The Agency shall establish a Consultative Forum to “assist it by providing independent advice in fundamental rights matters” and the Consultative Forum shall, among others, “be consulted on the further development and implementation of the fundamental rights strategy, on the functioning of the complaints mechanism, on codes of conduct and on the common core curricula.”

The Regulation also stipulates that “without prejudice to the tasks of the Fundamental Rights Officer, the Consultative Forum shall be provided with effective access in a timely and effective manner to all information concerning the respect for fundamental rights, including by carrying out on-the-spot visits to joint operations or rapid border interventions subject to the agreement of the host Member State or the third country, as applicable, to hotspot areas and to return operations and return interventions, including in third countries.” At the same time, 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 publishes an annual report of its activities.

The Consultative Forum is a knowledge and expertise resource established with the purpose of rendering strategic advice on how Frontex can structurally improve the respect, protection and fulfilment of fundamental rights in its activities. Complementing the tasks of the Fundamental Rights Officer, the Consultative Forum offers strategic opinions and recommendations. In turn, the Regulation explicitly foresees that the Agency has the responsibility to provide the Forum with information on how it follows-up on its recommendations. The Agency and the Forum will set up a “Steering Group”
composed of Consultative Forum chairs and interested Consultative Forum members, appointed senior staff of the Agency and the Fundamental Rights Officer.

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 fundamental rights in all Frontex activities as laid down in EBCG Regulation 2019/1896 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 Chairs via the Consultative Forum Secretariat accordingly.

The members shall promptly inform the Consultative Forum Chairs via the Consultative Forum Secretariat of any change as regards their representatives or alternates through a formal letter of appointment.

3. **Meetings of the Consultative Forum**

The Consultative Forum shall meet with the Executive Director of Frontex and/or the Deputy Executive Director and the Chair of the Management Board and/or the Deputy Chair of the Management Board at least three times per year. Thematic and working level meetings with Frontex and/or Management Board representatives may also be held in line with the Consultative Forum’s Programmes of Work and/or emerging needs.

Additionally, Consultative Forum members may hold preparatory meetings among themselves. The Consultative Forum can invite the Fundamental Rights Officer and/or Fundamental rights Office staff, other Agency staff or experts to attend these meetings if deemed relevant. The Consultative Forum Chairs decide on the attendance of the Consultative Forum Consultative Forum members may also discuss and exchange views and information in any other way amongst each other as deemed helpful.

3.1 **Convening a meeting**

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6 Please refer to Paragraph 4.1 below for more information on the appointment of the Consultative Forum Chairs.
The Consultative Forum meetings shall be convened by the Consultative Forum Chairs upon request or by request of a majority of the Consultative Forum members.

### 3.2 Agenda

The draft agenda shall be proposed by the Consultative Forum Chairs or the Consultative Forum members, when requesting a meeting, and should be circulated among meeting participants for comments and proposals of new agenda items within a determined timeframe.

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

### 3.3 Consultative Forum meetings’ 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 Consultative Forum Chairs. Alternate members can attend virtual meetings without a vote and in addition to the Consultative Forum members.

### 3.4 Frontex and Management Board participation

In the parts of the Consultative Forum meetings devoted to discussions with the Agency (including Steering Group meetings), Frontex is represented by the Executive Director or other staff appointed by the Executive Director.

In addition, the following participants are permanently invited:

- The Management Board Chair or/and his/her Deputy or/and other duly authorised representatives;
- The Fundamental Rights Officer or/and his/her Deputy; Other Fundamental Rights Office staff including fundamental rights monitors as needed.

The Management Board Chair may also propose interested members of the Management Board to take part in the parts of the Consultative Forum meetings that are devoted to discussions with the Agency.

Following invitation by the Consultative Forum 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 and his/her
staff as relevant, the Consultative Forum Secretariat and other Agency 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 by the Consultative Forum Chairs for a specific agenda item following a proposal of the members, the Executive Director or the Management Board Chair, in order to contribute actively to the discussions or to act as observers.

3.6 Minutes

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

4. Operation

4.1 Consultative Forum Chairs

The Consultative Forum should elect two Consultative Forum Chairs. Both Consultative Forum 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 Consultative Forum Chairs not be reached on a particular point, they may call for a plenary vote, which will decide by simple majority of the members.

