EASO’s Fourth Management Board meeting
Malta, 19 and 20 September 2011
Minutes

European Asylum Support Office
October 2011
Monday, 19th September, 2011

1. Adoption of the draft agenda

The draft agenda was adopted.
The chairman welcomed the deputy Executive Director of Frontex for the morning session of the 4th MB meeting.
The chairman confirmed that he received a letter from CZ to be represented by SK during voting.

2. Adoption of the minutes of the third Management Board meeting

The draft minutes of the 3rd MB meeting were adopted without comments.

3. Situation of asylum inside and outside the European Union

MB discussed the situation of asylum inside and outside the European Union.
ED EASO suggested extending the overview of North Africa and Middle East to the Mediterranean Sea and Libyan situation, looking at future developments.
EC identified: a. rise of asylum applications during the first quarter of 2011 in all MS (in particular, from Tunisia); b. the increasing number of Tunisians applying for asylum and international protection in Italy (nearly 90%); c. DE and IT recording the highest increases in absolute terms. COM has highlighted that the last 24th of May a new Communication on a Dialogue on Mobility Migration and Security with the Southern Mediterranean countries was adopted. Meetings have already taken place with Tunisia and first contacts are beginning with Morocco. This will hopefully reduce the vulnerability in the region while improving the implementation of the Geneva Conventions. As such, collaboration with the EU’s Special Representative for the Southern Mediterranean Region, M. Bernardino Leon, has been crucial.
The revised Global Approach for Migration Mobility has three pillars: a. promoting legal migration; b. reducing irregular migration; c. dealing with migration and development. Asylum and international protection are considered under the first pillar.
FRONTEX confirmed a persistent critical situation for the Mediterranean area, with continual border crossings exposing Greece to a large number of arrivals from Turkey. Circular migrant routes are changing from Albania to Greece. Lampedusa continues to receive large numbers from the North of Africa. The Arab Spring, destabilisation in Libya, and political transition for several countries in Sub-Saharan regions, means future improvement is unlikely.
UNHCR pointed out the trend in Asylum applications, with increasing number of applications from Afghanistan, Pakistan and Tunisia but decreasing numbers from Serbia. Libyan voluntary returns may reduce the impact of asylum applications for Italy and Malta; yet, the Syrian, Tunisian and Egyptian borders remain open, stressing the capacity of these countries in response to pressures from Libya. UNCHR welcomed the engagement and progress achieved in collaboration with EU MS to implement the added protection value of the article 15 (c) – Safe at Last? Law and practice in selected EU MS with respect to asylum-seekers fleeing indiscriminate violence, UNHCR Research Project, July 2011.
IT stated latest statistics for Lampedusa. Three key-facts were identified: 1. Intensity fluctuations from Tunisia. According to Italian legislation those arriving in Italy after the 5th of April are not eligible for temporary protection. In line with Italian-Tunisian bilateral agreements, a return programme for irregular migrants is progressing; 2. applicants coming from Libya have been rejected because their origin-country differs from their last residence-country; 3. Migration from Afghanistan and Iraq across Turkey and Eritrea continues to persist.
AT stressed the importance of EASO and FRONTEX cooperation on combating human trafficking, and confirmed that Afghanistan remains one of their main concerns.
FR remarked that applications could increase if family reunion were included. The increase in applications in France was not linked with the Arab Spring. FR values the Regional Protection Programs and is grateful for the on-going dialogue with Tunisia and Morocco.
DE highlighted the rise in the number of asylum seekers from Afghanistan.
ES asked that pressures for Spanish territories in North Africa were considered.
HU commented that financial limitations can affect their capacity-building.
RO commented on the increase of applicants in a national perspective.
NL supported the EASO choice to analyse Afghanistan in the first COI report.

Conclusion:
Chair MB summarised topics for EASO focus: a. the global approach supported by a regional analysis of asylum trends; b. the increasing number of applicants; c. the dynamic interactions between asylum and migration phenomena.

