

MINUTES

OF THE FRONTEx 96th MANAGEMENT BOARD MEETING

20-21 September 2023, Pamplona, Spain

List of attendance

Mr Alexander FRITSCH, Chairman of the Management Board, (Germany - DE)

Mr Günter SCHNITTLER (Austria - AT)

Ms Nancy VAES (Belgium - BE)

Mr Anton ZLATANOV (Bulgaria - BG)

Mr Zoran NICENO (Croatia - HR)

Mr Thomas CHADJIKYRIAKOU (Cyprus - CY)

Mr Tomáš LERCH (Czech Republic - CZ)

Ms Signe HØJLAND JENSEN (Denmark - DK)

Ms Helen NEIDER-VEERME (Estonia - EE)

Mr Markku HASSINEN (Finland - FI)

Mr Renaud BERNHARDT (France - FR)

Ms Isabel SCHMITT-FALCKENBERG (Germany - DE)

Mr Dimitrios MALLIOS (Greece - EL)

Mr János Zoltán KUCZIK (Hungary - HU)

Mr Ólafur Helgi KJARTANSSON (Iceland - IS)

Mr Aidan MINNOCK (Ireland - IE)

Mr Ennio SCETTINI (Italy - IT)

Mr Guntis PUJĀTS (Latvia - LV)

Mr Uwe LANGENBAHN (Liechtenstein - LI)

Mr Rustamas LIUBAJEVAS (Lithuania - LT)

Mr Georges WEGENER (Luxembourg - LU)

Mr Neville XUEREB (Malta - MT)

Mr Bart HULSBOSCH (The Netherlands - NL)

Ms Jan Olav FRANTSVOLD (Norway - NO)

Mr Sebastian ZAKOWIECKI (Poland - PL)

Mr Marius Alexandru VIZITIU (Romania - RO)

Mr Ludovit BIRO (Slovakia - SK)

Mr Marko GAŠPERLIN (Slovenia - SI)

Mr Julián AVILA POLO (Spain - ES)

Ms Anna GARPULT (Sweden - SE)

Mr Marco BENZ (Switzerland - CH)

Mr Henrik NIELSEN (European Commission - COM)

Mr Timothy COOPER (EUAA)

Mr Andrej GROSELJ (EUROPOL)

Mr Luca TAGLIARETTI (eu-LISA)

Ms Aydan IYIGUENGOER (Consultative Forum; Fundamental Rights Agency - FRA)

Mr Luca CURCI (Consultative Forum)

Mr Naum TSEKOV (European Parliament - EP)

Frontex Executive Director, Mr Hans LEIJTENS, 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 95th Management Board meeting

A POINTS

3. Decision of the Management Board adopting the planned dates for the Management Board meetings in 2024
4. Decision of the Management Board amending Management Board Decision 68/2021 adopting the rules on processing personal data by the Agency
5. Decision of the Management Board amending Management Board Decision 69/2021 adopting the rules on processing operational personal data by the Agency
6. Decision of the Management Board adopting the Technical and Operational Strategy for European Integrated Border Management 2023 - 2027
7. Decision of the Management Board authorising the Executive Director to present the European Parliament and the Council for their approval the amendment to the lease agreement extending the lease of Warsaw Spire B until 31/12/2026

B POINTS

8. Review of the Agency's organisational structure - discussion
9. Operational issues
 - 9.1 Operational situation
 - 9.2 Operational response and prioritisation
 - 9.1.1 Assessment of the Operational Initiation document and the country fiches for operations in 2025
 - 9.3 Return developments
 - 9.4 Presentations by Europol, EUAA and MSs
10. Update on the chain of command and operational concepts for standing corps including the pilot project in ROU
11. Information on vulnerability assessment escalation cases
12. State of play on Greece and Progress Report of the EL implementation plan
13. Report on the evaluation of the return operations conducted in the first half of 2023 together with the observations of the Fundamental Rights Officer
14. Fundamental rights issues
 - 14.1 Decision of the Management Board adopting a new composition of the Consultative Forum 2024-2027