The Consultative Forum Chairs represent the 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 Consultative Forum Chairs shall be nominated among and elected by the Consultative Forum members. Should there not be enough candidatures among the Consultative Forum members, should the membership of one of the Consultative Forum Chairs’ organisations cease during his or her mandate or should a Consultative Forum Chair be
absent or indisposed, the Consultative Forum may exceptionally elect and/or be represented by only one Consultative Forum Chair.  

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

4.2 Thematic rapporteurs

The Forum may nominate thematic rapporteurs to lead the Consultative Forum on subjects of particular importance in order to carry out its work in line with the respective Programme of Work.

Thematic rapporteurs shall be nominated by consensus among Consultative Forum members for a determined period. Where a consensus is not reached, the decision shall be taken by a majority vote triggered by the Consultative Forum Chairs.

Thematic rapporteurs represent the Consultative Forum vis-à-vis relevant Frontex staff and contribute substantially to the setting up of the Consultative Forum’s Programme of Work related to the specific area of work. They coordinate all substantive/technical issues among the Consultative Forum members, facilitate distribution of tasks in relation to the implementation of the Programme of Work, contribute to the preparation of meetings, and organise the provision of input concerning the Consultative Forum’s activities in their respective thematic fields to the Annual Report.

Thematic rapporteurs may call for meetings with the Consultative Forum as a whole or with some of its members as deemed necessary and may take initiative and suggest measures to address ad-hoc/urgent needs and issues, when required in coordination with the Consultative Forum Chairs and the Consultative Forum Secretariat. Thematic rapporteurs will report about the status of respective activities and meetings to the plenary of the Consultative Forum. Any member of the Consultative Forum can always contact a thematic rapporteur to be included in specific activities.

4.3 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

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7 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.
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 shall 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.

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 be respected by all members and the Consultative Forum Secretariat, vis-à-vis Frontex and any other external parties.

4.4 Consultative Forum opinions and recommendations

The Consultative Forum formulates and adopts opinions and recommendations to the Agency within the mandate stipulated in Regulation (EU) 2019/1896 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.

Consultative Forum opinions and recommendations shall be formally communicated to the Executive Director, the Chair of the Management Board and the Fundamental Rights Officer via the Consultative Forum Secretariat. The Consultative Forum, represented by its Chairs, may exceptionally choose to transmit its recommendations or opinions orally in the course of the meetings with Frontex and the Management Board. In such cases, the opinions or recommendations of the Forum shall be duly reflected in the respective minutes of the meeting. The Consultative Forum Secretariat shall also transmit the Consultative Forum recommendations to the Agency and the Management Board. Once adopted, the Consultative Forum Secretariat shall also ensure that the Consultative Forum’s Programmes of Work, recommendations, annual reports and minutes of meetings with the Agency are accessible to all Frontex staff and Management Board members.

Upon request by the Management Board Chair and/or the Executive Director, the Consultative Forum Chairs may also present the Consultative Forum’s opinions or recommendations in the framework of Management Board meetings or to the Executive Director. Should this be the case, the Consultative Forum Chairs are to report back to the plenary of the Consultative Forum.
In line with Regulation (EU) 2019/1896, the Agency shall timely and effectively inform the Consultative Forum of the follow-up to its recommendations in accordance with a procedure jointly adopted by the Consultative Forum and the Agency. The Steering Group could develop a procedure for such follow up, which will be annexed to these working methods upon completion.

**4.5 Access to information**

According to Regulation (EU) 2019/1896, the Agency should provide its Consultative Forum with access in a timely and effective manner 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\(^8\) in accordance with Regulation (EU) 2019/1896. The Consultative Forum may also request the Fundamental Rights Officer, Frontex or the Management Board to provide information on a certain topic during a Consultative Forum meeting or in written form. When requesting information, the Consultative Forum should receive a response in a timely and effective manner but not later than 15 working days upon registration of the request.