4. Greek Action Plan
State of play on asylum reform; presentation by Greece
State of play of the EASO activities in Greece; presentation by the Executive Director

ED EASO updated MB on the Operating Plan for the deployment of Asylum Support Teams in Greece. ED added the Operating Plan was only possible due to the commitment of the MS deploying their experts. There have been many good examples of cooperation between various organisations in Greece. ED EASO announced his visit to Greece at the end of September to discuss progress made. He will sign a joint declaration on the amendments to the Operating Plan to ensure better planning of ASTs from September 2011 onwards.
EL updated on the state of asylum reform in Greece. EL welcomed ASTs, which have already led to concrete results in the transition process. In 2012 the new Asylum Service will be in place, asylum recognition rate increased up to 12.5%, and the backlog cases have already reduced by 9,000 cases.
EC welcomed the recent developments in Greece with respect to asylum reform however the EC also stated concerns about access to the asylum procedure, legal aid, the access to the Evros region, and the availability of medical support as well as the conditions in the detention centres.
UNHCR welcomed the changes in Greece and informed the MB about their activities there and the good cooperation within the EASO activities.
Other MB members also welcomed the changes in Greece. AT expressed concern about the reception conditions of asylum seekers, especially Unaccompanied Minors. DK stressed that apart from the attention given to the asylum reform; also attention needs to be drawn to the return policy and system. NL, AT, DK, FR, DE, BE stressed the need for key figures on the asylum reform in Greece and a timeline for ASTs in Greece.

Conclusion:
Chair MB concluded the discussion and asked ED EASO to present a factsheet on the key figures on asylum and a timeline of EASO’s activities at the next MB, which can be up-dated for each MB. ED EASO will prepare a factsheet, including the input on key figures from EL and UNHCR.
5. State of play on the setting up of EASO  
*Presentation by the Executive Director*

ED EASO informed the MB on the state of play of the setting up of EASO since the Inaugural Event of 19 June. The EASO office in Malta opened on 1 August. The logistical start-up of the office encountered some problems, but these are being tackled together with the assistance of the EC. Recruitment procedures are still in progress. From 16 September the EASO office in Malta has the same size as the EASO bureau-de-passage in Brussels: 12 staff in each location, half are temporary staff. Recruitment for the 27 posts advertised this Spring is still on-going. The ED stressed that he was able to find excellent candidates for the EASO management team. ED EASO informed the MB of his "Tour des Capitales", visits to MS are almost complete. November agenda items are: Lithuania, Portugal and Ireland. ED EASO will also present the Mission & Vision Paper of EASO.

6. EASO Work Programme 2011; state of play  
*Presentation of by the Executive Director and discussion*

ED EASO debriefed the MB on the implementation of the 2011 Work Programme. He pointed out that implementation is on track and some results have already been achieved, in particular, the deployment of ASTs to support Greece and the transfer of some EAC activities to EASO.

**Conclusion:**

Chair MB thanked the ED for the hard work and the excellent results achieved, and also the MS and EC for all support provided in different ways. He concluded by proposing to have a follow up discussion at the November meeting.

7. Implementation of the 2011 budget  
*Presentation by the Commission and discussion*

EC informed the MB of the state of play on implementation of the 2011 budget. The low absorption rate is due to limited staff, which impacts upon actions EASO can undertake. This will change as the EASO grows in 2012.

8. Draft Multi Annual Staff Policy Plan 2011-2013  
*Presentation by the Executive Director, discussion and decision*

Chair MB reminded that the MB had approved the MSPP in June but could not adopt it before obtaining the EC's opinion. The EC services delivered their opinion on 26 August. ED explained that the EC services made a number of recommendations and asked for more information/justifications on certain issues. EASO took into consideration the recommendations and provided the requested information/justifications by letter dated 6 September. ED EASO underlined that the most contentious points remain the staff levels in 2012 & 2013. ED EASO explained that in the MSPP, reference is made to the authorised 2012 staff levels (61) but some alternative scenarios have also been proposed. For 2013, EASO has asked for 80 staff as by that time, EASO should reach cruising speed and all functions would need to be manned. ED EASO assured that any increase in staff – beyond what is foreseen in the MSPP - will be exceptional and will take into account financial parameters established by the Budgetary Authority for EASO. He also added that the possibility of
recruiting at higher grades (AD9-AD12) for non-managerial posts has been clarified and will be used only in exceptional circumstances.

