



EUAA/MB/2022/155

**Management Board Decision No 111
of 23 June 2022**

**on the establishment and composition of the Consultative Forum and on the conditions for
transmitting information thereto**

THE MANAGEMENT BOARD,

HAVING REGARD to Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum¹ (hereinafter ‘the EUAA Regulation’), and in particular Article 50 thereof,

WHEREAS:

- 1) As the Union centre of expertise on asylum and reception, the EUAA was established to contribute to ensuring the efficient and uniform application of Union law on asylum in the Member States in a manner that fully respects fundamental rights, to facilitate and support the activities of the Member States in the implementation of the Common European Asylum System (CEAS), including by enabling convergence in the assessment of applications, by coordinating and strengthening practical cooperation and information exchange among Member States, and to improve the functioning of the CEAS through monitoring its application as well as by providing operational and technical assistance, in particular to Member States whose asylum and reception systems are facing disproportionate pressure.
- 2) In carrying out its tasks, the Agency cooperates closely with national authorities responsible for the management of asylum and reception systems, relevant Union bodies, offices and Agencies, international organisations as well as relevant civil society organisations and other competent bodies.
- 3) Many active and diverse civil society organisations and competent bodies that operate in the area of asylum and reception can contribute specific experience and expertise to different aspects of the Agency’s work.
- 4) With a view to maintaining a close dialogue between the Agency and civil society, a Consultative Forum was first established in 2011 by the European Asylum Support Office² as a mechanism for the exchange of information and pooling of knowledge. Over the years, the Agency has engaged with civil society primarily via its Consultative Forum, meetings and

¹ Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010, (OJ L 468, 30.12.2021, p. 1).

² Pursuant to Article 51 of Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office, (OJ L 132, 29.5.2010, p. 11).





consultations, whilst selected civil society organisations have additionally been invited to participate and contribute directly to different thematic areas of the Agency's work.

- 5) With the entry into force of the EUAA Regulation, the Consultative Forum will be established as part of the administrative and management structure of the Agency³ and will have a reinforced role, with several changes being introduced to its composition, activities and areas of consultation.
- 6) Pursuant to Article 50(1) of the EUAA Regulation, the Agency shall continue to maintain a close dialogue with relevant civil society organisations and relevant competent bodies operating in the field of asylum policy at local, regional, national, Union or international level and shall set up a Consultative Forum for that purpose.
- 7) Pursuant to Article 50(2) of the EUAA Regulation, the Consultative Forum remains a mechanism for the exchange of information and the sharing of knowledge.
- 8) Article 50(3) of the EUAA Regulation addresses the composition of the Consultative Forum. It provides that the European Union Agency for Fundamental Rights, the European Border and Coast Guard Agency, the United Nations High Commissioner for Refugees and other relevant civil society organisations and competent bodies active in the field of asylum policy shall be invited to become members to the Consultative Forum. It specifies that, on a proposal of the Executive Director, the Management Board shall decide on the composition of the Consultative Forum, including on thematic or geographically focused consultation groups, and on the conditions for transmitting information to the Consultative Forum. The Consultative Forum shall, after consulting the Management Board and the Executive Director, establish its working methods, including thematic or geographically focused working groups as deemed necessary and useful.
- 9) Pursuant to Article 50(4) of the EUAA Regulation, the Consultative Forum shall advise the Executive Director and the Management Board on asylum-related matters in accordance with the Agency's specific needs in areas identified as a priority for its work. In view of its advisory role, the Consultative Forum should exercise its functions independently of the other administrative and management structures of the Agency.
- 10) According to Article 50(5) of the EUAA Regulation the Consultative Forum shall, in particular, make suggestions to the Management Board on the annual and multi-annual programming referred to in Article 42 of the EUAA Regulation, provide feedback to the Management Board and suggest measures as follow-up to the annual report on the situation of asylum in the Union referred to in Article 69 of the EUAA Regulation, communicate to the Executive Director and the Management Board the conclusions and recommendations of conferences, seminars and meetings, and the findings from studies or field work carried out by any of the member organisations or bodies of the Consultative Forum that are relevant to the work of the Agency.

³ Within the meaning of Article 39 of the EUAA Regulation.



