



EUAA/MB/2023/133

**Management Board Decision No 139
of 26 June 2023**

on the nature and terms of deployment of liaison officers to the Member States, the regions of deployment and the Member States that will host them

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 7 thereof,

WHEREAS:

- 1) Pursuant to Article 7 of the EUAA Regulation, the Executive Director should appoint experts from the Agency’s staff to be deployed as liaison officers in Member States. Liaison officers should act on behalf of the Agency and should foster cooperation and dialogue between the Agency and the national authorities responsible for asylum and immigration and other relevant services.
- 2) In accordance with Article 7(2), the Executive Director must, in consultation with the Member States concerned, make a proposal on the nature and terms of deployment and on the Member State or region to which a liaison officer is to be deployed, with the possibility for one liaison officer to cover up to four Member States that are geographically close to each other. The proposal from the Executive Director is subject to approval by the Management Board.
- 3) The Agency carried out consultations on the deployment of liaison officers with the Member States on different levels and occasions, including at the 41st and 43rd meetings of the Management Board, and through meetings and written consultations with technical focal points nominated by the Member States. On the basis of those consultations, the Executive Director submitted a proposal to the Management Board on the nature and terms of deployment of EUAA liaison officers to the Member States (hereinafter ‘liaison officers’), on the regions of deployment and the Member States that would host them. It is therefore necessary for the Management Board to approve the Executive Director’s proposal.
- 4) Pursuant to Article 60(1) of the EUAA Regulation, the Staff Regulations of Officials of the European Union (the ‘Staff Regulations’) and the Conditions of Employment of Other Servants

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).





of the Union (the 'CEOS')² shall apply to the Agency's staff. In accordance with paragraph 5 of the aforementioned article, the Agency may employ staff to work in the field in Member States.

- 5) Pursuant to Article 343 of the Treaty on the Functioning of the European Union (TFEU) and Protocol No 7 on the Privileges and Immunities of the European Union, annexed to the Treaty on European Union (TEU) and to the TFEU, shall apply to the Agency and its staff, including to liaison officers, as recalled in Article 61 of the EUAA Regulation.
- 6) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the TEU and TFEU³, Denmark has not taken part in the adoption of the EUAA Regulation and is not bound by it nor subject to its application. Pursuant to Article 33 of the EUAA Regulation, the Agency shall facilitate operational cooperation with Denmark, including the exchange of information and best practices in matters covered by its activities. Since the deployment of liaison officers aims at facilitating such exchange of information, that may also take place through such deployment if mutually agreed by Denmark and the Agency.
- 7) In accordance with Article 34 of the EUAA Regulation, the Agency is open to the participation of Iceland, Liechtenstein, Norway and Switzerland and the nature, extent and manner in which they are to participate in the Agency's work must be set out in relevant arrangements. Those arrangements may provide for the deployment of liaison officers to those countries.
- 8) In accordance with Article 65 of the EUAA Regulation, the Agency shall apply the Commission's rules on security as set out in Commission Decisions (EU, Euratom) 2015/443⁴ and (EU, Euratom) 2015/444⁵. Those rules shall apply, in particular, to the exchange, processing and storage of classified information. The Agency shall also apply the security principles relating to the processing of sensitive non-classified information as set out in Decisions (EU, Euratom) 2015/443 and (EU, Euratom) 2015/444 and as implemented by the Commission.
- 9) Nothing in this Decision should be understood as affecting in any way the distribution of competences within the Member States,

HAS DECIDED AS FOLLOWS:

² Staff Regulations of Officials of the European Union ('Staff Regulations') and Conditions of Employment of Other Servants of the European Union ('CEOS'), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68, OJ L 56, 4.3.1968, p. 1, as last amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013, (OJ L 287, 29.10.2013 p. 15).

³ OJ C 326, 26.10.2012, p. 299–303

⁴ Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission, (OJ L 72, 17.3.2015, p. 41).

