

54th MEETING OF THE MANAGEMENT BOARD 19-20 May 2015 IN WARSAW, POLAND

List of participants

Mr Ralf GÖBEL - Chairman of the Management Board
Mr Robert STRONDL (Austria - AT)
Mr Herbert VEYT (Belgium - BE)
Mr Stoyan IVANOV (Bulgaria - BG)
Mr Zlatko SOKOLAR (Croatia - HR)
Mr Martin VONDRASEK (Czech Republic - CZ)
Mr Richard ØSTERLUND LA COUR (Denmark - DK)
Mr Rando KRUUSMA (Estonia - EE)
Mr Mika RYTKÖNEN (Finland - FI)
Mr Bernard SIFFERT (France - FR)
Mr Lars GERDES (Germany - DE)
Mr Aleksandros SOUKOULIS (Greece - EL)
Mr Zsolt HALMOSI (Hungary - HU)
Mr Stephen COURAGE (Ireland - IE)
Mr Ólafur Helgi KJARTANSSON (Iceland - IS)
Mr Giovanni PINTO (Italy - IT)
Mr Normunds GARBARIS (Latvia - LV)
Mr Renatas POŽĖLA (Lithuania - LT)
Mr Thierry FEHR (Luxembourg - LU)
Mr Neville XUEREB (Malta - MT)
Mr Ronald HARMSMA (The Netherlands - NL)
Mr Jan Eirik THOMASSEN (Norway - NO)
Ms Aleksandra ŚWIĄTECKA (Poland - PL)
Mr António BEÇA PEREIRA (Portugal - PT)
Mr Liviu GALOS (Romania - RO)
Mr Ľudovít BÍRÓ (Slovak Republic - SK)
Mr Marko GAŠPERLIN (Slovenia - SI)
Mr Emilio BAOS ARRABAL (Spain - ES)
Ms Patrick ENGSTROM (Sweden - SE)
Mr Andrea HÜLSMANN (Switzerland - CH)
Mr Paul MORGAN (United Kingdom - UK)

██████████ (European Commission - COM)

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

List of items debated and/or approved (agenda)

1. Approval of the Agenda
2. Approval of the minutes of the 53rd Management Board meeting
3. Recent internal developments and procedural issues
4. Adoption of the Management Board's analysis and assessment of the Annual Activity Report 2014
5. Decision of the Management Board on the new unit costs
6. Information on the Deputy Executive Director's annual appraisal
7. Update on the state of play of the draft report of Article 33 Evaluation
8. Presentation of the progress report on evaluation of Frontex Liaison Office in Piraeus
9. Presentation of the state of play of the Headquarters Agreement
10. Presentation of the latest phenomena at the EU external borders including Frontex operational response
 - 10.1. Discussion on the results of the Special Meeting of the European Council on 23 April 2015
 - 10.2. Amendment of the Programme of Work 2015
 - 10.3. Amendment of the Budget 2015 including establishment plan 2015
11. Information on the cooperation between Frontex and Europol (in particular in Joint Operational Team "Mare")
12. Single Programming Document 2016-2019
 - 12.1. Decision of the MB adopting Frontex Multi Annual Plan 2016-2019
 - 12.2. Presentation of the core elements of the plan of operations and training portfolio 2016
13. State of play on the implementation of the Programme of Work
 - 13.1. Budget implementation
 - 13.2. Eurosur implementation
 - 13.3. Technical Assistance projects in Third Countries
 - 13.4. Deployment of a Liaison Officer in Turkey
14. Summary of the activities by the acting EU Council Presidency Latvia and incoming EU Council Presidency Luxembourg
15. Any other business

Main results of the meeting

Pursuant to Article 47 of Frontex Financial Regulation, the Executive Director of Frontex (ED) shall report annually to the Management Board (MB) on the performance of his duties by a Consolidated Annual Activity Report (AAR) containing financial and management information.

The Consolidated AAR was transmitted to the Working Group of the MB on Budget and Accounts who drafted an analysis and assessment for the MB.

