MANAGEMENT BOARD DECISION 11/2017
of 30 March 2017
adopting the Rules of Procedures of the Management Board

THE MANAGEMENT BOARD

Having regard to the European Border and Coast Guard Regulation¹, in particular 62(2)(n) and (q) thereof.

Whereas:

(1) The Management Board of Frontex adopts its Rules of Procedure and internal rules for the prevention and management of conflicts of interest in respect of its members.

(2) Pursuant to Article 67(1), this decision is taken by an absolute majority of the eligible votes.

HAS DECIDED AS FOLLOWS:

Article 1

Object

The Rules of Procedures of the Management Board in the Annex are hereby adopted.

Article 2

Transitional measures

1. The term of office of the Chairperson and the Deputy Chairperson referred to in Article 3(7) shall apply only as of the next term.

2. The implementation of Article 13 shall be done gradually, not later than 1 year after its entry into force.

Article 3

Repeal


Article 4
Entry into force

This decision enters into force on the day of its adoption.

Done in Warsaw on 30 March 2017

For the Management Board

[signed]
Marko Gašperlin
Chairperson
RULES OF PROCEDURE OF THE MANAGEMENT BOARD OF FRONTEX

PART I
GENERAL PROVISIONS

Article 1
Composition
1. In accordance with Article 63 of the European Border and Coast Guard Regulation (hereafter “the Regulation”), the Management Board shall be composed of one representative of each Member State and of each country associated with the implementation, application and development of the Schengen acquis and two representatives of the Commission. Member States and the Commission shall aim to achieve a gender balanced representation on the Management Board.
2. For the purposes of these rules, the term “Member State” is construed as including also the countries associated with the implementation, application and development of the Schengen acquis unless otherwise indicated.
3. Representatives of Member States and of the Commission shall have an alternate who will replace the member in his/her absence and vote on his/her behalf.

Article 2
Term of office
1. In accordance with Article 63 of the Regulation, the duration of the terms of office of members of the Management Board shall be four years, extendable.
2. If a member or an alternate leaves the Management Board before the end of his/her term of office, the duration of the term of office of his/her replacement shall be a full term of office.
3. Appointments, cessations and other changes concerning the members of the Management Board representing the Member States shall be notified to the Management Board Secretariat through the respective permanent representations to the European Union.

Article 3
Chairperson and Deputy Chairperson
1. In accordance with Article 65 of the Regulation, the Management Board shall elect a Chairperson and a Deputy Chairperson from among its members by a two-thirds majority of all members with a right to vote, present or not.
2. Nominations for Chairperson and Deputy Chairperson shall be submitted either by the candidates themselves or by other members of the Management Board to the Management Board Secretariat no later than fifteen calendar days before the start of the meeting at which the election will take place.
3. The Management Board Secretariat shall send the nominations so received to the members of the Management Board no later than fourteen calendar days before the Management Board meeting at which the election will take place.

4. The vote for the election of Chairperson shall be taken by secret ballot.

5. The procedure for the election of Chairperson shall be as follows:
   a) In the first ballot, the candidate who receives two-thirds majority of the votes shall be elected;
   b) If none of the candidates receive two-thirds majority of the votes, the two candidates who obtained the highest number of votes shall go forward to the second ballot. If due to equality it is not possible to determine the two candidates with the highest number of votes, there shall be a special ballot in order to determine the two candidates for the next round;
   c) In the second ballot, the candidate who receives two-thirds majority of the votes shall be elected.
   d) Two tellers shall be designated amongst the members or from the Management Board Secretariat to assist in the counting of the votes.

6. The Management Board shall elect a Deputy Chairperson following the same procedure as stipulated in the previous paragraphs.

7. In accordance with Article 65(2) of the Regulation, the terms of office of the Chairperson and the Deputy Chairperson shall be four years and extendable once. The term of office shall begin on the first day after their predecessor's term of office has expired or, if not applicable, on the day after the election. Their term of office shall automatically end if they cease to be members of the Management Board.

8. If the term of office of Chairperson or Deputy Chairperson falls vacant before the end of the term of office, the Deputy Chairperson or the Chairperson, as the case may be, shall convene a meeting to elect a successor, to be held within three months. The member then elected shall serve as Chairperson or Deputy Chairperson for a full term of office, or until the end of his/her membership of the Management Board, whichever is earlier.

9. The Deputy Chairperson deputises for the Chairperson when the latter is unable to chair either all or part of a meeting. If both the Chairperson and the Deputy Chairperson are unable to attend a meeting, the meeting shall be chaired by the longest serving member of the Management Board or, in the event of equal length of service, by the oldest of the longest serving members.