**4.6 On-the-spot field visits**

In order to support the Agency with tailored technical advice or to provide expertise, the Consultative Forum can perform on-the-spot field visits upon the host Member State or the third country’s agreement. Where the host Member State, or third country, does not agree, it “shall provide the Agency with duly justified reasons in writing.”\(^9\)

All Consultative Forum members have a possibility to participate in on-the-spot field visits. Where the amount of members wishing to participate in a field visit exceeds the number of available slots; priority is given to the thematic rapporteurs depending on the nature of the visit.

Upon return from an on-the-spot field visit, the participants are requested to submit a mission report within 7 days to the Consultative Forum Chairs and the Consultative Forum Secretariat. These mission reports inform the work of the Consultative Forum and can be shared amongst the Consultative Forum members after all personal data has been removed.

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\(^8\) Management Board Decision 3/2017 of 9 February 2017 on the terms of the transmission of information to the Consultative Forum.

\(^9\) Article 108 (5) of the EBCG Regulation 2019/1896.
4.7 Attendance and participation in Management Board meetings

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

The Consultative Forum 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 includes its opinions and recommendations throughout the year. The Annual Report may include references to Frontex response or follow-up on the Forum’s opinions and recommendations.

The Annual Report shall be adopted by the Forum in line with 4.2 and presented to the Management Board in the framework of a Management Board meeting.

5.2 Transparency

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

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. Public access to documents produced by the Consultative Forum shall therefore be provided accordingly.

5.3 Communication with external stakeholders

The Consultative Forum is represented by the Chairs, who can also delegate to other members the role 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.

The Agency shall consult the Consultative Forum Chairs via the Secretariat concerning the content of all information and documents related to the Consultative Forum that are to be made publicly available, including on Frontex website.

6. Organisation

6.1 Consultative Forum Secretariat

The Consultative Forum Secretariat is embedded in the Fundamental Rights Office and is responsible for providing administrative support for the preparation, implementation and management of the Consultative Forum’s work. Upon request of the Consultative Forum Chairs, or thematic rapporteurs, the Consultative Forum Secretariat may also provide technical support to the work of the Consultative Forum.

The Consultative Forum Secretariat shall ensure that all information of relevance to the work of the Consultative Forum is made available to its members within a reasonable timeframe. In coordination with the Consultative Forum Chairs and thematic rapporteurs, the Consultative Forum Secretariat shall also ensure that members are duly informed regarding the work of the Consultative Forum and relevant developments.

Without prejudice to the Staff Regulation,10 the Consultative Forum Secretariat shall be provided by the Fundamental Rights Officer and work under the instructions of the Consultative Forum Chairs on all matters related to the Consultative Forum work. The Fundamental Rights Officer is in charge of supervising Consultative Forum Secretariat and acts as Reporting Officer. Recruitments and appraisals of Consultative Forum Secretariat staff are managed by the Fundamental Rights Officer and the Consultative Forum chairs may contribute in a solution-oriented way and upon mutual agreement.

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In the same spirit, the Consultative Forum Secretariat work plan will be established jointly with the Consultative Forum chairs and in coordination with the Fundamental Rights Officer, based on mutual understanding.

The Consultative Forum Secretariat should keep a record of all past and present files in relation to the Consultative Forum’s work (this includes but is not limited to letters, correspondence, meeting minutes and all points listed underneath) and should treat these as strictly confidential.

The Consultative Forum Secretariat should further:

- Distribute information amongst the members upon request by the Consultative Forum chairs;
- Distribute recommendations/opinions/letters to the Agency and the Management Board where relevant;
- Send requests for information to Registration for further handling as authorised by the Executive Director;
- Keep correspondence and information relating to the Consultative Forum confidential and within the Consultative Forum, and not share further unless explicitly requested by the Consultative Forum chairs;
- Draft meeting minutes and submit to the chairs not later than 5 working days following the meeting;
- Maintain and update a list of Consultative Forum members and alternates;
- Maintain and update a dissemination list of stakeholders for the annual report;
- Record/list all activities (as per annex I of the annual report);
- Record/list all consultations (as per annex II of the annual report);
- Record/list all requests for information (as per annex III of the annual report);
- Record/list all recommendations by the Consultative Forum.

6.2 Expenses

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