

MINUTES OF THE FRONTEx 95th MANAGEMENT BOARD MEETING 20-21 June 2023, Warsaw, Poland

List of attendance

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

Mr Günter SCHNITTLER (Austria - AT)

Mr Wald THIELEMANS (Belgium - BE)

Mr Radoslav KULEKOV (Bulgaria - BG)

Mr Gilio TOIĆ SINTIĆ (Croatia - HR)

Mr Thomas CHADJIKYRIAKOU (Cyprus - CY)

Mr Milan MAJER (Czech Republic - CZ)

Ms Signe HØJLAND JENSEN (Denmark - DK)

Mr Helen NEIDER-VEERME (Estonia - EE)

Mr Matti SARASMAA (Finland - FI)

Mr Simon FETET (France - FR)

Ms Heiner NOWITZKI (Germany - DE)

Mr Dimitrios VAROUXAKIS (Greece - EL)

Mr Janos Zoltan KUCZIK (Hungary - HU)

Mr Ólafur Helgi KJARTANSSON (Iceland - IS)

Mr Aidan MINNOCK (Ireland - IE)

Mr Ennio SCETTINI (Italy - IT)

Mr Andrejs ROGOZINS (Latvia - LV)

Mr Uwe LANGENBAHN (Liechtenstein - LI)

Mr Vaidas ČYPAS (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 Grzegorz NIEMIEC (Poland - PL)

Mr Luís GOUVEIA (Portugal - PT)

Mr Marius Alexandru VIZITIU (Romania - RO)

Mr Ludovit BIRO (Slovakia - SK)

Mr Marko GAŠPERLIN (Slovenia - SI)

Mr Julián AVILA POLO (Spain - ES)

Ms Marianne PERSSON (Sweden - SE)

Mr Marco BENZ (Switzerland - CH)

Mr Henrik NIELSEN (European Commission - COM)

Ms Corinna ULLRICH (European Commission - COM)

Mr Timothy COOPER (EUAA)

Mr Péter DÁVID (EUROPOL)

Mr Luca TAGLIARETTI (eu-LISA)

Ms Aydan IYIGUENGOER (Consultative Forum)

Mr Luca CURCI (Consultative Forum)

Mr Adriano SILVESTRI (Fundamental Rights Agency - FRA)

Ms Marlies DESOMER (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 94th Management Board meeting

A POINTS

3. Decision of the Management Board adopting the Management Board's opinion on the Frontex final accounts for 2022
4. Decision of the Management Board adopting the annual activity report and the Management Board assessment of the report of the authorizing officer for 2022 as part of the annual activity report
5. Decision of the Management Board adopting amendment no 2 of Management Board Decision 5/2022 designating a new reporting officer for the annual appraisals 2023 for the Deputy Executive Director for Standing Corps Deployment and the Deputy Executive Director for Returns and Operations and Deputy Executive Director for Information Management and Processes
6. Decision of the Management Board on establishing the Disciplinary Board
7. Information by the reporting officers on the outcome of the annual appraisals 2022 of the Executive Management, FRO, and DFRO [in camera]

B POINTS

8. Discussion related to the appointing authority powers of the Management Board on a staff matter [in camera]
9. Operational situation
 - 9.1 Operational situation
 - 9.2 Operational response
 - 9.3 (possible Follow-up 9.1 and 9.2) Annual Risk Analysis for 2023 and proactive strategic planning
 - 9.4 Return developments
 - 9.4.1 Presentation and follow-up of the HLRT on Return
 - 9.4.2 Presentation of the draft decision of the Management Board amending MB Decision 8/2021 adopting the modus operandi of the rolling operational plan for returns
 - 9.5 Presentations by EUAA and MSs
10. Chain of command and operational concepts for standing corps, including update on antenna offices project - state of play
11. Capabilities
 - 11.1 Report on capabilities
 - 11.2 Decision of the Management Board adopting the comprehensive multiannual strategy on the acquisition of the Agency's own technical capabilities