Article 4

Notice and venue of meetings

1. In accordance with Article 66 of the Regulation, the Management Board shall meet at least twice a year. The dates of the meetings shall be decided by the Management Board at least at its preceding meetings.

2. Additional meetings may be organised at the instance of the Chairperson, at the request of the Commission or at the request of at least one third of its members. In this case, the Chairperson shall convene a meeting to take place within forty two calendar days of receipt of the request, or fourteen calendar days in case of urgency.

3. The notice of convocation of a meeting of the Management Board, accompanied by the provisional agenda and the relevant material shall, to the extent possible, be made available
by the Management Board Secretariat to members at least fourteen calendar days prior to each meeting.

4. When the Management Board is convened to deliberate on a matter of urgency, the notice of convocation and the provisional agenda shall be transmitted by the Chairperson to members no later than ten calendar days before the day of the meeting, except in case of force majeure.

5. If any necessary working document is transmitted to the members outside the time-limits specified above, no decision shall be taken on the question to which it relates, unless the Management Board decides otherwise.

6. If circumstances so require, the Chairperson may change the date or the place of a meeting of the Management Board. Notification of such change shall be given to the members no later than twenty one calendar days before the original or revised date of the meeting, whichever is earlier. If at least one third of the members with a right to vote explicitly object to it within the next seven calendar days after the notification, the Chairperson may not change the date or the place of the meeting.

7. Meetings shall be held at the Frontex headquarters.

8. The Management Board may derogate from paragraph 7, at the request of a member of the Management Board, provided that the costs and expenses to be reimbursed by Frontex because of holding a meeting outside the headquarters do not exceed 45 000 euros per meeting day.

Article 5

Agenda

1. A provisional agenda shall be drawn up by the Management Board Secretariat and endorsed by the Chairperson.

2. The agenda shall contain points requested by any member or by the Executive Director. It shall also identify the points for which limited voting rights have been granted to the countries associated with the implementation, application and development of the Schengen acquis, in accordance with Article 67(4) of the Regulation.

3. The agenda, accompanied by the relevant material for decision-making, shall be made available to the members and their alternates in line with Article 4.

4. Notwithstanding paragraph 5, questions to be included in the provisional agenda shall be submitted to the Chairperson preferably forty two calendar days before the date of the meeting.

5. If the Management Board so decides, urgent questions and information points may be added to the agenda at any time prior to the end of the meeting, and points on the agenda may be deleted or carried over to a subsequent meeting.

6. The agenda shall be divided as follows:

   a) Introduction points, including approval of the Agenda, approval of the minutes of the previous Management Board meeting, recent internal developments and procedural issues, and presentation of the operational situation.

   b) “A” points, where no discussion is foreseen. Such points may include both decision-making and other issues.

   c) “B” points, where the Management Board is expected to discuss. Such points may include both decision-making and other issues.
d) Information points, refer to points of information to the Management Board.

7. The agenda shall be adopted at the beginning of each meeting.

Article 6

Attendance at meetings

1. The members of the Management Board shall attend all meetings of the Management Board. Where this is not possible, their alternates shall attend in their place; both can attend and participate. They may be assisted by one advisor or expert. The attendance of a second advisor or expert may be authorised by the Chairperson.

2. Any member of the Management Board or any alternate may also represent another member provided that a written authorisation from the absent member is provided to the Chairperson at the latest at the beginning of the meeting. The proxy shall be recorded in the minutes.

3. The Executive Director shall take part in all the deliberations of the Management Board and may be assisted by other Frontex staff. Staff members performing independent functions appointed by the Management Board may also be invited to attend the meetings of the Management Board.

4. In accordance with Article 66(4) of the Regulation, representatives of Ireland and the United Kingdom shall be invited to attend the meetings of the Management Board.

5. In accordance with Article 66(5) of the Regulation, the Management Board may invite a representative of relevant Union institutions, bodies, offices and agencies to attend its meetings.

6. In accordance with Article 66(6) of the Regulation, the attendance as observers of the Chairpersons of the Frontex Consultative Forum and of experts and of persons whose opinion can be of interest shall be decided by the Management Board on a case by case basis; the organisation of, and attendance at, certain hearings on specific matters shall be decided in the same manner.

7. The Management Board may invite a representative of a state which has been accepted as a candidate for membership of the European Union to attend its meetings as observer when the accession negotiations have been finalised.