- 11) In accordance with Article 50(6) of the EUAA Regulation the Consultative Forum shall be consulted on the preparation, adoption and implementation of the fundamental rights strategy referred to in Article 57(3) of the EUAA Regulation and the code of conduct referred to in Article 58 of the EUAA Regulation, the setting up of the complaints mechanism referred to in Article 51 of the EUAA Regulation, and the development of the European asylum curriculum referred to in Article 8(3) of the EUAA Regulation. Moreover, according to Article 49(4) of the EUAA Regulation, the Fundamental Rights Officer shall cooperate with the Consultative Forum.
- 12) Pursuant to Article 50(7) of the EUAA Regulation, the Consultative Forum shall meet in full session at least once a year and shall organise meetings for the thematic or geographically focused consultation groups as necessary.
- 13) Whilst this Decision sets out the composition of the Consultative Forum and conditions for transmitting information thereto, as proposed by the Executive Director to the Management Board, the Consultative Forum, once set up, will establish its working methods, in accordance with Article 50(3) of the EUAA Regulation, after consulting the Management Board and the Executive Director,

HAS DECIDED AS FOLLOWS:

**CHAPTER ONE
GENERAL PROVISIONS**

**Article 1
Consultative Forum**

Pursuant to Article 50(1) of the EUAA Regulation, a Consultative Forum is hereby established.

**Article 2
Composition of the Consultative Forum**

1. Pursuant to Article 50(3) of the EUAA Regulation, the following shall be invited to be members of the Consultative Forum:
 - a) The European Union Agency for Fundamental Rights (FRA);
 - b) The European Border and Coast Guard Agency (Frontex);
 - c) The United Nations High Commissioner for Refugees (UNHCR);
 - d) Civil society organisations and relevant competent bodies operating in the field of asylum policy at local, regional, national, Union and international level (hereinafter 'relevant organisations and bodies').



2. The relevant organisations and bodies referred to in paragraph 1(d) may become members of the Consultative Forum provided that the conditions set out in Annex 1 to this Decision are met.

Article 3

Process for civil society organisations and competent bodies to become members of the Consultative Forum

1. The Agency shall launch an open call for expressions of interest for relevant organisations and bodies to become members of the Consultative Forum. The call for expressions of interest shall be published by the Agency and shall include the rules according to which the members of the Consultative Forum are selected.
2. The call for expressions of interest shall remain open indefinitely and relevant organisations and bodies may apply to become members of the Consultative Forum at any time.
3. The Agency shall consider the expressions of interest received and, where applicable, approve membership of the Consultative Forum on the basis of the criteria set out in Annex 1 to this Decision.
4. The Agency shall inform the relevant organisations and bodies in writing of the outcome of their respective expressions of interest. In the case of an unsuccessful outcome, the Agency shall inform the concerned relevant organisation or body of the reasons thereof.
5. The membership of civil society organisations and competent bodies in the Consultative Forum shall be made public.

Article 4

Withdrawal or revocation of Consultative Forum membership

1. Relevant organisations and bodies may at any time notify the Agency that they no longer wish to be members of the Consultative Forum. Following such notification, the relevant organisation or body shall cease to be a member of the Consultative Forum.
2. The Agency shall retain the right to revoke the membership of a relevant organisation or body from the Consultative Forum if the Agency concludes, based on an internal assessment, that the member no longer fulfils the conditions as set out in Annex 1 to this Decision. Such revocation shall be decided at middle management level⁴ and only after engaging with the relevant organisation or body. Where such decision to revoke membership is taken, the concerned relevant organisation or body shall be informed in writing of the decision and the reasons therefor. The concerned relevant organisation or body may appeal within four weeks of the decision in writing to the Executive Director. The Executive Director will take a final decision on

⁴ Within the meaning of Management Board Decision no 77 of 26 August 21 on middle management staff.



the matter within four weeks of the appeal. Decisions to revoke membership shall be notified to the Management Board upon becoming final.

3. Upon notification as referred to in paragraph 1, or revocation as referred to in paragraph 2, a relevant organisation or competent body shall cease to be a member of the Consultative Forum. This does not preclude the relevant organisation or competent body from submitting a new expression of interest at a subsequent stage should they (again) fulfil the conditions set out in Annex 1 to this Decision, in which case Article 3 applies.

Article 5

Thematic and/or geographically focused consultation groups

1. In accordance with Article 50(3), the thematic and/or geographic consultation groups listed in Annex 2 to this Decision are hereby established. The list of consultation groups as specified in Annex 2 to this Decision may be amended by the Management Board when considered appropriate, upon a proposal of the Executive Director.
2. The conditions for membership to the consultation groups are set out in Annex 2 to this Decision. The Agency shall select the members of these consultation groups upon an expression of interest, and in line with the conditions set out in Annex 2 to this Decision, whilst also taking into account the desired size of such consultation groups for efficiency purposes.
3. The workings of the consultation groups shall be reviewed as part of the reporting referred to in Article 11 of this Decision.

