

Adopted on 20.04.2018

**THE EUROPEAN AGENCY FOR THE OPERATIONAL
MANAGEMENT OF LARGE-SCALE IT SYSTEMS IN THE AREA OF
FREEDOM, SECURITY AND JUSTICE**

MANAGEMENT BOARD DECISION NO 2018-055 OF 20/04/2018

on the

**RULES OF PROCEDURE of the
ENTRY EXIT SYSTEM PROGRAMME MANAGEMENT BOARD**

THE MANAGEMENT BOARD,

Having regard to REGULATION (EU) 2017/2226 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 Article 37(2);
Having regard to the Management Board decision 2018-006 appointing its representatives to the EES Programme Management Board;
Having regard to Commission decision appointing its representative of the EES Programme Management Board;

HAS ADOPTED THESE RULES OF PROCEDURE:

Article 1

Composition of the Entry Exit System (EES) Programme Management Board

1. Pursuant to Article 37(2) of the Regulation, the EES Programme Management Board shall be composed of seven representatives of the Management Board from its members or alternate members, the Chairperson of the EES Advisory Group referred to in Article 69 of the Regulation, a member representing eu-LISA appointed by its Executive Director and one member appointed by the Commission.
2. The representatives of the Management Board mentioned in Article 1(1) are appointed by the Management Board according to its standard procedures.

Article 2

Chairmanship of the EES Programme Management Board

1. The Chairmanship of the EES Programme Management Board will be rotated among the representatives of the Management Board as follows:
 - Q3-Q4 2018: Austria
 - Q1-Q2 2019: Estonia
 - Q3-Q4 2019: Germany
 - Q1-Q2 2020: The Netherlands
 - Q3-Q4 2020: France
 - Q1-Q2 2021: Slovenia
 - Q3-Q4 2021: Finland

2. The Deputy-Chairmanship will be rotated in a same order, starting from Estonia.
3. The Chairperson is responsible for:
 - a) Convening the meeting;
 - b) Chairing the meeting;
 - c) Distribution of the minutes of the meeting, as adopted by the EES Programme Management Board;
 - d) Submitting the monthly written reports, as adopted by the EES Programme Management Board, to the Management Board;
 - e) Presenting the progress made in the EES Programme Management Board at the Management Board meeting;
4. In case of the absence of the Chairperson, the Deputy-chairperson will replace him/her.

Article 3

Attendance at Meetings of the EES Programme Management Board

1. Members of the EES Programme Management Board should attend all the meetings of the group. In case they cannot be present, their alternates (i.e. the member/alternate representing the same Member State in the eu-LISA Management Board) can substitute them.
2. The Chairperson or the Deputy-chairperson of the Management Board and the eu-LISA Executive Director (if they are not members of the EES Programme Management Board) may attend all the meetings of the EES Programme Management Board.
3. Members of the EES Programme Management Board may be assisted by one expert.
4. The Chairperson or the Deputy-chairperson of the VIS Advisory Group may attend the meetings of the EES Programme Management Board.
5. The EES Programme Management Board may invite experts whose opinion may be of interest, to attend its meetings as an observer/expert.

Article 4

Preparation of the EES Programme Management Board

1. Meetings of the EES Programme Management Board should be convened by the Chairperson or upon request by one third of the members of the board, or upon the request of the Executive Director.
2. The EES Programme Management Board should hold at least three meetings in every quarter.

3. The provisional agenda, accompanied by the relevant material for conclusion making, shall be forwarded to the members of the EES Programme Management Board at least one week prior to the meeting. The agenda shall be drafted by the Chairperson.

Article 5

Deliberations of the EES Programme Management Board and voting

1. The presence of at least two thirds of all members shall constitute the quorum necessary for the meeting to be valid. In the absence of a quorum, the Chairperson shall close the meeting and convene another as soon as possible.
2. The Chairperson shall conduct the meeting giving priority to members wishing to raise a question of procedure or a preliminary matter.
3. Conclusions of the EES Programme Management Board shall be taken by the majority of its members with a right to vote.
4. Each member of the EES Programme Management Board shall have one vote. In the absence of the member, his/her alternate shall have the right to vote.

Article 6

Communications

1. The draft minutes, the attendance list, and the conclusions shall be forwarded to members not later than a week after the end of the meeting.
2. Once approved, the minutes shall be signed by the Chairperson. The signed copy of the minutes shall be kept in the archives of the Agency.
3. The final text of the minutes shall be forwarded to members not later than a week after the approval.
4. The Monthly Report of the EES Programme Management Board shall be submitted to the Chairperson of the eu-LISA Management Board by the fifth day of the next month. This report should be forwarded to the other members of the Management Board without delay.

Article 7

Confidentiality and Access to Information

1. The deliberations of the EES Programme Management Board shall be confidential. Members and others present at the meetings shall respect the confidential character of the deliberations and documents transmitted by the Agency.

2. The conclusions of the EES Programme Management Board, minutes of meetings and any other related document shall be subject to the provisions of Article 26 of the Regulation and measures taken for its implementation.

Article 8

Venue of Meetings

1. Meetings of the EES Programme Management Board shall be held in the locations of the Agency.
2. The EES Programme Management Board can decide in justified cases to hold a meeting in different location, if it is convenient to all members.
3. The EES Programme Management Board may decide to hold a meeting via video conference or other electronic means.

Article 9

Conflicts of Interest

1. The members of the EES Programme Management Board shall undertake to act in the public interest and shall sign a declaration mentioning that they do not have any conflict of interests, in relation to the development of the EES.
2. At the beginning of each meeting of the EES Programme Management Board the persons attending the meetings pursuant to Articles 3(3) and 3(5) respectively shall inform the Chairperson of any conflict of interest with regard to a particular item on the agenda.

In the event of such a conflict of interest, the person concerned shall, at the request of the Chairperson, withdraw from the meeting whilst the relevant items of the agenda are being dealt with.

Article 10

Protection of Personal Data

Without prejudice to Article 28(2) of the Regulation, the processing of personal data by the EES Programme Management Board shall be in conformity with Regulation (EC) No 45/2001 of the European Parliament and of the Council, under the responsibility of the Chairperson acting as the controller, within the meaning of point (d) of Article 2 of that Regulation.

Article 11

Secretariat and Correspondence

1. The Agency shall provide the EES Programme Management Board with a secretariat and an appropriate administrative support to enable them to carry out their functions.
2. All correspondence with the EES Programme Management Board shall be addressed to the Agency in the location of its headquarters.

Article 12

Reimbursement of Expenses

1. All travel and subsistence expenses incurred by the members of the EES Programme Management Board, or their alternates in case of replacement, and the persons mentioned in article 3(2) and 3(4), in connection with meetings relating to EES Programme Management Board meeting shall be paid by the Agency.
2. The costs related to the experts mentioned in article 3(3) and 3(5) are not reimbursed by the Agency. When possible, the Agency will try to provide a connection via video conferencing tools.

Article 13

Revision of the Rules of Procedure

1. The eu-LISA Management Board may amend these Rules of Procedure.
2. The EES Programme Management Board may propose amendments of these Rules of Procedure to the eu-LISA Management Board.

Article 14

Entry into Force

These Rules of Procedure shall enter into force on 20.04.2018.

Done at Tallinn,

Rene Vihalem
Deputy Chairperson of the Management Board
of eu-LISA