The main observations and recommendations of the Working Group (WG) were presented as follows: the WG noted the improvement in terms of budget implementation compared to 2013. However the risk of over-budgeting still remains. Therefore the WG pointed out the continuous need to improve budget execution in the coming years. The WG recommended that the AAR undergoes editing and formatting before publication. The MB adopted the analysis and assessment of the AAR 2014. By not later than 1 July 2015, the MB shall send the Consolidated AAR, together with the analysis and assessment of the MB, to the Court of Auditors, the Commission, the European Parliament and the Council.

Frontex is currently undergoing an external evaluation pursuant to Article 33 of Frontex Regulation. After receiving the findings of this evaluation, the MB shall issue recommendations to the Commission, who will forward them, together with its own opinion as well as appropriate proposals, to the Council. Both - the findings and the recommendations of the evaluation - shall be made public. At the 54th MB meeting, the Steering Committee briefed the MB with the latest information on the evaluation along with the timeline of proceedings.

Also the Frontex Liaison Office in Piraeus, Greece, is currently undergoing an evaluation. The Agency presented the state of play, methodologies and indicative timeline of this evaluation. Although it is planned that the MB will decide on the future of the Frontex Liaison Office at its September meeting, in order to liaise with the outcome of the Article 33 evaluation of the Agency and taking into account developments deriving from the upgrade of Frontex coordinated operational activities (JO Triton and JO Poseidon), as decided by the European Council on 23 April 2015, the timeline could be amended in a way that the decision making could be postponed to the November MB meeting.

Despite the obligation originating from the Frontex Regulation (Article 15a) to conclude the Headquarters Agreement fully complying with EU policy objectives, such an agreement is not achieved yet between Frontex and the Polish Government. The Agreement is supposed to facilitate and ensure the best possible working conditions for the functioning of the Agency. Frontex presented the state of play of the negotiations.

During the 53rd MB meeting, the decision on new unit costs was postponed because the discussion showed that certain costs were not mature enough to be agreed by the delegations. The method of unit cost is a simplified way to reimburse certain eligible costs (similar to the principle of a flat-share) aiming at easing administrative work both for the Member States (MS) and the Agency. The Financial Regulation allows this method provided that the definition of the unit cost is based on historical statistical data.

At the request of some MS, Frontex will investigate the possibility to lease or rent standard cars for joint operations in accordance with Article 7 of Frontex Regulation. As a consequence, a revised decision on new unit costs will be presented to the MB in September 2015. In the meantime, the existing reimbursement methods (i.e. reimbursement based on supporting documents or application of certain unit costs on a voluntary basis pursuant to MB Decision No 08/2014 of 7 May 2014).

Directors of EASO and Europol have been invited to attend the discussions on agenda points 10, 11 and 12: EASO was represented by [REDACTED] Executive Director, and [REDACTED]

Communications and Press Officer; Europol - by [REDACTED] Deputy Director, Governance, and [REDACTED] External Affairs Expert.

The presentation on the latest phenomena at the external borders was focused on the current situation in the Mediterranean region and was followed by a discussion on the European Council conclusions of 23 April regarding Frontex. The subsequent discussion touched on the extension of joint operations Triton and Poseidon as well as flexibility of deploying assets between them, security of JO Triton assets that could be threatened by traffickers, Frontex pooling and sharing activities, inter-agency cooperation, especially with EASO and Europol, cooperation with third countries, the Operational Frontex Regional Team and the EU naval force EUNAVFOR MED.

Following the European Council conclusions of 23 April 2015, and as a consequence of the up-scaling of the Joint Operation Triton, budget and human resources in Frontex had to be up-scaled. For 2015, approximately 26.8 million EUR additional funds will be provided to Frontex. For the time being, the Commission proposed to make available 20 million EUR additional funds whilst the adoption of the amended budget of the EU is pending. The MB adopted this amendment to the budget 2015 which was initially adopted in January 2015. It also took note of the 16 additional temporary agent positions proposed by the Commission for in 2015 as part of the budget amending proposal submitted to the budget authority of the EU. These posts could be filled in once the amended establishment plan will be adopted and in the course of 2016. According to the needs, especially for the deployment of upgraded Triton and upgraded Poseidon, the MB approved that the number of seconded national experts (SNE) and the contract agents will be increased respective by 8 and 4 additional posts.