Article 6

Working methods

1. In accordance with Article 50(3) of the EUAA Regulation, the Consultative Forum shall, after consulting the Management Board and the Executive Director, establish its working methods. It shall for this purpose, at its first meeting, designate a chairperson *ad interim* to coordinate the process on the development of the working methods.
2. The working methods shall include, pursuant to Article 49(4) of the EUAA Regulation, the modalities of cooperation between the Consultative Forum and the Fundamental Rights Officer of the Agency.
3. The working methods may be amended by the Consultative Forum following the same procedure referred to in paragraph 1.



Article 7

Declaration of interests

1. Membership of the Consultative Forum does not preclude any relevant organisation or body from cooperating with or providing, in alternative ways, services to the Agency.
2. In those cases where members of the Consultative Forum have concluded a contract with the Agency which includes an element of remuneration, the concerned member of the Consultative Forum remains, as a contractor to the Agency, under the obligation to fully abide by all contractual provisions including those related to any potential conflicts of interest and/or professional conflicting interests.
3. In accordance with the Agency's policy on prevention and management of conflicts of interests, each relevant organisation or body shall ensure that any conflict of interest is duly declared to the Agency in a timely manner.
4. Individuals representing the relevant organisation or body in the Consultative Forum shall, where relevant, declare any conflict of interest and may for that purpose be required to sign a declaration of interests in their personal capacity.
5. The Agency shall take the required preventive action appropriate to the level of risk of exposure to the conflicting interests, and if needed, take appropriate action in case of breach of trust. The Agency may also, in any event, require the organisation as described in paragraph 2 above to undertake additional safeguards to mitigate the risk that the conflict of interests materialises.

CHAPTER TWO

CONDITIONS FOR TRANSMITTING INFORMATION TO THE CONSULTATIVE FORUM

Article 8

Exchange of information

1. The Agency and the Consultative Forum shall exchange information through Consultative Forum meetings, including a plenary meeting organised at least once a year, supplemented by meetings of the thematic or geographically focused consultation groups as necessary, in accordance with Article 50(7) of the EUAA Regulation.
2. The Agency shall consult the Consultative Forum on all matters where it is required to do so by the EUAA Regulation. It shall also regularly inform members of the Consultative Forum about its ongoing work.
3. Members of the Consultative Forum shall communicate conclusions and recommendations of conferences, seminars and meetings, and findings from studies or field work they carried out that are relevant to the work of the Agency, in accordance with Article 50(5)(c) of the EUAA Regulation.



Article 9

Sensitive non-classified information

1. Considering that the Agency may on a case-by-case and “need to know” basis decide to share, *inter alia*, sensitive non-classified information⁵ with members of the Consultative Forum, the Agency may require the representatives of the members of civil society organisations and competent bodies to sign a declaration of confidentiality on behalf of their respective organisations.
2. The declarations of confidentiality referred to in paragraph 1 above shall serve to ensure that the respective members of the Consultative Forum are under an obligation of confidentiality and may not disclose to any unauthorised person, or a person outside their organisation, or the public, any sensitive non-classified information which came to their knowledge through their membership to the Consultative Forum.

CHAPTER THREE

FINAL PROVISIONS

Article 10

Expenses

1. The Agency shall allocate an adequate annual budget for the activities of the Consultative Forum. The Consultative Forum’s budget shall cover costs related to the activities of the Consultative Forum, including 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 the reimbursement of expenses incurred by participants invited to attend EUAA activities⁶.
2. The Agency shall provide the secretariat of the Consultative Forum.

Article 11

Reporting

The Agency shall report periodically to the Management Board on the composition and functioning of the Consultative Forum.

⁵ In accordance with the Agency’s rules on the processing of EU Restricted and sensitive non-classified information.

⁶ Decision of the Executive Director No 6 of 14 January 2021 on the rules for reimbursement of expenses incurred by participants invited to attend EASO activities.



Article 12
Entry into force

This Decision enters into force on the date of its adoption.