Finally, ED EASO informed that talks with the Maltese authorities on a schooling arrangement have reached an advanced level and solutions for the short and medium term have been identified.

EC stated that explanations and justifications for increased staff and higher grades given by the EASO will be considered at the right time within the financial parameters established by the Budgetary Authority for the EASO and the HR rules applicable to agencies. The authorised staff levels for 2012 are the same as those for 2011 (61) and the situation can change if the budgetary authority decides otherwise in the adoption of the 2012 Budget. For 2013, the staff levels will be decided early next year when the EC will prepare the draft budget for 2013 on the basis of 1) the rate of recruitment of 2011 & 2012, 2) budgetary situation and available margins, 3) the EASO work programme and 4) the request made in the MSPP.

EC also recalled that in its MFF proposal, given the current economic climate in Europe, it was proposed to reduce by 5% staff numbers in the Institutions, bodies and agencies by 2018. This would be achieved through natural cycling tools, such as retirement and restraint in taking on new staff. That is why it is important also for EASO to be very credible, realistic in the ambitions and the planning, efficient and effective in the implementation.

AT regretted the cut in staff. BE understood the need for budgetary restrictions but warned that linear restrictions usually have a stronger impact on the staff budget. Chair MB concluded by saying that EASO should focus on main priorities and that the situation could be reviewed in January 2012 once the 2012 budget is approved by the co-legislator.

Conclusion:
The revised MSPP was adopted by the Management Board.

9. Draft Work Programme 2012, including timeline and budget
Presentation by the Executive Director, discussion and decision

ED EASO presented the Work Programme 2012, stressing that EASO is just setting-up, and has prioritized its actions accordingly. EASO 2012 priorities: 1. Fulfilling the Operating Plan for Greece; 2. developing EASO work on EAC, COI, Quality and Interpreters’ Pool; 3. Building the EASO organisation.

Due to budget and staff limitations EASO will prioritise established functions, with less focus on EU external dimension, relocation and resettlement. Development of established areas notably training and COI might also be affected.

ED EASO explained that a high number of admin staff were required to ensure the operational activities run smoothly by organizing and reimbursing undertaken activities.

EC welcomed the level of ambition that EASO foresees for 2012, understanding the need to prioritize. In particular the support to Greece, the engagement on EAC and in other areas of practical cooperation is appreciated. However it was remarked that other practical cooperation tools, such as EURASIL or the COI portal need to be taken over and further developed by EASO.

UK welcomed WP 2012, but queried budget allocations and favoured a focus on Quality. SE welcomed Work Programme 2012, ED EASO’s presentation and agreed with the chosen priorities. SE remarked EASO should not be too dissatisfied by budget cuts, as EASO was still recruiting rather than letting staff go.

CZ welcomed WP 2012 highlighting firm foundations and logistics as essential for setting-up the EASO organisation. CZ requested flexibility in budgetary planning since EASO activities in 2012 cannot be predicted
AT welcomed Work Programme 2012, proposing a flexibility clause as per Work Programme 2011, to enable ED EASO to respond to changing conditions whilst EASO is still setting-up. FI welcomed WP2012 stressing EASO’s important work on COI and the continuation of the former EURASIL network.

SI welcomed WP2012, raised the number of EASO expert numbers, stating SI could not promise to be present at every expert meeting due to limited staff. SI proposed to add a prevention campaign on illegal migration in Kosovo to WP2012.

IT welcomed WP2012, stating EASO should add value rather than burden countries with more work. In particular, EASO should not duplicate the work of Eurostat. IT suggested instead of the Annual Report having a sole chapter on Italy it should change to “The Mediterranean” or “regional approach”. NL welcomed WP2012, like SE it expressed concern about the balance between operational and administrative staff. NL asked about impact upon EASO if not all staff are there on 1 January 2012.

FR welcomed WP2012, requesting a balance between operational and administrative staff. FR enquired about 2012 staff numbers, incl. SNE posts. ED EASO replied, that by the end of 2012 EASO should have 61 staff.

DE welcomed WP2012, but reminded EASO to be realistic in its priorities. COM replied, welcoming a flexible clause in WP2012. Regarding a prevention campaign in Kosovo, COM referred to existing EU funds.