8. Following a request of any member of the Management Board to restrict the meeting to a closed session, the Management Board shall decide whether:
   a) to consider the matter in closed session, by requiring everybody but the members of the Management Board and their alternates to leave the meeting;
   b) to consider the matter in an extended closed session with the inclusion of certain additional persons as the Management Board may decide;
   c) to consider the matter under normal meeting arrangements.

Article 7

Quorum

1. The members (a member is calculated as two when acting as a proxy holder) and the alternates (an alternate is calculated as two when acting as a proxy holder) representing at least two thirds of all Management Board members with a right to vote shall constitute the quorum necessary for the meeting to be valid.
2. In the absence of a quorum, the Chairperson shall search for an alternative solution (such as decision on urgent or important matters to be taken by written procedure or restriction of the meeting to points where decision is not foreseen) or close the meeting and convene another as soon as possible.

Article 8
Voting arrangements

1. The Management Board shall take its decisions in accordance with the voting rules specified in the Regulation. For that purpose the total number of members of the Management Board is that of the members entitled to cast a vote, present or not.

2. The representatives of countries associated with the implementation, application and development of the Schengen acquis shall vote in accordance with the relevant provisions of their respective arrangements, as mentioned in Article 67(4) of the Regulation.

3. In the absence of a member or his/her alternate, the proxy holder according to Article 6(2) shall be entitled to exercise his/her right to vote. In addition to his/her own vote, each voting member may receive and cast only one vote by proxy.

4. All voting must take place transparently, if feasible, with the support of technical devices for the purpose of validating the voting result. Notwithstanding the principle of transparency, and in addition to the case referred to in Article 3(4), a vote can be taken by secret ballot if requested by at least one third of the members of the Management Board with a right to vote and present in the meeting. In the absence or failure of technical devices, the voting will consist of a show of hands. Should the result of a show of hands voting be unclear, the votes must be casted again by a roll call.

5. The distribution of votes (in favour, against and abstentions) are counted and indicated in the minutes for each decision adopted by the Management Board. A statement of the views of the minority shall be entered in the minutes along with the decision if the minority so requests.

6. The Chairperson may authorise a member of the Management Board to explain, briefly, a vote he/she has cast.

7. The Management Board may also take decisions by means of written procedure, in accordance with Article 9.

Article 9
Decisions taken by written procedure

1. In accordance with Article 8(7), decisions of the Management Board may be taken by written procedure on a proposal from the Chairperson, in particular where:
   a) the Management Board has previously decided to take such decision by written procedure (in a meeting or in a formal decision);
   b) decisions are deemed urgent, upon request by the Executive Director;
   c) the topic has been sufficiently discussed at previous Management Board meetings;
   d) such decision is related to non-strategic questions such as practical arrangements;
   e) such decision is related to Implementing Rules to the Staff Regulations.

2. The proposal to take a decision by written procedure may be rejected by at least one third of the members of the Management Board with a right to vote explicitly expressing their
objection. Abstentions are not construed as objections. If the proposal to use written procedure for the decision-making was not decided at a meeting, the members also pronounce their objections in the written procedure itself.

3. Written objections on the subject matter and, where necessary also to the proposal to use written procedure, shall be raised within a deadline that is not less than seven calendar days, unless otherwise specified depending on the urgency of the matter.

4. A proposal for a decision to be taken by written procedure shall not be subject to amendments and shall be approved or rejected in its entirety.

5. The result of a written procedure shall be notified without delay to the members of the Management Board. The notification shall indicate the votes of the members in an appropriate way. The second sentence of Article 8(5) applies by analogy.

6. The decisions taken by written procedure shall also be recorded in the minutes of the next Management Board meeting.

**Article 10**

**Minutes**

1. Minutes of each meeting shall be drawn up and, once approved by the members of the Management Board, shall be signed by the Chairperson.

2. The minutes shall as a general rule indicate in respect of each point of the agenda:
   a) the documents submitted to the Management Board;
   b) the decisions taken or the conclusions reached by the Management Board with the number of votes in favour, against and abstentions;
   c) the statements requested by a member of the Management Board.

3. As a general rule, the draft minutes, to which the attendance list shall be attached, shall be forwarded to the members of the Management Board within fourteen calendar days after the end of the meeting.

4. Once approved, the signed original of the minutes shall be kept in the archives of Frontex.

**Article 11**

**Confidentiality**

1. Without prejudice to Article 13, the proceedings and deliberations of the Management Board are covered by the obligation of professional secrecy as stipulated in Article 339 of the Treaty on the Functioning of the European Union, except where the Management Board decides otherwise.