⁵ Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information, (OJ L 72, 17.3.2015, p. 53).



Article 1

Subject

This Decision sets out the nature and terms of the deployment of the Agency's liaison officers to the Member States as referred to in Article 7 of the EUAA Regulation. It also specifies the regions of deployment of liaison officers and the Member State that will host the liaison officer within each region.

Article 2

Definitions

For the purposes of this Decision, the following definitions shall apply:

1. 'hosting' Member State' means the Member State within each region of deployment where the Agency's liaison officer is physically based;
2. 'region of deployment' means the group of Member States which are geographically close to each other and are covered by one liaison officer;
3. 'date of deployment' means the date on which the liaison officer first arrives in the 'hosting' Member State to start their deployment.

Article 3

Status of the liaison officers

1. The liaison officers are staff members of the Agency, subject to the Staff Regulations and CEOS, who act on behalf of the Agency and its Executive Director vis-à-vis the relevant authorities of the Member States within their region of deployment.
2. The Agency and the liaison officers, as Agency staff members, enjoy on the territory of the European Union the privileges and immunities provided for in Protocol No 7 on the Privileges and Immunities of the European Union annexed to the TEU and TFEU (hereinafter 'Protocol no 7').
3. The 'hosting' Member State may at its discretion offer additional privileges and immunities to the liaison officer. In so doing, the 'hosting' Member State may take into account the conditions already applicable to the staff of other Union institutions, agencies and bodies based in its territory.

Article 4

Role and tasks of liaison officers

1. Liaison officers shall act on behalf of the Agency and shall foster cooperation and dialogue between the Agency and the national authorities responsible for asylum and immigration and other relevant services of the Member States within their respective regions of deployment.



2. Liaison officers shall carry out the tasks listed in Article 7(4) of the EUAA Regulation.
3. Without prejudice to Article 7(6) of the EUAA Regulation, the tasks referred to in paragraph 2 shall be performed in a spirit of cooperation with the national authorities of the Member State.

Article 5

Cooperation between the liaison officers and the national authorities of the Member States

1. For the purposes of fulfilling the tasks set out in Article 7(4) of the EUAA Regulation, the liaison officers and the national authorities responsible for asylum and immigration and other relevant services shall cooperate in good faith, in accordance with Article 4(1) of the EUAA Regulation.
2. Where appropriate, and taking into account the practical arrangements set out in Annex 1 to this Decision, the liaison officers shall:
 - i) foster regular contacts with the national authorities responsible for asylum and immigration and other relevant services, including at the level of senior management of the national authorities as appropriate;
 - ii) request and provide relevant information in a timely and accurate manner, in accordance with the applicable legal framework and in particular Article 4(2) of the EUAA Regulation;
 - iii) provide information on relevant activities and meetings, invite the relevant authorities to those activities and meetings and organise joint activities with the relevant national authorities responsible for asylum and immigration;
 - iv) visit the premises of national authorities for asylum and reception, including operational areas such as reception centres, subject to applicable security rules.
3. As the exchange of information may include sensitive non-classified and national and EU classified information, the liaison officers shall comply with the security rules referred to in Article 65 of the EUAA Regulation. Furthermore, the liaison officers shall not have access to individual asylum applications or case files.
4. The liaison officer shall keep the point of contact designated by the Member State concerned (pursuant to Article 8) informed of all of their activities referred to in paragraph 2.
5. Each Member State and the Agency may agree on other specific arrangements or procedures to be followed for the purposes of the carrying out by the liaison officer of the activities listed in this Article, including in relation to their exact nature and extent and the parties involved.

Article 6

Date and duration of deployment of a liaison officer

1. The Executive Director shall notify the Member States concerned in writing of the date of deployment of the liaison officer at least 3 months prior to the envisaged date of deployment.