ED EASO welcomed all remarks and will take into account the different views. ED EASO will insert the flexibility clause as has been done in the WP 2011. ED EASO shared the view of Italy not to duplicate the work of Eurostat. ED EASO replied to NL that recruitment to fill all 61 positions will continue in 2012, this is reflected in the Work Programme 2012.

Chair thanked MS for welcoming the WP2012 and all remarks made by MS and ED EASO. EASO will seek a good balance in administrative and operational staff expenditure, EASO will not give priority to the External Dimension coming year, and a flexibility clause will be added to the Work Programme 2012. Given the EASO Regulation, art. 29, to adopt the Work Programme 2012 before 30 September, the EC opinion must be expected as soon as possible. COM will do its utmost to adopt the opinion before 30 September in order that the WP 2012 can be sent out to the budgetary authorities (Council, Commission, European Parliament).

Conclusion:

In anticipation of a favourable opinion of the EC the Chair asked MSs to vote on the adoption of the EASO Work Programme 2012. The EASO Work Programme 2012 was unanimously approved by the Management Board pending a favourable opinion of the EC.

10. Draft 2012 Budget; state of play

Presentation by the Commission and discussion

EC updated MB members on the EASO Budget 2012. MB members were informed in June 2011 that the EC made very careful proposal for the 2012 Draft Budget taking into account current budgetary constraint. For EASO a 2M€ reduction was proposed, reducing the proposed EASO budget to 10M€. The European Parliament suggested reinstalling the original budget, and perhaps even extending the EASO budget to 12,9M€ in 2012. A final decision is in principle expected in November 2011. Currently, the Multi-Annual Staff Policy Plan and the EASO Work Programme 2012 follow the 10M€ budget plan.
11. Information on the EU Financial Perspectives

Presentation by the Commission

COM briefed MB members on the follow-up of decision-making on the EU Financial Perspectives 2014-2020. For Home Affairs around 9,2 billion € will be allocated, this excludes the budgets for the Home Affairs agencies. The Home Affairs agencies as well as the other agencies in Heading 3 (Justice, Health and Consumers, Education and Culture) are included in a general chapter under the MFF proposal. The total budget allocation requested for Home Affairs agencies was very ambitious but they will not receive all we have asked for.

The funding mechanism of DG HOME will be simplified, and divided into two funds; asylum & migration and internal security (incl. border management and visa policy). A portion will be reserved, so that funds are quickly available when emergencies arise. The other part of the funds will be reserved for Union actions on transnational level. Within the Asylum and Migration Fund, an important share goes to resettlement.

12. Outline of the EASO Annual Report

Presentation by the Executive Director and discussion

Chair reminded MB that the founding Regulation mentions two separate reports: one on the activities of EASO and the Annual Report on the situation of asylum in the EU, reminding all of the need to set realistic expectations.

ED EASO confirmed it as an ambitious document, with high demands set by the Regulations. ED EASO sought agreement on the merging of the reports into one. The Report, has two main parts:

- Reporting on EASO’s activities and their added value to the implementation of the CEAS;
- Reporting on trends in the EU asylum world, proposing methods for filling gaps. EASO to circulate a concept paper with a view to implementation by 2013 or later. EASO will send a questionnaire to MS about policy and legislative changes.

A draft report could be submitted to MB for February 2012 meeting.

COM supported idea of one report, stressing that the ambit of the report should be realistic.

MSs also were in favour of a single report, DE suggested seeking the opinion of the European Parliament for the future. Several MS, expressed concern about the scope of the Table of Contents, it should refer to national reports and websites rather than look like a comprehensive study in its own right. Most agreed with IE that the report should be “short, simple and comprehensive”. NL stated, highlighting trends would be more useful than reporting past events. IE and SE stated issuing only an electronic format would save resources.

BE stressed the report should be conceived as part of EASO’s communication strategy. IE underlined the contribution of the Annual Report to harmonisation of asylum and international protection statistics. IT suggested the Annual Report should include 1) a trend analysis, and 2) a regional approach. IT considers it essential to avoid duplication and repetition of MS data collections and ensure comparability. For that reason the data-sharing should first of all, take in consideration the already available data from European Statistical System (Regulation 862/2007).