2. Members of the Management Board and other persons present at the meetings shall, even after their duties have ceased, be bound by this obligation.

**Article 12**

**Conflict of Interests**

1. Upon taking-up duties, the members of the Management Board and alternates shall sign a declaration of absence of conflict of interests which is published on Frontex website using the template in Annex I.
2. There is a conflict of interest where the impartial and objective exercise of the functions of a member of the Management Board or his/her alternate, in particular those related to the decision-making process of the Management Board, including acts preparatory thereto, is compromised for reasons involving family, emotional life, political or national affinity, economic interest or any other shared interest with a recipient of such decision-making.

3. The simple appearance or perception of conflict of interests may be treated as an actual conflict of interests in order to prevent any reputational risks.

4. Any member of the Management Board or his/her alternate, who are in a situation where the performance of their duties is incompatible with any other interest or where a conflict of interests is likely to arise shall immediately inform the Chairperson or the Deputy Chairperson and/or shall abstain from taking part in that decision-making.

Article 13

Transparency

1. The names of the members of the Management Board shall be published on the Frontex website.

2. The decisions of the Management Board shall be published on the Frontex website except if the Management Board decides otherwise.

3. Access to documents of the Management Board, minutes of the meetings and any other related records shall be subject to the principles, conditions and limits laid down in Regulation (EC) 1049/2001 as well as to the rules set forth in a decision of the Management Board in accordance with Article 74(3) of the Regulation laying down practical arrangements regarding public access to documents of Frontex.

Article 14

Management Board Secretariat

1. The Frontex headquarters shall be responsible for providing the secretariat functions for the Management Board.

2. All formal communications and contacts concerning the Management Board shall be addressed to Frontex via the Management Board Secretariat (MBSecretariat@frontex.europa.eu).

Article 15

Support to the work of the Management Board

1. The Management Board may create an Executive Board as stipulated in Article 62(7) of the Regulation.

2. The Management Board may also create working groups to assist it in its decision-making. When creating such working groups the Management Board shall decide on their mandate, the composition and the Chairpersons. Each working group shall adopt their own rules of procedure.

3. The Management Board may invite the Executive Director to consult the Member States in the preparation of proposals to the Management Board. The Executive Director shall decide how this consultation takes place, as a main rule using existing expert groups and networks, and taking into account the requirements of Article 4(3).
Article 16
Reimbursement of expenses

1. Frontex shall reimburse travel and subsistence expenses incurred by maximum two representatives of a Member State in connection with their participation in meetings relating to the Management Board business on the basis of the scales laid down in the Annex VII to the Staff Regulations of Officials of the European Communities. The Member State acting as Chairperson shall be entitled to request the reimbursement of an additional participant.

2. Travel and subsistence expenses incurred by other participants invited by the Management Board, as referred to in Article 6(6), in connection with its meetings may be covered by Frontex if it deems appropriate and in accordance with the rules referred to in paragraph 1.

Article 17
Forms of the decisions

The decisions taken by the Management Board shall be recorded in the minutes or take the form of a separate decision using the appropriate template.

PART II
SPECIAL PROCEDURES

Article 18
Exercise of Appointing Authority Powers of the Management Board in relation to the staff of the Agency

1. All powers of the Management Board in relation to the staff of the Agency not delegated to the Executive Director according to Article 62(8) of the Regulation (i.e. the decisions on selection, engagement, extension of contract, termination of contract, appraisal and reclassification of the Accounting Officer and the Fundamental Rights Officer, which are subject to approval by the Management Board, and the replies to complaints against decisions of the Executive Director in accordance with Article 90(2) of the Staff Regulations), unless regulated in separate Management Board Decisions, shall be exercised by the Chairperson on behalf of the Management Board.

2. The Chairperson shall provide regular information on the exercise of this task to the Management Board, depersonalising it whenever possible, in order to respect personal data protection.

3. Powers in relation to the Executive Director and the Deputy Executive Director shall be dealt with in separate Management Board decisions. Regarding the daily management, the Executive Director and the Deputy Executive Director shall approve each other’s absences (including teleworking) and missions using the electronic tools used by Frontex staff members (Leave Management System and Mission Management System). The Executive Director and the Deputy Executive Director shall submit to the Management Board quarterly reports of their requests, for information and post-validation.
Article 19

Working arrangements with authorities of third countries

1. The Executive Director shall inform the Management Board of his intention to negotiate a working arrangement with authorities of a third country, the scope, nature and purpose of this arrangement as well as its financial impact.