- 14.2 Report from the Fundamental Rights Officer - key fundamental rights concerns, including SIRs overview; key opinions and recommendations
- 14.3 Evaluation of the SIR mechanism
15. Capabilities
 - 15.1 Report on the capabilities
 - 15.2 Capability roadmap methodology - discussion
16. Draft Programming Document 2025-27
17. Presentation of the draft Frontex-UK Working Arrangement [in camera]
18. Frontex draft budget 2024
19. Re-evaluation of the spatial requirements for the Agency's permanent premises

POINTS FOR INFORMATION

- a. New composition of the Executive Board - next steps
- b. Recent internal developments and procedural issues
- c. Recruitment and staffing situation
- d. Evaluation of the EBCG Regulation - state of play by COM
- e. Implementation of the Communication Strategy - update
- f. Report on the implementation of the recommendations from control and scrutiny bodies
- g. Update on the implementation of the EDPS recommendations following the EDPS audit
- h. Vulnerability assessment implementation - update
- i. Reporting on the exercise of the appointing authority powers
- j. Implementation of the Annual Work Programme - Budget implementation

ANY OTHER BUSINESS

Main results of the meeting

The 96th Management Board (MB) meeting was held on 20-21 September 2023 in Pamplona, Spain, under the aegis of the Spanish Presidency. The Chairperson of the MB, Mr Alexander FRITSCH, opened the meeting, welcomed the participants, and informed that a representative of the European Parliament's LIBE Committee would be present. He also notified that representatives from the Fundamental Rights Agency (FRA) and the Consultative Forum (CF) would join for the agenda points related to fundamental rights, and that the sister Agencies eu-LISA, EUAA, and Europol, would also attend the meeting.

The Spanish MB Member, Mr Julián Ávila Polo, welcomed the MB in Pamplona and gave an introductory speech.

The MB took note of the nomination of a new MB Member from Luxembourg (Ms Daniela GREGR, Head of Unit in the Immigration Department of the Ministry for Foreign Affairs and Europe), as well as of the nomination of the new MB Alternate Members from Czech Republic (Mr Aleš BENEDIKT, Director of the Foreign Police Service Directorate) and from Greece (Mr Aristeidis PANTAZOGLU, Second Deputy Commandant of the Hellenic Coast Guard).

The agenda of the 96th MB meeting was adopted, and the minutes of the 95th MB meeting of 20-21 June 2023 were approved.

Decisions adopted by the Management Board

Five decisions have been adopted in written procedure since the 95th MB meeting:

- MB Decision 24/2023 (20 July 2023) adopting the modus operandi of the rolling operational plan.
- MB Decision 25/2023 (27 July 2023) authorising the Executive Director to negotiate working arrangements with selected EU entities and third countries.
- MB Decision 26/2023 (7 August 2023) adopting amendment N 1 to the APP 2023 for the Agency.

- MB Decision 27/2023 (16 August 2023) on working time and hybrid working.
- MB Decision 28/2023 (15 September 2023) adopting the Multiannual Strategy for the Acquisition and Management of the Agency's Equipment.

The following decisions were made in the 96th MB meeting:

- MB Decision 29/2023 adopting the planned dates for the Management Board meetings in 2024.
- MB Decision 30/2023 adopting the Technical and Operational Strategy for European Integrated Border Management 2023 - 2027 with an amendment proposed by IT.
- MB Decision 31/2023 authorising the Executive Director to present the European Parliament and the Council for their approval the amendment to the lease agreement extending the lease of Warsaw Spire B until 31/12/2026.
- MB Decision 32/2023 adopting a new composition of the Consultative Forum 2024-2027.

The DPO updated the MB on the state of play of the draft MB Decisions to amend MB Decisions 68/2021 and 69/2021.

The MB was informed that the initial lease contract of the current Frontex premises (Warsaw Spire B) would expire in December 2024 and therefore its renewal until 2026 would need to be negotiated.

The ED presented his concept of changes to the Agency's organisational structure. The MB Members were invited to provide written comments. The topic will be put for adoption on the agenda of the 97th MB meeting in November 2023.

The Agency updated the MB on the latest trends and risks regarding the situation at the EU external borders as well as on the operational situation and response. The MB agreed to discuss maritime operational issues at the next MB meeting.

