

## MINUTES OF THE FRONTEX 94<sup>th</sup> MANAGEMENT BOARD MEETING 22-23 March 2023, Warsaw, Poland

### List of attendance

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

Mr Günter SCHNITTLER (Austria - AT)

Ms Nancy VAES (Belgium - BE)

Ms Rositsa DIMITROVA (Bulgaria - BG)

Mr Gilio TOIĆ SINTIĆ (Croatia - HR)

Mr Thomas CHADJIKYRIAKOU (Cyprus - CY)

Mr Tomáš LERCH (Czech Republic - CZ)

Ms Signe HØJLAND JENSEN (Denmark - DK)

Mr 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 László BALÁZS (Hungary - HU)

Mr Ólafur Helgi KJARTANSSON (Iceland - IS)

Mr Michael BUCKLEY (Ireland - IE)

Mr Ennio SCHETTINI (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 Roger COSTONGS (The Netherlands - NL)

Ms Jan Olav FRANTSVOLD (Norway - NO)

Mr Grzegorz NIEMIEC (Poland - PL)

Mr Luís GOUVEIA (Portugal - PT)

Mr Stefan Victor IVASCU (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 Matthias OEL (European Commission - COM)

Ms Olivier ONIDI (European Commission - COM)

Mr Timothy COOPER (EUAA)

Mr Jürgen Ebner (EUROPOL)

Mr Krzysztof CZEKALOWSKI (eu-LISA)

Ms Aydan IYIGUENGOER (Consultative Forum)

Mr Luca CURCI (Consultative Forum)

Mr Adriano SILVESTRI (Fundamental Rights Agency - FRA)

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 93<sup>rd</sup> Management Board meeting

### A POINTS

3. Decision of the Management Board amending Management Board Decision 5/2022 and designating a new reporting officer for the annual appraisals 2022 and 2023 for the Deputy Executive Director for Standing Corps Deployment and the Deputy Executive Director for Returns and Operations
4. Decision of the Management Board adopting standing corps' annual and multiannual programming, including, operational needs 2024, allocation of profiles per Member State and indicative planning of profiles for the next years
5. Decision of the Management Board adopting the rules relating to technical equipment to be deployed in Frontex coordinated activities in 2024; including a rapid reaction equipment pool and MNITE
6. Decision of the Management Board adopting the preliminary Annual Work Programme for 2024 and the final draft estimates of the Agency's Revenue and Expenditure, including the draft Establishment Plan for 2024
7. Decision of the Management Board on a staff matter related to its appointing authority [in camera]

### B POINTS

8. Operational situation
  - 8.1 Operational situation
  - 8.2 Operational response
  - 8.3 Preliminary findings of the Annual Risk Analysis 2023
  - 8.4 Proactive Strategic Planning Model and 2023 planning on operational response
  - 8.5 Return developments
  - 8.6 Presentations by Europol, EUAA and MSs
9. Report on capabilities
  - 9.1 Capabilities for Operations - Overall Planning
  - 9.2 Presentation of the Annual Implementation Report 2022
  - 9.3 Presentation of the Capability Overview
10. Endorsement of strategic issues relevant for the long-term activities of the Agency - presentation by the Executive Board
11. Report on the evaluation of return operations conducted in the second half of 2022 together with the observations of the FRO
12. Fundamental rights issues
  - 12.1 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
  - 12.2 Presentation of the Consultative Forum Annual Report 2022
  - 12.3 Reporting on the Agency's obligation to inform the Consultative Forum of the follow-up to its recommendations

13. Update on Chain of Command and Operational Concepts
14. Standing Corps deployments
  - 14.1 Posting of the standing corps to the HQ - update
  - 14.2 Decision of the Management Board adopting criteria for posting of EBCG standing corps to the Agency's Headquarters
15. Implementation of Entry-Exit-System and ETIAS - update by Agency and COM
16. Budget implementation report
17. Technical and Operational Integrated Border Management Strategy - state of play
18. Evaluation of the EBCG Regulation - state of play and way forward

#### POINTS FOR INFORMATION

- a. Recent internal developments and procedural issues
- b. Recruitment and staffing situation
- c. Follow up of the Extraordinary MB meeting of 6 October 2021 - report on the implementation of the recommendations
- d. Information on the renewal of the working arrangements with TC and EU institutions - update
- e. Frontex engagement in EMPACT annual overview - 2022 review and 2023 prospects
- f. Vulnerability assessment implementation - update
- g. Reporting on the exercise of the appointing authority powers

#### ANY OTHER BUSINESS

## Main results of the meeting

The 94th Management Board meeting was held on 22-23 March 2023 in Warsaw. The Chairperson of the Management Board 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. The Chair especially welcomed the new Executive Director, Mr Hans LEIJTENS, who addressed the MB with a speech on the key principles and the modus operandi that will guide his mandate.