12. Report on the final evaluation of the flexible operational activity plan for return 2022 together with the observations of the FRO
13. Report on the final evaluation of joint operations in 2022 together with the observations of the FR
14. Fundamental rights issues
- 14.1 Report from the Fundamental Rights Officer - key fundamental rights concerns, including SIRs overview; key opinions and recommendations; information on the implementation of the revised complaints mechanism
- 14.2 Information on the implementation of the action plan for the Fundamental Rights Strategy
15. Amendment of MB Decision 68/2021 adopting the rules on processing personal data by the Agency and MB Decision 69/2021 adopting the rules on processing operational personal data by the Agency - update after reception of the EDPS audit report 2022
16. Presentation of the draft decision of the Management Board authorising the Executive Director to negotiate working arrangements with selected EU entities, and third countries
17. Implementation of Article 13(1) of the EBCG Regulation - proposal for agreements with National Frontex Point of Contact
18. Presentation of the draft Frontex Technical and Operational Integrated Border Management Strategy
19. Information on the European Parliament's decision on discharge in respect of the implementation of the budget of the Agency for the financial year 2021

POINTS FOR INFORMATION

- a. Recent internal developments and procedural issues
- b. Recruitment and staffing situation
- c. Report on the implementation of the recommendations from control and scrutiny bodies
- d. Annual activity and compliance report 2022 of the Data Protection
- e. Annual Report on the Research and Innovation 2022
- f. New planning for the entry into operation of EES and ETIAS - update
- g. Revision of the Working Groups in Frontex - update
- 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

Summary of the main decisions and discussions

The 95th Management Board meeting was held on 20-21 June 2023 in Warsaw. The Chairperson of the Management Board, 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 and the Consultative Forum 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. For the presentation of the operational situation and response three Members of the European Parliament were invited to the MB meeting on the occasion of their official visit to the Agency.

- The MB took note of the nomination of a new MB Member from COM, Mr Henrik NIELSEN, Director for Schengen, Borders & Visa, Directorate-General for Migration and Home Affairs.
- The minutes of the 94th Management Board meeting were approved.
- Decisions adopted by the Management Board:

Six decisions have been adopted in written procedure since the 94th MB meeting:

- MB Decision 14/2023 (31 March 2023) on the approval of the deployment of a Frontex Liaison Officer to the Republic of Senegal with an expanded mandate to cover the Islamic Republic of Mauritania and the Gambia;
- MB Decision 15/2023 (31 March 2023) amending Management Board Decision 5/2023 adopting the profiles to be made available to the European Border and Coast Guard standing corps for 2024;
- MB Decision 16/2023 (1 April 2023) amending Management Board Decision 25/2021 delegating the powers conferred by the Staff Regulations of Officials of the European Union on the appointing authority and by the Conditions of Employment of Other Servants of the European Union on the authority authorised to conclude contracts of employment;
- MB Decision 17/2023 (27 April 2023) on Ireland's request to participate in, and contribute financially to, Frontex activities in 2023;
- MB Decision 18/2023 (3 May 2023) adopting amendment N1 to the Single Programming Document 2023 - 2025;
- MB Decision 19/2023 (18 June 2023) authorising the Executive Director to negotiate administrative arrangements with selected authorities of Schengen Associated Countries and request the European Commission's prior approval.

The following four decisions were made in the 95th MB meeting:

- MB Decision 20/2023 adopting the opinion of the Management Board on Frontex's Final Accounts for the financial year 2022
 - MB Decision 21/2023 adopting the annual activity report 2022 and its assessment
 - MB Decision 22/2023 adopting amendment no 2 of Management Board Decision 5/2022 designating a new reporting officer for the annual appraisals 2023 for the Deputy Executive Director for Standing Corps Deployment and the Deputy Executive Director for Returns and Operations and Deputy Executive Director for Information Management and Processes
 - MB Decision 23/2023 on the establishment of a Frontex Disciplinary Board for staff members subject to the disciplinary authority of the Management Board
- Due to confidentiality, the information by the reporting officers on the outcome of the annual appraisals 2022 of the Executive Management, Fundamental Rights Officer, and Deputy Fundamental Rights Officer FRO was provided 'in camera', with the presence of MB Members only.
 - Due to confidentiality, the discussion related to the appointing authority powers of the Management Board on a staff matter was discussed 'in camera'.
 - The Agency presented the MB with the situation at the EU external borders, as well as the operational situation and response. The discussion focused on the pilot project in BG, on the operational situation