2. In accordance with Article 54(2) of the Regulation, when an agreement on the text of the working arrangement has been reached, the Executive Director shall seek the prior approval of the Commission and shall inform the European Parliament prior to the submitting the initialled arrangement to the Management Board.

3. After approval by the Management Board, in accordance with Article 62(2)(z) of the Regulation, the Executive Director may sign the working arrangement.

Article 20

Reporting obligations of the Management Board

1. When, in accordance with the provisions of the Regulation, the Management Board shall fulfil any reporting obligations, the Chairperson shall ensure that such reporting takes place, with the assistance of the Management Board Secretariat, after the relevant decision has been taken by the Management Board.

2. The Management Board shall report, in particular, in accordance with the following provisions of the Regulation:

   a) Article 13(8), to the Council and Commission, where a Member State does not implement within the time-limit prescribed the necessary measures foreseen in a Management Board decision, following a vulnerability assessment;
   
   b) Article 39(12), to the Commission, following a decision on the identified shortcomings in the minimum number of items of technical equipment pool and steps taken to remedy them;
   
   c) Article 62(2)(i), to the European Parliament, Council, Commission and Court of Auditors after the adoption of the annual activity report for the previous year, annually by 1 July;
   
   d) Articles 62(2)(j) and 64(1), to the European Parliament, Council and Commission, after adopting the single programming document, annually before 30 November;
   
   e) Article 62(6), to the Budgetary Authority (European Parliament and Council), any information relevant to the outcome of the evaluation procedures conducted by the Agency, annually;
   
   f) Article 69(2), to the European Parliament and Council, on the manner in which the opinion of the European Parliament was taken into account, in case the Management Board appoints as Executive Director another candidate than the one preferred by the European Parliament;
   
   g) Article 75(5), to the European Parliament, Council and Commission, after adoption of the draft estimate of the revenues and expenditures, including the provisional establishment plan and the draft single programming document, annually by 31 January;
   
   h) Article 75(6), to the Commission, after adoption of the final draft estimates of the Agency’s revenue and expenditure including the draft establishment plan, annually by 31 March.
Article 21

Planning Cycle

The annual planning cycle for the purpose of Article 64 and 75 of the Regulation (multiannual programming and annual work programmes) described in Annex II shall be followed.
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DECLARATION

Absence of Conflict of Interests

of a member/alternate member of the Frontex Management Board

valid until the end of the term of office (maximum 4 years)

NAME:

POSITION: Member/Alternate of the Management Board

I hereby undertake to perform my duties of member or alternate member of the Management Board in the best public interest and to comply with the provisions of the European Border and Coast Guard Regulation¹ and the Rules of Procedure of the Frontex Management Board.

I will respect the confidential character of the deliberations of the Frontex Management Board and of the related documents transmitted by Frontex.

I hereby declare that I understand that there is a conflict of interest where the impartial and objective exercise of my functions as member or alternate member of the Management Board, in particular those related to the decision-making process of the Management Board, including acts preparatory thereto, is compromised for reasons involving family, emotional life, political or national affinity, economic interest or any other shared interest with a recipient of such decision-making.

I hereby declare that I understand that simple appearance or perception of conflict of interests may be treated as an actual conflict of interests in order to prevent any reputational risks.

I hereby declare that, should I be in a situation where the performance of my duties is incompatible with any other interest or where a conflict of interests is likely to arise, I shall immediately inform the Chairperson or Deputy Chairperson and/or abstain from taking part in that particular decision-making.

Done in .......... on ........

SIGNATURE

Please note that Frontex will ensure on its part that your personal data hereby submitted is processed as required by Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. You have the right to access and rectify that data.

Annex II

Display of Planning Cycle – Programming Document

**Abbreviations used (alphabetical order):**
- COM-European Commission;
- DB-Draft Budget;
- DEU-Draft Budget of the European Union;
- DPD-Draft Programming Document;
- FDERE-Final draft estimate of revenues and expenditures;
- HQ-Headquarter;
- MS/SAC/MB-Member State/Schengen; Associated Country; Management Board;
- OMTE-Overall minimum number of technical equipment;
- PD-Programming Document;
- PDERE-Provisional draft estimate of revenues and expenditures; PWP-Preliminary work programme;

**Rules of Procedure of the Management Board**
Corporate development and planning (Programming Document)

The Programming Document is a framework, the elements of which outline the strategic direction Frontex is going to take. They ‘translate’ those directions into activities to be carried out multi annually and/or annually (Multi Annual Programme and Annual Work Programme) and summarise the financial and human resources needed to carry out the activities (multi annual and annual budget including the establishment plan).