ED EASO reminded MB that Article 12.1 of the EASO Regulation is very demanding as regards the Annual Report, but he would adopt a realistic approach. The report should include data relating to jurisprudence, since no reporting system is currently in place. Some MSs thought publication costs excessive, ED EASO advised they are mostly translation costs. Article 41.2 of the EASO Regulation provides that the Annual General report is produced in all official languages of the institutions of the European Union.
Conclusion:
Chair concluded the two reports mentioned under Article 29.1 (c) and (d) will be merged in the first issue;
- MB favours a comprehensive, short and simple report, consistent with Article 12.1
- first report will focus on activities and methodology;
Despite the tight schedule, it should be published in the first quarter 2012, as long as it is not necessary to respond to too many MS queries.

13. First impressions of the system of Asylum Support Teams and the Asylum Intervention Pool
Presentation by the Executive Director and discussion

Chair MB stressed that EASO-NCP meetings are important for the proper functioning of the AIP. He appreciated that these meetings will be held on a regular basis.
EASO ED updated MB on the AIP and the first experience with ASTs in EL, highlighting that the implementation of the operational plan in EL was a long-term task, whilst in general deployment of ASTs should focus on short-term emergency support. He explained that the AIP currently includes 400 experts and covers 13 profiles. EASO ED stressed that it was difficult to predict the profiles needed for future missions.
EASO ED emphasised that the system of ASTs worked well. He reported that the meeting between EASO and MS’ National Contact Points (NCP) on 29 July 2011 had been very useful, explaining that it highlighted several important conditions for the successful work of ASTs. EL thanked EASO for the deployment of ASTs, commending the work of the experts. EL hold the view that so far the results had been very good. AT stressed the need for constant evaluation of the performance of the ASTs and also requested that EASO coordinates the deployment dates in good time. NL suggested making the AST deployment evaluation questionnaire more specific. To save resources, NL proposed that training should only be given to experts chosen to participate in an AST. EASO ED agreed and promised to look for appropriate solutions.

Conclusion:
The Chair stressed that EASO-NCP meetings are important for the proper functioning of the AIP. He appreciated that these meetings will be held on a regular basis.

14. COI modus operandi and COI-Portal transfer plan
Presentation by the Executive Director and discussion

ED EASO presented the COI modus operandi, the COI Portal Quality Criteria and the COI Portal transfer plan. ED EASO explained the setting up of a Task Force, Working Parties, a Reference Group and a Group of External Experts. The aim is to support EASO in setting up its COI Function through a strategically coordinated use of existing expertise in the field of COI amongst the Member States and external experts. It was proposed to change the Working Groups to Working Parties. This proposal was accepted. DK asked if a role for observer countries was foreseen. FL and FR asked about the criteria for choosing the Task Force Members. UNHCR asked about their role in the above mentioned procedure. ED EASO responded, that observer countries can be invited to the Group of External Experts and to Working Parties. The Criteria were named as: expertise in the field of COI, ability to provide support, international cooperation and involvement in other projects or parts of EASO. ED EASO stated that UNHCR shall be invited to join the Reference Group. AT offered the ecoi.net multilingual thesaurus, if in exchange EASO covers the cost for the connection of ecoi.net. ED EASO stated that EASO will look into this possibility. ED EASO presented the first Quality Criteria for the COI Portal (see Quality Criteria in Annex), which are the basic criteria for the
upload area of the COI Portal, the criteria will be monitored, evaluated and further developed if needed. The COI Portal upload Area will now be opened.

15. EAC state of play and transfer plan
   Presentation by the Executive Director and discussion

ED EASO presented state of play on transferring EAC project activities under EASO. Significant progress in transfer of EAC has been achieved since the last EASO Management Board in June 2011, all 6 autumn EAC training sessions will be organised by EASO in Malta and 3 EAC modules will be updated during this period. In addition, EAC National Contact Point meeting and an Annual Didactic seminar will be organized by EASO this winter.

Further, an EAC Expert Pool has been established with trainers, content and didactic experts for all EAC activities. ED EASO highlighted that active engagement and commitment of all MS's experts is crucial for EASO to be able to provide and further develop quality training. EASO is also working on its own training strategy.