The presentation of the assessment of the Operational Initiation document and the country fiches for operations in 2025 was postponed to the 97th MB meeting.

The MB was informed on the state of play of the chain of command and of the operational concepts, informing that their final evaluation will be presented in the November MB meeting.

Greece informed the MB about the operational situation at its borders, the ongoing challenges it faces and the state of play of the EL implementation plan. The MB called on Greece to continue its efforts and welcomed that the gap between how EL and other actors perceive the progress of the fulfilment of the Greek implementation plan is closing.

In accordance with Article 50(7) of the EBCG Regulation, the Agency reported on the evaluation of return operations conducted in the first half of 2023 together with the observations of the FRO.

The Fundamental Rights Officer (FRO) presented the main highlights of the FRO report on key fundamental rights concerns (including SIRs overview) for the period 1 May - 31 July 2023.

The FRO further presented the state of play of the evaluation of the SIR mechanism, explained the different categories of SIRs, how the follow-up to a SIR works. The MB agreed that the EB would develop a proposal of MB recommendations that would clearly indicate a timeframe in which a MSs is required to respond to questions during a SIR investigation.

The discussion and decision-making on the two vulnerability assessment escalation cases was postponed to the 97th MB meeting.

The MB was presented the report on capabilities, including plans, deployments, and capacity for reinforcements, and discussed the capability roadmap methodology.

As part of the Draft Programming Document 2025-2027, the MB took note of the draft Multi Annual Plan 2025-2027, including the multiannual objectives and strategic direction for 2025-2027, and was presented with an overview of the resources for the period 2025-2027.

Due to confidentiality, the state of play of the draft Frontex-UK Working Arrangement was discussed 'in camera' with the presence of MB Members only.

The Agency notified the MB of a possible cut to the planned Frontex budget for 2024. Considering the increase in staff related costs, a possible cut will affect operational expenditures. The final budget for 2024 will be approved at the end of November 2023. The MB will be kept informed about further developments and the final decision regarding the 2024 budget.

The Agency informed the MB about the outcome of the re-evaluation of the spatial requirements for the Agency's permanent premises. The state of play of the Agency's new permanent premises will be discussed in more detail during the 97th MB meeting in November 2023.

The Chair informed that at the 97th MB meeting in November 2023, MB Members need to decide on the new composition of the Executive Board for a period 1 December 2023 - 30 November 2024.

As the current Deputy Spokesperson of the WG on Budget and Accounts, Mr Ólafur Helgi KJARTANSSON (IS) will end his term as an MB Member, the Chair also informed that a call for MB Members willing to become members of the WG B&A will be launched and invited interested MB Members to submit their candidatures.

Under recent internal developments and procedural issues, the MB was informed about: i) the state of play on the phasing-out of standing corps officers to the HQ, ii) the finalisation of the new structure and horizontal rules for the creation and operation of Frontex Working Groups and iii) the need to amend the Agency's audit plan for 2023 due to a recent departure of IAC and the lack of resources in the IAC office

COM updated the MB on the state of play of the evaluation of the EBCG Regulation.

The MB also took note of the recruitment and staffing situation, the implementation of the Communication Strategy, the report on the implementation of the recommendations stemming from control and scrutiny bodies, the update on the implementation of the EDPS recommendations following the EDPS audit, the vulnerability assessment implementation update, the reporting on the exercise of the appointing authority powers and of the implementation of the Annual Work Programme - Budget implementation.

Under AOB, COM notified the MB that it published a call for expression of interest on BMVI funding for national strategies on IBM which focuses on supporting the MSs in setting up or enhancing the national centralised governance function for integrated border management.

COM also informed the MB that it was working on a new project to improve situational awareness, the early warning mechanism and forecasting capacity development which aims to bring together all actors of the "blueprint network"; players involved in data exchange, forecasting, analysis.

Finally, the MB bid farewell to Mr Georges WEGENER (MB Member from Luxembourg), and Mr Ólafur Helgi KJARTANSSON (MB Member from Iceland) who were attending the MB meeting for the last time.