Done at Valletta Harbour

For the Management Board

Signature on file

Mikael Ribbenvik
Chairperson of the Management Board

Annexes: **Annex 1:** List of criteria to be fulfilled by civil society organisations and relevant competent bodies to become members of the Consultative Forum
 Annex 2: Thematic consultation groups



Annex 1

List of criteria to be fulfilled by civil society organisations and relevant competent bodies to become members of the Consultative Forum

Civil society organisations and relevant competent bodies wishing to become members of the Consultative Forum shall fulfil all of the following requirements:

Criterion	Description and examples
Type of organisation/body	In accordance with Article 50(1) of the EUAA Regulation, participation in the Consultative Forum shall be open to relevant “civil society organisations” and relevant “competent bodies” operating in the field of asylum policy at local, regional, national, Union, or international level. In accordance with the EUAA Regulation, the Forum shall therefore consist of participants who represent organisations/bodies and not persons acting on an individual basis.
Thematic expertise	<p>The civil society organisation or competent body shall be active in the field of asylum policy at either local, regional, national, Union, or international level and have established knowledge and expertise in the areas relevant to the work of the Agency.</p> <p>Examples of relevant activities/services in the field of asylum policy provided by civil society organisations or competent bodies could include <i>inter alia</i>⁷ :</p> <ul style="list-style-type: none"> - Advocacy and/or research on issues related to asylum/reception/refugees; - Information provision; - Legal counselling/aid, litigation; - Cultural mediation; - Interpretation; - Provision of housing/accommodation; - Provision of other reception related services, such as transportation, food; - Health services; - Education; - Orientation/integration; - Employment; - Guardianship; - Identification and referral of persons with special needs;

⁷ This is a non-exhaustive list and serves to provide an overview of relevant examples of activities that could demonstrate that the organisation or body is “active in the field of asylum policy”.



Criterion	Description and examples
	<ul style="list-style-type: none"> - Provision of training; - Provision of administrative support to authorities (e.g., assisting authorities with administrative tasks in the area of reception/asylum). <p>Examples of thematic expertise relevant to different areas of the Agency's work include:</p> <ul style="list-style-type: none"> - Expertise in the area of vulnerable groups including children, trafficking, sexual orientation and gender identity, torture/serious forms of violence, gender-based violence, disabilities/medical issues, etc.; - Expertise on country-of-origin information; - Expertise on training delivery and training development in the area of asylum; - Expertise on reception (first and second line); - Expertise on asylum processes; - Expertise on relocation and/or other solidarity mechanisms; - Expertise on resettlement and humanitarian admission; - Expertise on research, data collection, situational awareness, forecasting; - Expertise on temporary protection.
Geographical scope	<p>The civil society organisation or competent body shall have:</p> <ul style="list-style-type: none"> - an office in one of the EU Member States, or associated countries⁸ with whom the EUAA has a working arrangement in place, and/or; - relevant operations/activities in the EU Member States, or associated countries with whom the EUAA has a working arrangement in place.
Commitment to engage with the Consultative Forum in a constructive manner	<p>The civil society organisation or competent body is committed to engage actively and in a respectful and fruitful dialogue with the EUAA and others cooperating in the Consultative Forum. The organisation or competent body shall also refrain from any conduct that may be harmful to the Agency or its reputation.</p>
Confidentiality agreement	<p>At the request of the Agency, the civil society organisation or competent body shall sign a confidentiality agreement to ensure that any sensitive non-classified information shared through the Consultative Forum is not disclosed to any unauthorised person, or a person outside the civil society organisation or competent body, or to the public.</p>

⁸ These include Iceland, Lichtenstein, Norway and Switzerland.



Annex 2

Thematic consultation groups

As part of the Consultative Forum, the following thematic consultation groups are hereby established:

- a) Country of origin information;
- b) Vulnerable groups.

Civil society organisations or competent bodies that wish to participate in the thematic consultation group on **country-of-origin (COI) information** shall fulfil all of the following conditions:

- Be a member of the Consultative Forum, and
- Have proven COI experience, including demonstrated experience in researching COI, drafting COI products, applying COI methodology as per the EUAA's methodology or similar COI common guidelines observing the same quality standards and general principles.

Civil society organisations or competent bodies that wish to participate in the thematic consultation group on **vulnerable groups** shall fulfil all of the following conditions:

- Be a member of the Consultative Forum, and
- Have proven knowledge and experience with vulnerable groups, including amongst others from one or more of the following categories: children (accompanied and/or unaccompanied), trafficking, sexual orientation and gender identity, torture/serious forms of violence, gender-based violence, disabilities/medical issues.