EASO plans to appoint an independent expert to evaluate the current on-line training platform used by EAC. It is expected that EAC IT servers will be fully managed by EASO by second half of 2012. Until then server operations will continue to be hosted in Norrköping, Sweden, and financially supported through a grant.

To ensure a smooth handover ED EASO suggested that two SNEs with knowledge of EAC from Sweden could join EASO Malta for a limited time. Permanent staff have not yet been appointed, so they would support EASO staff in managing EAC training activities.

COM welcomed recent developments on EAC and agreed on the procedure concerning the EAC IT services, the provision shall also be mentioned in EASO Work Programme 2012. A process coupled with the progressive stepping in of EASO. The Commission is ready to look at feasibilities of possibilities mentioned by the ED, within existing constraints and rules.

Furthermore the EC encouraged all MS's to nominate their national experts to the EAC Expert Pool. EC also reiterated its support to the Reference Group model for the development and update of the modules.

SE stressed that despite some challenges in handing over the project during this year they feel confident in the process and are positive that future challenges could be overcome. SE confirmed its willingness in cooperating with NL to provide Seconded National Experts on EAC to EASO if necessary.

Conclusion:
Chair MB closed the discussion stating that the Management Board supports the presented results of the project transfer and agrees with the possible engagement of national experts offered by SE and NL for a short time period.

16. Outline for the set-up of the Consultative Forum
   Presentation by the Executive Director and discussion

Chair explained that pursuant to Article 51 of the EASO Regulation, EASO shall set up a Consultative Forum (CF). Moreover, Article 31 states that the Executive Director shall be responsible for this Forum.

ED EASO informed that he would organise the first meeting of the CF on 15 December 2011, as promised during his EP hearing. He suggested setting up an advisory group in September 2011 composed of five advisors nominated by the EC, UNHCR, ECRE, ODYSSEUS Network and the EARLI. This group would advise the EASO Executive Director on the selection of representatives of civil society/ NGO's, topics for first CF annual meeting, how best involve expertise of civil
society in the work of EASO (working groups, expert meetings, internet consultation) and flexibility in participation (no permanent members, excl. UNHCR).

ED EASO wants to avoid formal statements which do not add any value. The first meeting should be small and focused. He also acknowledged that selection of participants will create discussion. The EMN structure was considered as ideal, where participants are chosen according to the topic being discussed, i.e., variable participation.

ED EASO added that as from 2012, expert meetings, workshops and specific consultations including internet consultations, will be developed as methods for consultation. The possibility of confidential consultation will be explored. For the first CF meeting in December, participants will pay for their own travel and accommodation expenses. This method can be evaluated thereafter. Once the CF is constituted, EASO will propose an operational plan which will include rules on the frequency and nature of consultation and the relevant organisational mechanisms.

IE maintained that the advisory group should not discuss the terms of reference of the CF, but the format. IT questioned the participation of the Odysseus Network in the advisory group. Some delegations enquired about the role of the MSs and the MB in the CF. Various MSs stated that they prefer not to have a role in the selection of participants. EC stated that the CF should create a sense of ownership and belonging for civil society. ED EASO concluded by stating that civil society is about public support for EASO. MSs will be invited to the CF.

**Conclusion:**
Chair MB summed up the discussion saying that the CF is very sensitive yet important. MSs do not want to be involved in the selection of participants. The advisory group will advise the ED but the responsibility rests with ED EASO. MSs will nominate their respective participants in the CF.

**17. Draft implementing rules of the Staff Regulations**
*Presentation by the Executive Director, discussion and decision*

Chair MB informed that in accordance with Article 38 (2) of the EASO Regulation, the MB shall adopt implementing measures referred to in Article 110 of the Staff Regulations in agreement with EC. Six draft decisions have been proposed by ED EASO: 1) a jumbo decision adopting a set of Commission implementing provisions by analogy, and 2) five draft decisions that were adapted to fit EASO's needs. A cover note explaining the different categories of implementing rules has been circulated ahead of the meeting. Once these rules are approved by the MB, EC will be asked to give its formal agreement. This process might take several months.

