontal rules apply to the creation and operation of Frontex Working Groups and their sub-groups (sub-working groups and technical expert groups) without prejudice to the provisions included in the specific decisions setting up those groups.
2. These rules do not apply to the following:
 - (a) independent experts assisting the Agency in specific projects or activities (paid external experts),
 - (b) task forces or steering committees which are set up for the handling of temporary tasks or the implementation of specific programmes, projects or policies,
 - (c) groups solely composed of Frontex staff, e.g. internal cross-divisional coordination, roundtables, project boards (see FISRoP),
 - (d) joint bodies set up by agreements with other external partners (e.g. Commission, Agencies, International Organisations) for which the Agency is not the single owner,
 - (e) experts gathering for ad hoc events, such as one-off meetings and conferences,
 - (f) working groups of the Management Board,
 - (g) Country Working Groups which are composed of and chaired by Member States for the exchange of information in the field of return.

Article 2

Definitions

For the purposes of these horizontal rules, the following definitions shall apply:

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- (1) 'Working Groups' means consultative bodies (such as high-level groups, networks, round tables) composed of external participants¹ and set up by the Agency for the purpose of providing the Agency with advice and expertise on specific matters within the mandate of the Agency and which are foreseen to meet more than once.
 - (2) 'Sub-groups' means consultative bodies in the form of permanent sub-working groups or temporary technical expert groups set up by and reporting to a Working Group for the purpose of examining specific questions within the mandate of the Working Group.
 - (3) 'On-hold groups' means Working Groups which are temporarily not in operation but are still registered in the list of Working Groups.

Article 3 Creation of Working Groups

1. Working Groups shall be set up by a Decision of the Executive Director. The draft Decision shall be submitted to the Management Board for information prior to its adoption by the Executive Director.
2. An entity of the Agency wishing to set up a Working Group shall consult the member of Executive Management supervising the entity and other relevant divisions, in order to ensure coordination and avoid duplication.
3. A Member State may propose to the Agency the creation of a new Working Group in writing outlining the specific purpose and composition. The Agency shall conduct an assessment of the proposal taking into consideration the mandate of the existing Working Groups and existing resources with a view to avoid duplications.
4. Working Groups including their sub-groups shall be registered in the list of Frontex Working Groups in Frontex One-stop Shop (FOSS).

Article 4 Sub-groups

1. Upon proposal of the Chair or one of its members, a Working Group may set up sub-groups in the form of permanent sub-working groups and temporary technical expert groups for the purpose of examining specific questions within the mandate of the group. The creation of sub-groups should be duly assessed with a view to minimise administrative costs. Whenever possible, technical meetings of experts on specific questions within the mandate of the group should be preferred to the creation of sub-groups.
2. The decision to set-up or terminate sub-groups shall be adopted by simple majority of the members of the Working Group and recorded in the minutes.
3. Sub-groups shall report to the Working Group.
4. Sub-groups shall be dissolved as soon as their mandate is fulfilled.

¹ Participants may include representatives of public authorities of Member States or third countries as well as representatives of individual or group interests, representatives of academia or other individual experts.

Article 5

Advisory mandate

1. When setting up a Working Group or sub-group, its mandate as well as the tasks of the group shall be defined as precisely as possible, while also indicating its area of activity and the type of advice required. The mandate shall be limited to providing the Agency with advice and expertise on specific matters within the mandate of the Agency and shall not overlap with another existing group.
2. The Agency shall endeavour to merge and consolidate different groups having a limited mandate and falling within the same policy area into one single group with a wider mandate.
3. Working Groups and sub-groups may be put on hold for a maximum of twelve months, after which their situation should be reviewed with a view to deciding whether they should be closed or re-activated.

Article 6

Composition

1. When setting up a Working Group or sub-group, the categories of its members shall be specified.
2. Working Groups and sub-groups may be composed of representatives of the following categories of members:
 - (a) Member States' authorities,
 - (b) Union bodies, offices or agencies,
 - (c) international organisations,
 - (d) third country authorities,
 - (e) other organisations and entities, including companies, associations, non-governmental organisations, universities, research institutes, law firms and consultancies.

Article 7

Selection Process

1. The Agency shall request members of categories (a), (b), (c) and (d) in Article 6 to appoint permanent representatives in the Working Group or sub-group or appoint representatives on an ad hoc basis, depending on the meeting agenda of the group². Those members shall be responsible for ensuring that their representatives provide a high level of expertise.
2. The selection of members of category (e) shall be carried out via open calls for applications.

² In case of Member States Authorities the invitation shall be addressed to NFPOCs.

Article 8

Rules of procedure

Working Groups and sub-groups shall adopt rules of procedure by simple majority of its members on a proposal by and in agreement with the Agency. For this purpose, the group shall make use of the standard rules of procedure set out in Annex 2. The group may depart from the standard rules of procedure or supplement them, only where this is duly justified and upon prior approval of the Executive Director.

Article 9

Professional secrecy and handling of sensitive information

The members of the Working Groups and sub-groups and their representatives as well as invited participants are subject to the obligation of professional secrecy as well as to the Security Rules of the Agency³. Where required by the mandate and composition of a group and type of information provided to the group, members and their representatives may be required to sign a declaration of confidentiality and/or declaration about the absence of conflict of interests.

Article 10

Meeting expenses

The Agency may reimburse travel and subsistence expenses incurred by participants in Working Groups and sub-groups. Reimbursement shall be made in accordance with the provisions in force within the Agency and within the limits of the available appropriations under the annual procedure for the allocation of resources.

Article 11

Evaluation and reporting to the Management Board

1. Once per year, the Executive Director shall report to the Management Board on the main activities and results of the Working Groups and its sub-groups.
2. Every two years from the entry into force of these horizontal rules, the Agency shall conduct an assessment of the mandate and the necessity of the continued existence of each Working Group and its sub-groups. A report shall be presented to the Management Board.

³ Management Board Decision 45/2022 of 30 July 2022 adopting Security Rules of the European Border and Coast Guard Agency (Frontex).