in the Western Balkans, as well as on the situation in the Mediterranean Sea. Additionally, the Agency presented the Annual Risk Analysis for 2023 and the proactive strategic planning. The Agency depicted the developments in the return field and provided an overview on the conclusions of the 10th High Level Round Table on Return and on its follow-up. Moreover, following the illustration of the draft MB Decision amending MB Decision 8/2021 adopting the modus operandi of the rolling operational plan for returns, the MB agreed to adopt it in written procedure. Afterwards, EUAA and HU provided the MB with presentations on the situation of asylum in the EU and on the situation at the Hungarian external borders respectively.

- The Agency updated the MB on the state of play of the chain of command and of the operational concepts, informing that their final evaluation will be presented in November 2023.
- The Agency presented the report on the ongoing processes of generating the availability of capabilities and of managing their deployments. Following the illustration of the draft MB Decision adopting the comprehensive multiannual strategy on the acquisition of technical capabilities, the MB was invited to provide final comments to the implementation plan. It was agreed the Decision will be adopted in written procedure. Furthermore, the Agency was asked by the MB to add the numbers of the already existing equipment purchased by the Agency to the implementation plan.
- The MB took note of the report on the final evaluation of the flexible operational activity plan for return 2022 together with the observations of the FRO.
- The Agency provided an overview of the report on the final evaluation of joint operations in 2022, which was accompanied by the observations of the FRO.
- The MB took note of the report from the FRO on key fundamental rights concerns, including SIRs overview, key opinions and recommendations for the period 1 February 2023 - 30 April 2023, and information on the implementation of the revised complaints mechanism. Additionally, the FRO provided information on the implementation of the action plan for the Fundamental Rights Strategy.
- The MB was presented with the next steps foreseen to amend MB Decisions 68/2021 and 69/2021 adopting the rules on processing personal and operational personal data by the Agency.
- Due to time constraints, the MB decided to remove from the agenda the point on the draft MB Decision authorising the Executive Director to negotiate working arrangements with selected EU entities, and third countries; and agenda point on the implementation of Article 13(1) of the EBCG Regulation proposal for agreements with National Frontex Points of Contact. However, the MB agreed to launch a written procedure for the adoption of the former.
- Co-Spokespersons of the EIBM WG updated the MB on the state of play of the drafting process of the Technical and Operational IBM Strategy and informed the MB about its content and structure. The TOEIBM Strategy, is expected to be adopted by the MB in September 2023.
- The MB welcomed the European Parliament's decision on the discharge in respect of the implementation of the budget of the Agency for the financial year 2021.
- Under point for information a) on recent internal developments and procedural issues, the Executive Director informed the MB Members about: i) the way forward to carry out the revision of the administrative structure of the Agency, including a rethinking of its governance and culture, process that will see the involvement of the MB; and ii) the state of play of the negotiation of a working arrangement with the UK, which will be conducted in cooperation with COM. Furthermore, the DPO provided an overview on point for information: d) annual activity and compliance report 2022 of the data protection. In this regard, COM called the Agency to reinforce the human resources of the Data Protection Office. As concerns point for information g) on the revision of the Working Groups in Frontex, DK asked the Agency to set up the rule according to which before establishing new Working Groups, the Agency shall consult or inform the MB.
- Under AOB, ES presented the programme of the upcoming Spanish Presidency of the Council of the EU in the field of HOME affairs. The Chair reminded that the six-month observer status to the Executive Board was coming to an end for CZ and DK, which will be replaced by FI and FR as of 1 July 2023. The Agency provided information on the amendment N1 to the Annual Procurement Plan 2023. The MB agreed to adopt it in written procedure, after endorsement of the WG B&A. The MB was also informed about the need to update the Single Programming Document 2023-2025, due to the disbursement of a financial contribution to the Secretariat of the Council of the EU for FADO. Furthermore, the MB was

briefed about the importance of adopting the Internal Audit Capability's Quality Assurance and Improvement Programme and was asked to endorse it. Finally, the Agency informed that, due to the reduction of the Agency's budget for 2024 and the adjustment of the correction coefficient, it would need to accommodate an increase of the administrative expenditures.