ED EASO gave further detail about the different implementing measures. EC insisted that the package of decisions must be considered altogether. Chair MB proposed three options: 1) if the EC will not have comments on the drafts, they will be automatically adopted, 2) should the EC have comments on some decisions, these will be adopted by written procedure, and 3) if EC suggests major changes to some of the decisions, these will be discussed again by the MB.

**Conclusion:**
The MB approved the draft implementing rules subject to the EC agreement.
18. Draft rules for the application of Regulation 1049/2001 on access to documents  
Presentation by the Executive Director, discussion and decision

Chair MB informed that detailed rules for applying Regulation (EC) No 1049/2001 on access to documents in line with Article 42 of the EASO Regulation must be adopted by the MB in earnest. A draft decision was sent to delegations ahead of the meeting.

ED EASO briefly explained that the purpose of the draft decision, making particular reference to Article 3, which outlines a number of instances where EASO shall refuse access. The draft also makes explicit reference to treatment of co-authored and joint documents, such as the Operating Plan, and third party documents. Classification rules are also defined in Annex 1.

COM highlighted that the public should have access to EASO documents unless these documents fall under any of the exemptions outlined in Article 3 of the draft EASO Decision. Referring to Article 3, SE, supported by AT, called for the insertion of two additional sub-articles; 1) that a Member State may request the EASO not to disclose a document originating from that Member State without its prior agreement, and 2) that the exceptions laid down in paragraphs 1 to 4 of Article 3 shall only apply for the period during which protection is justified on the basis of the content of the document. NL and FR asked about disclosure of COI reports. AT also asked what is meant by ‘a document’ in the draft decision. SK asked what is meant by ‘EASO’. ED EASO replied that a document is an existing text not something that EASO would have to generate to accommodate the request - there is ample jurisprudence on this matter. EASO means the Agency. Regarding COI reports, ED EASO asserted that this depended on the content of the report. The rules are about the content not format or type of document. BE asked which regime applied to documents uploaded on the COI Portal. ED EASO maintained that for now, only public documents are accessible on the COI Portal but in the future there indeed could be restricted ones. This is a matter that requires further consideration.

Conclusion:
MB concluded that the two new sub-articles under Article 3 proposed by SE will be incorporated in the text together with some minor modifications proposed by EC ahead of the meeting. The MB adopted the draft decision.

19. Status of associated countries  
Presentation of state of play by the Commission

EC informed that at an informal information meeting earlier this year the associate countries expressed their preference for having 4 bilateral arrangements, as opposed to one covering all of them, with the EU on their participation in the work of EASO. A Council Decision to authorise the EC to open negotiations for the conclusion of arrangements between the European Union, Iceland, Norway, Switzerland and Liechtenstein on the modalities of the participation by those States in the EASO was discussed during the JHA Counsellors meeting on 15 September. The recommendation from the EC to open negotiations with the associate countries met general support from the Member States. Once the Council adopts the negotiating directives, the EC will invite the associate countries to open formal negotiations on the four agreements. The agreements may be applied provisionally from the time of signature, allowing the associate countries to begin their involvement in the work of the EASO.

EC added that it plans to hold exploratory talks with the associate countries in October to prepare the ground for the formal negotiations so as not to lose any time. ED EASO hoped to make rapid progress on associating the 4 countries. A practical way of cooperation has already been tried, such as the input of Norway and Switzerland on COI.

Conclusion:
The MB took note of progress. The Chair looks forward to fully involve all countries and welcomes more news in the next MB. The Chair stressed the involvement of ED EASO in this process.

20. Dates of the next Management Board meetings in 2011 and 2012

The next MB meeting will have a shorter agenda, held on one day, 25 November. On 24 November an informal welcome dinner will be organized. Furthermore, the Chair proposed to organize in 2012 4 MB meetings, meaning MB meetings on 2 and 3 February, 18 and 19 June, in September (date to be decided upon) and 22 and 23 November.

21. AOB

Dan Eliasson of SE announced that he will be leaving his current position and will head another government agency. He thanked the Chair MB, the members and the Executive Director of EASO for their support and reminded them of the valuable support provided by GDISC through its cooperation EASO. The Chair thanked Dan Eliasson for his valuable contribution.