2. The notification shall include the name and surname of the liaison officer and other information relevant to the deployment.
3. The Agency shall, as soon as possible, notify the Member States concerned of the end of the deployment of the liaison officer and of any subsequent replacement.
4. The notifications referred to in paragraphs 1 to 3 of this Article shall be made to the point of contact designated by the Member State pursuant to Article 8.

Article 7

Regions of deployment and Member States hosting liaison officers

1. The regions of deployment of the liaison officers, as well as the 'hosting' Member States are specified in Annex 2 to this decision.
2. In accordance with Article 33 of the EUAA Regulation, the Agency shall facilitate operational cooperation with Denmark, including by means of the deployment of a liaison officer to Denmark, if mutually agreed by Denmark and the Agency.
3. The Agency and each 'hosting' Member State shall agree on the terms and conditions for making available a working area in that Member State prior to the date of deployment of the liaison officer, except where the Agency already has appropriate office space available to it as set out in Annex 2.
4. A Member State may at any time notify the Agency and the other Member States in the respective region of deployment that it is no longer willing to be a 'hosting' Member State within that region of deployment. In the case where the liaison officer is already physically present in that Member State, the Agency and the Member State shall agree on a reasonable timeframe of not less than six months after which the Member State is no longer to be considered the 'hosting' Member State. Following such a notification the Executive Director shall, if necessary, make a proposal to the Management Board for an amendment to Annex 2 to this Decision.

Article 8

Points of contact

1. Each Member State shall designate a national point of contact as referred to in Article 7(5) of the EUAA Regulation and shall communicate without delay the contact details of their national point of contact to the Agency.
2. The Agency shall designate for each Member State a point of contact for all matters relating to the liaison officers and shall communicate without delay their contact details to the Member State concerned.



Article 9 Transparency

This Decision shall be made public on the Agency's website.

Article 10 Review

1. The Agency shall review the deployment and functioning of the liaison officers, including the regions of deployment and 'hosting' Member States set out in Annex 2, at the latest 3 years following the deployment of all such liaison officers, and periodically thereafter.
2. For the purposes of the review referred to in paragraph 1, the Agency shall take into account the views of the Member States and other stakeholders as appropriate.
3. On the basis of that review, the Executive Director may, where necessary, make a proposal to the Management Board for the amendment or replacement of this Decision.

Article 11 Entry into force

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

Done at Stockholm

For the Management Board

Signature on file

Mikael Ribbenvik
Chairperson of the Management Board

Annexes: Annex 1: Practical arrangements for cooperation between liaison officers and the national authorities of Member States.
Annex 2: Regions of deployment and 'hosting' Member States.



Annex 1

Practical arrangements for cooperation between liaison officers and national authorities of the Member States

The following practical arrangements are without prejudice to any procedures and/or arrangements that might be agreed between the Member State and the Agency pursuant to Article 5(5) of this Decision.

1. Notification of deployment of a liaison officer

- i) Without prejudice to Article 6 of this Decision, the Agency will also submit a formal notification of the deployment of a liaison officer to the competent diplomatic service of the Ministry of Foreign Affairs of the 'hosting' Member State.
- ii) The notification will include the names and surnames of the family members of the liaison officer to whom the privileges and immunities of Protocol No 7 apply.

2. Provision of a working area in Member States other than the 'hosting' Member State

- i) In the exercise of their tasks, liaison officers will travel to the Member States within their region of deployment other than the 'hosting' Member State. Those other Member States, whenever requested by the liaison officer and wherever possible, will endeavour to provide them with a working area free of charge, including adequate equipment, and access to facilities as necessary and as may be available.

