

FRONTEX CONSULTATIVE FORUM ON FUNDAMENTAL RIGHTS

Working Methods of the Frontex Consultative Forum on fundamental rights

Article 70 of the European Border and Coast Guard Regulation¹ states that Frontex shall establish a Frontex Consultative Forum to *“assist the Executive Director and the Management Board with independent advice in fundamental rights matters”* and that the Consultative Forum shall, among others, *“be consulted by Frontex on the further development and implementation of the Fundamental Rights Strategy, on the establishment of a complaints mechanism, Codes of Conduct and common core curricula”*.

The Regulation also stipulates that *“on a proposal by the Executive Director, the Management Board shall decide on the composition and the terms of transmission of information to the Consultative Forum”* while the Consultative Forum is to define its working methods and set up its work programme *“after consulting the Management Board and the Executive Director.”*

Furthermore, the Consultative Forum is to produce a publically available report of its activities annually.

The Consultative Forum is a knowledge and expertise resource established with the purpose of rendering strategic advice to the Executive Director and the Agency’s Management Board. Complementing the tasks of the Fundamental Rights Officer, the Consultative Forum offers strategic opinions, recommendations and a pool of information on how Frontex can structurally improve the respect, protection and fulfilment of fundamental rights in its various activities.

1. General principles

The Consultative Forum shall operate according to the principles of independence, transparency, mutual respect, open process, informed participation, collegiality and consensus with the aim of enhancing the respect, protection and fulfilment of

¹ Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard (OJ L 251 of 16.9.2016, pages 1-76).

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fundamental rights in all Frontex activities as laid down in the European Border and Coast Guard Regulation and in line with international and EU legislation and standards.

2. Appointment of Consultative Forum representatives

All Members to the Consultative Forum shall appoint a representative and an alternate within one month after confirmation of their membership by the Management Board and inform the Consultative Forum Chairs² via the Consultative Forum Secretariat ('the Secretariat') accordingly.

The members shall promptly inform the Chairs via the Secretariat of any change as regards their representatives or alternates.

3. Meetings of the Consultative Forum

Three formal Consultative Forum meetings per year shall be held at Frontex Headquarters or at the Frontex Liaison Office in Brussels, Belgium. Thematic and working level meetings with Frontex and/or the Management Board representatives may also be held in line with the Consultative Forum annual work programmes.

Additionally, Consultative Forum members may hold internal meetings, including with the participation of the Secretariat and the Fundamental Rights Officer. Consultative Forum members may also discuss and exchange views and information in any other way outside the Consultative Forum meetings as deemed relevant.

3.1 Convening a meeting

The Consultative Forum internal, formal, working level and thematic meetings shall be convened by:

- (i) the Chairs or;
- (ii) the majority of the Consultative Forum members.

Formal, working level and thematic meetings may be convened by the Chairs upon recommendation of and in coordination with the Executive Director and/or the Management Board Chair.

² Please refer to Paragraph 4.1 below for more information on the appointment of the Consultative Forum Chairs.

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3.2 Agenda

The draft agenda shall be proposed by those who convene the meeting and should be circulated among all participants to the meeting who may propose topics of interest within a determined timeframe.

The final proposed agenda shall be circulated before the respective meeting and adopted at the beginning of it.

3.3 Consultative Forum participation

As a matter of principle, Consultative Forum meetings shall be attended by one representative per Consultative Forum member organisation, unless otherwise justified and agreed to with the Chairs.

3.4 Frontex participation

In the formal meetings of the Consultative Forum, Frontex should be represented by the following participants:

- The Management Board Chair or/and his/her Deputy or/and other duly authorised representatives;
- The Executive Director or/and his/her Deputy;
- The Fundamental Rights Officer.

Other Frontex staff may also participate as nominated by the Executive Director.

The Management Board Chair may also propose interested members of the Management Board to take part in the Consultative Forum formal meetings.

Following invitation by the Chairs, any Management Board member or one representative authorised by each member may participate in working level meetings. These should also be attended by the Fundamental Rights Officer, the Secretariat and Frontex staff nominated by the Executive Director, depending on the Agenda.