The Programming Document is Frontex’ multi annual and annual operative programme at corporate level, against which also reporting (assessing and evaluating operational activities initiated and implemented during the relevant year) for governance purpose will be done.

For the development of Frontex’ Programming Document and its elements, involving internal and external stakeholders at different levels, the following procedure is applied.

Step 1: August until end November N-2

Based on Frontex’ strategic direction as expressed in the Multi Annual Programme (MAP), considering the most recent risk assessments, linked policy developments, findings of closed or ongoing activities and input (proposals, requests, and expectations) received from Member States, the headquarters prepares the indicative elements of the portfolios for the year in question (N+2). Those elements are included in the draft annual work programme N+2 as part of the Programming Document.

The MAP and the annual work programme are grouped in Strategic Action Areas (SAA) and related activities. The descriptions of the activities of the MAP and the annual work programme should contain objectives, expected results, performance measures and a preliminary assessment of the financial and human resource allocated to each activity.

To enable the preparation of the development of the EU budget a draft version of the Programming Document containing the (preliminary) annual work programme N+2 and the provisional draft estimate of revenues and expenditures N+2 is presented to the Management Board for discussion and endorsement. This also serves for the validation and agreement on the strategic directions as expressed in the MAP of the Draft Programming Document.

The Management Board adopts the provisional draft estimate of revenues and expenditures N+2 (Titles and Chapters) including the establishment plan, pursuant to Article 75(5) of the European Border and Coast Guard Regulation and endorses the initial Draft Programming Document (either in the meeting or via written procedure).

Step 2: Mid November until end January N-1

The adopted provisional draft estimate of revenues and expenditures N+2 (Titles and Chapters) including the establishment plan, together with the initial Draft Programming Document, are forwarded to the Commission before 31 January, enabling the Commission to include Frontex’ needs in the Draft Budget of the European Union (to be proposed by the Commission to the budgetary authorities).

The updates of ongoing (tailored) risk assessments and findings of closed and ongoing operational activities may lead to a revision and reprioritisation of the elements of the Programming Document, namely the Multi Annual Plan, the draft preliminary annual work programme N+1 and the draft estimate of revenues and expenditures N+2 including the establishment plan.

The finalised version of the revised Draft Programming Document including the preliminary work programme N+1 is forwarded to Frontex’ Management Board for discussion.

Pursuant to Article 64(1) of the European Border and Coast Guard Regulation the Draft Programming Document is forwarded to the European Parliament for consultation on the Multi Annual Programme.

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Step 3: Until end March N-1

The draft preliminary work programme N+1 and the final draft estimate of revenues and expenditures are elaborated.

The revised Draft Programming Document is presented to the Management Board for discussion and decision making.

The elements of the document contain or make reference to the conclusions and recommendations deriving from the Annual Risk Analysis.

According to Article 75(6) of the European Border and Coast Guard Regulation, the Management Board adopts Frontex' preliminary work programme N+1 and the final draft estimate of revenues and expenditures (including establishment plan N+1) and forwards it to the Commission by 31 March every year.

The Draft Programming Document is forwarded to the European Commission enabling the Commission to issue its opinion on the Programming Document.

Step 4: March until end June N-1

Pursuant to Article 39(9) of the European Border and Coast Guard Regulation, based on recent and ongoing assessments of risks and evaluations of operational activities carried out, rules relating to technical equipment, including the required overall minimum number of technical equipment as well as on technical equipment for a rapid reaction equipment pool are being prepared. By 30 June every year the Management Board discusses and adopts those rules proposed by the Executive Director.

Step 5: April until end June N-1

The indicative elements of the initial portfolios are revised, utilising available national operational concepts and priorities for the Year N+1 by assessing them against available Frontex' Risk Analysis products.

The portfolios are presented and discussed by the Management Board and annexed to the Programming Document.

Step 6: July until end November N-1

The opinion of the Commission is taken into account and incorporated into the different elements of the Draft Programming Document.

Pursuant to Article 64(1) of the European Border Guard Regulation the revised Draft Programming Document (Multi Annual Programme, annual work programme, multiannual and annual budget) is forwarded to and adopted by Frontex' Management Board by 30 November each year.

The headquarters engages in discussions and negotiations with the Member States and Schengen Associated Countries (Annual Bilateral Negotiations) to finalise the elements of the portfolios for the upcoming year.