The Chairperson informed the MB about the nominations of MB representatives to the Project Steering Committee for the permanent premises for the headquarters of the Agency.

The Agency informed that a call for MSs to indicate their intention to deploy Liaison Officers to the Agency in 2023 will be launched immediately after the MB meeting.

The MB took note of the nomination of a new MB Member from NO, Mr Jan Olav FRANTSVOLD, Senior Advisor to the National Police Directorate, Section for Borders, Migration, and International Affairs.

The agenda was approved with a modification regarding agenda point 7, for which the Chair informed the voting was no longer foreseen.

The minutes of the 93rd Management Board meeting were approved.

Four decisions have been adopted in written procedure since the 93rd MB meeting:

- MB Decision 6/2023 (13 February 2023) adopting the Annual Procurement Plan for 2023 for the Agency
- MB Decision 7/2023 (20 February 2023) adopting the rules on the secondment of category 2 of the European Border and Coast Guard Standing Corps
- MB Decision 8/2023 (2 March 2023) on the application of European Commission implementing rules to Frontex and amending the Management Board Decisions 6/2005, 12/2014 and 18/2016
- MB Decision 9/2023 (18 March 2023) adopting implementing rules concerning the tasks, duties and powers of the Data Protection Officer

In the meeting the following decisions were adopted:

- MB Decision 10/2023 amending Management Board Decision 5/2022 and designating a new reporting officer for the annual appraisals 2022 and 2023 for the Deputy Executive Director for Standing Corps Deployment and the Deputy Executive Director for Returns and Operations
- MB Decision 11/2023 adopting the European Border and Coast Guard standing corps annual planning for 2024 and indicative multiannual planning of profiles
- MB Decision 12/2023 adopting rules relating to technical equipment, including the Minimum Number of items of Technical Equipment as well as the Rapid Reaction Equipment Pool to be deployed during operational activities coordinated by Frontex in 2024

The Agency presented the report on capabilities, focusing on the overall planning of capabilities for operations, the annual implementation report 2022 and the capability development plans.

The Management Board exchanged views on the list of strategic issues relevant for the long-term activities of the Agency and agreed to hold another round of written consultations before the list will be further fine-tuned within the Executive Board.

The Management Board took note of the report on the evaluation of return operations conducted in the second half of 2022 together with the observations of the FRO and encouraged enhanced communication between FRO and MSs.

The Management Board took note of the report from the FRO on key fundamental rights concerns including SIRs overview, key opinions and recommendations, and information on the implementation of the revised complaints mechanism.

The Management Board was presented with the activities carried out by the Consultative Forum in 2022.

The Agency illustrated the report on its obligation to inform the Consultative Forum of the follow-up to its recommendations.

The Management Board was updated on the chain of command and on the operational concepts and encouraged the Agency to proceed further with the planning and keep the Management Board informed on the progress. The Management Board was also informed about the need to re-visit the concept of Antenna Offices.

The Management Board took note on the state of play concerning the posting of the standing corps to the Agency's headquarters and raised concerns regarding the progress. Furthermore, the Management Board agreed to adopt the criteria for posting of EBCG standing corps to the Agency's Headquarters via written procedure.

The Management Board took note of the progress made in relation to the implementation of the Entry-Exit System and ETIAS.

The Agency presented the budget implementation report and the roadmap for better financial management and development of the Agency's budgetary absorption capacity.

The Management Board took note of the state of play of the drafting process of the Technical and Operational Integrated Border Management Strategy, which will be presented at the 95th MB meeting and is planned to be adopted by September 2023.

COM provided an update on the state of play of the evaluation of the EBCG Regulation and on the review of the standing corps.

Finally, the Management Board bid farewell to MB Member from the European Commission, Mr Matthias OEL.