3.5 Other participants

Non-member organisations as well as individuals acting in a personal capacity may be invited for a specific agenda item following a proposal of the Chairs, the members, the Executive Director or the Management Board Chair, in order to contribute actively to the discussions or to act as observers.

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3.6 Minutes

Minutes reflecting the outcome of discussions held at Consultative Forum meetings shall be drafted by the Secretariat. The draft should be circulated among all participants of the meeting before being formally adopted as the minutes of the meeting.

4. Operation

4.1 Consultative Forum Chairs

The Consultative Forum shall in principle elect two Chairs. Both Chairs are equal in terms of their role and tasks and shall strive to take all decisions related to their role by consensus. Should consensus between the Chairs not be reached on a particular point, the Chairs may call for a plenary vote, which will decide by simple majority of the members.

The Chairs represent the Consultative Forum vis-à-vis Frontex staff, the Management Board, the Fundamental Rights Officer and external interlocutors and ensure the strategic direction and overall coordination of the Consultative Forum's work.

The Chairs shall be elected among the members following candidatures proposed by the Consultative Forum members. Should there not be enough candidatures among the Consultative Forum members, or should the membership of one of the Chairs' organisations cease during his or her mandate, the Consultative Forum may exceptionally elect and be represented by only one Chair³.

The duration of the Chairs' mandate is two years and it can be renewed based on re-election.

4.2 Working Group Coordinators

The Consultative Forum may establish Working Groups in order to focus on subjects of particular relevance as to carry out its work in line with the respective annual work programmes. All Consultative Forum members are invited to join one or more Working Groups informing the Secretariat accordingly.

Each Working Group shall elect by consensus one or two coordinators among the Working Group members for the period of one year. Where a consensus is not reached, the decision shall be taken by a majority vote triggered by the Chairs. The final composition

³ Should this be the case, all references made in this document should be read as references to the Consultative Forum Chair in lieu of the Consultative Forum Chairs.

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of the Working Groups shall be confirmed by the Chairs in consultation with the Consultative Forum members.

The Working Group coordinator/s represent the Consultative Forum vis-à-vis relevant Frontex staff and contribute to the setting up of the Consultative Forum's substantive annual work programme related to the specific area of work. They coordinate all substantive/technical issues among the Working Group members, facilitate distribution of tasks in relation to the implementation of the annual work programme, contribute to the preparation of related working level meetings, and lead the reporting on the activities of the Working Group for the drafting of the Annual Report.

Working Group coordinators may call for internal meetings as deemed necessary and may take initiative and suggest measures to address ad-hoc/urgent needs and issues, when required.

Working Group coordinators shall actively coordinate with the Chairs and the Secretariat on the status of implementation of specific activities and report to all members during Consultative Forum meetings.

4.3 Thematic rapporteurs

The Consultative Forum may also nominate thematic rapporteurs for other specific areas of work within the Consultative Forum.

Thematic rapporteurs shall be nominated by the Consultative Forum to work on a specific topic, which can range beyond Working Group matters.

The role and tasks of thematic rapporteurs are the same as those of the Working Group coordinators (see 4.2).

4.4 Decision-making and confidentiality

The Consultative Forum should strive to adopt its opinions and recommendations by consensus of its members. When consensus cannot be reached, opinions and recommendations may exceptionally be adopted by means of voting by simple majority of the members. On request of the concerned members, minority or dissenting positions may be recorded. The members may also request not to take part in activities related to certain areas, and/or in the adoption of certain positions or recommendations in particular thematic areas. Their abstention may also be recorded on request.

If necessary, the opinions and recommendations of the Consultative Forum may be adopted by written procedure.

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Individual opinions shared during discussions and deliberations with Frontex as well as information provided by Frontex shall remain confidential. The confidentiality of internal discussions and deliberations among the members shall also be respected by all members vis-à-vis Frontex and any other external parties.