3. Granting access to a liaison officer to premises of Member States

- i) The Member States will also endeavour to provide the respective liaison officers with access to premises (other than the working area made available to them), insofar as such access is relevant for the performance of their tasks. Those premises may include in particular the offices of asylum and reception authorities of the Member States and relevant operational facilities, such as reception centres.
- ii) Access to premises as referred to in point (i) is granted by the Member State upon a request made by the liaison officer. The request will provide the reason(s) for the visit, including its envisaged scope and nature, with reference to the corresponding task(s) of the liaison officer.
- iii) The request for access will be submitted by the liaison officer sufficiently in advance of the visit and in principle two weeks prior to the visit. It will be handled by the Member State without delay, taking into account that the involvement of other competent authorities may require additional time. Should the Member State intend to refuse granting access to the requested premises, it will



notify the liaison officer. The Member State will also inform the liaison officer of any foreseen delay in the handling of the request. The lack of a reply shall not be construed as tacit acceptance of the request.

- iv) Unless already provided for in procedures or arrangements agreed pursuant to Article 5(5) of this Decision, the Member State concerned will notify the liaison officer of any specific rules that may be applicable to such access and the liaison officer shall ensure respect thereof.

4. Translation and interpretation services

- i) Any translations of information and data made available in line with Section 5 of this Annex will be provided by the Agency at its own expense.
- ii) Interpretation services required for meetings held by liaison officers will be arranged by the Agency at its own cost.

5. Exchange of information

- i) The Member States will endeavour to provide the respective liaison officer, on their own initiative or upon request of the liaison officer, with information or data relevant to the performance of their tasks.
- ii) Liaison officers will endeavour to provide to the Member States, on their own initiative or upon request of the Member States, relevant information or data from the Agency in a timely manner. Requests for information made by a Member State to a liaison officer will be made in writing (preferably by e-mail). Such information or data will be provided in one of the languages in which it is available to the Agency.
- iii) Where the information or data referred to in point (i) is already available in information systems or information resources managed by or available to the Agency, the Member State will not be requested to provide that information or data again to the liaison officer.
- iv) Without prejudice to any procedures or arrangements agreed pursuant to Article 5(5) of this Decision, requests for information from the liaison officer to the Member State will be made in writing (preferably by e-mail) and addressed to the relevant Member State authorities, with the national point of contact in copy, or directly to the national point of contact. The Member State will endeavour to handle such requests in a timely manner.
- v) The information and data referred to in point (i) may be provided by the Member State either in the official language of that Member State or in the language in which information is available in its information systems or other information resources.
- vi) When the information exchanged in accordance with this Section contains personal data, any transfers of such personal data and further processing thereof shall take place in compliance with



the applicable data protection rules, including those of Regulation (EU) 2016/679⁶, Regulation (EU) 2018/1725⁷ and the EUAA Regulation. In particular, and in accordance with Article 31(3) of the EUAA Regulation, Member States shall only transfer personal data to the Agency for the purposes referred to in paragraph 1 of that Article. Any processing by the Agency of retained personal data for purposes other than those referred to in that paragraph shall be prohibited.

⁶ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), (OJ L 119, 4.5.2016, p. 1).

⁷ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, (OJ L 295, 21.11.2018, p. 39).



Annex 2

Regions of deployment and 'hosting' Member States

Region of deployment	'Hosting' Member State
Belgium, Luxembourg, The Netherlands, Ireland	Belgium*
Bulgaria, Greece, Cyprus, Romania	Greece*
Croatia, Italy, Malta, Slovenia	Italy*
Austria, Czech Republic, Hungary, Slovakia	Austria
Estonia, Latvia, Lithuania, Poland	Poland
Finland, Sweden, Denmark ⁸ , Norway ⁹	Sweden
France, Portugal, Spain	France
Germany, Liechtenstein ⁹ , Switzerland ⁹	Germany

*EUAA office available.

⁸ A liaison officer shall only be deployed to Denmark subject to Article 6(2) of this Decision.

⁹ Liaison officers shall only be deployed to Iceland, Liechtenstein, Norway and Switzerland if relevant arrangements are in place with those countries in accordance with Article 34 of the EUAA Regulation providing for the deployment of liaison officers to those countries.