Summary on cooperation between Frontex and Europol was outlined by representatives of both Agencies. Europol focused on the Joint Operational Team (JOT) Mare which was set up in March 2015 in close cooperation with MS and as part of the focal point on illegal migration. Upon invitation from Europol, Frontex confirmed that it will participate in the Europol Joint Action Days by deploying one liaison officer. Frontex presented the working arrangement with Europol which recently received green light from the European Data Protection Supervisor by which the guidelines of the project were validated in terms of exchanging personal data. Frontex works on the technicalities related to the information and communication technology in order to enable the transmission of data.

After receiving the favourable opinion of the Commission, the MB adopted the updated version of the Multi Staff Policy Plan 2016-2019. It was stressed that the latter does not include the consequences stemming from the European Council conclusions of 23 April 2015.

The delegations discussed the core elements of the plan of operations for 2016. Due to the time span to 2016, core elements are necessarily flexible concepts subject to amendments and developments taking into account the situations at the external borders. Therefore the plan of operations is a living document which will be further detailed with analytical products and presented in the course of the annual bilateral talks with the MS in October 2015.

Priorities for the planned training portfolio for 2016 were presented to the MB.

The implementation of Budget 2015 (as adopted in January 2015) covering the period 1 January-10 May 2015 was presented to the MB. The Budgetary Authority is expected to formally adopt the Budget amendment by autumn 2015. The approach of Activity Based Budgeting applicable to the budget implementation was presented according to the activities areas identified during the 49th MB meeting. Both commitment and payments included the direct and indirect costs associated to each activity. Staff costs and administrative expenditures have been allocated proportionally to the level of commitment and payment of each item. Following this presentation, the representative of the European Commission to the MB called upon the

Agency to speed up the payments on commitments carried over from 2014, which can only be processed until the end of 2015 (automatic carry-over).

Since the entry into force of the Eurosur Regulation on 2 December 2013, Frontex has been incorporating the Eurosur related products into the Agency's portfolio. The aim of the presentation was to review the latest development of Eurosur Framework as foreseen in the Programme of Work 2015. It focussed on the maintenance and further development of the communication network, the development of the Eurosur Handbook, the Eurosur related training, the performance of the Eurosur expert group and the implementation of Eurosur related projects. The WG on Budget and Accounts presented its work on the costs linked to Eurosur. In particular it drew the attention of the MB on the important sum used for acquiring satellite images: in 2013 and 2014 together, out of the total of budget used for Eurosur (12.3 million EUR), 5 million EUR were used for satellite images. The problem at stake does not lie on the amount of costs itself but on the justification and the structural approach governing the acquisition of satellite images.

In the context of the European Council conclusions of 23 April 2015 where cooperation with Third Countries was stressed, Frontex deemed necessary to update the MB on the three capacity building projects in Third Countries namely the Eastern partnership - integrated border management project, the project developed with the European Asylum Support Office (EASO), Morocco and Tunisia in the context of the European Neighbouring Policy Instrument (ENPI), and the project with Western Balkan and Turkey in the context of Instrument for Pre-Accession (IPA) II.

Concerning the latter project, Frontex announced that it will be signing a grant agreement with DG NEAR of 5.5 million EUR in July 2015. The MB agreed to use the written procedure for the signature and subsequent amendments to the budget.

Concerning the deployment of a Liaison Officer to Turkey, Frontex provided information to the MB on the preparation made in view of a possible deployment in the second semester of 2015. Due to time constraints, only a short discussion followed on the content of the job profile.

As the terms of the MB Chair and MB Deputy Chair will end in the beginning of 2016, delegations were invited to submit applications to the functions by 15 September 2015 to the MB Secretariat of Frontex.