4.5 Consultative Forum opinions and recommendations

The Consultative Forum formulates and adopts opinions and recommendations to the Management Board and to the Executive Director within the mandate stipulated in the European Border and Coast Guard Regulation and in accordance with these Working Methods. The Consultative Forum may act on its own initiative or issue opinions at the request of the Management Board or the Executive Director when being consulted on certain matters.

The opinions, and recommendations of the Consultative Forum shall be transmitted to the Executive Director and Management Board by the Secretariat.

Upon request by the Management Board Chair and/or the Executive Director, the Chairs may also present the Consultative Forum opinions or recommendations in the framework of Management Board meetings or to the Executive Director. Should this be the case, the Chairs are to report back to the plenary of the Consultative Forum.

In line with the European Border and Coast Guard Regulation, the Consultative Forum expects the Executive Director and the Management Board Chair to ensure appropriate follow up to its opinions and recommendations as well as to send feedback at regular intervals to the Consultative Forum, via the Secretariat, presenting their views and actions undertaken following the Consultative Forum's opinions and/or recommendations.

4.6 Access to information

The Consultative Forum shall have effective access to all information of relevance to the respect, protection and fulfilment of fundamental rights in Frontex activities. The terms of transmission of information are set out by the Management Board in accordance with the European Border and Coast Guard Regulation.

The Consultative Forum may also request the Fundamental Rights Officer to report on a certain topic during a Consultative Forum meeting or in written form.

4.7 Attendance and participation in Management Board meetings

The Chairs are invited to participate in Management Board meetings to present the annual Consultative Forum Programmes of Work and the adopted Annual Reports.

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The Chairs or other members as requested by the Chairs are ready to participate in other Management Board meetings to support discussions on topics related to fundamental rights in Frontex activities.

5. Transparency, public information and communication

5.1 Annual Report

The Consultative Forum shall prepare an Annual Report of its activities that also provides an outline of its opinions and recommendations throughout the year. The Annual Report may include references to Frontex response or follow-up on Consultative Forum opinions and recommendations.

The Annual Report shall be adopted by the Consultative Forum in accordance with the Standard Operating Procedure for the Consultative Forum Annual Report and presented to the Management Board in the framework of a Management Board meeting.

5.2 Transparency

The Annual Report shall be made publicly available on the Frontex website after presentation to the Executive Director and the Management Board during the first quarter of the year.

Public access to the opinions and recommendations of the Consultative Forum shall be provided in accordance with the Regulation (EC) No 1049/2001. As a matter of principle, the Consultative Forum has no objection to the public sharing of documentation and information related to its work. Requests for information shall be addressed to Frontex given that decisions on requests under Regulation (EC) No 1049/2001 are the sole competence of the Agency.

5.3 Communication with external stakeholders

The Consultative Forum is represented by the Chairs, who can also delegate to other members the possibility to speak on behalf of the Consultative Forum on a given subject or at a particular occasion.

Any other views expressed by members should be understood as their individual position or that of their organisation and not representative of the position of the Consultative Forum.

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6. Organisation

6.1 Consultative Forum Secretariat

The Secretariat is responsible for providing administrative support for the preparation, implementation and management of the Consultative Forum work. Upon request of the Chairs, the Secretariat may also provide technical support to the work of the Consultative Forum.

The Secretariat shall ensure that all information of relevance to the work of the Consultative Forum is immediately made available to the Consultative Forum members. In coordination with the Chairs and Working Group coordinators or thematic rapporteurs, the Secretariat shall also ensure that Consultative Forum members are duly informed regarding the work of the Consultative Forum and relevant developments.

The Secretariat shall be provided by Frontex and work under the coordination of the Chairs on all matters related to the Consultative Forum.

6.2 Expenses

Frontex allocates an annual budget for the activities of the Consultative Forum, which shall be administered by the Secretariat in cooperation with the Chairs and the Fundamental Rights Officer. The Consultative Forum budget shall cover costs related to the activities of the Consultative Forum as well as those related to the participation of the members and other participants at Consultative Forum meetings in accordance with the relevant rules in force for Frontex meetings.