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Establishment of a European Asylum Support Office *I**

P6_TA(2009)0379

European Parliament legislative resolution of 7 May 2009 on the proposal for a regulation of the European Parliament and of the Council establishing a European Asylum Support Office (COM(2009)0066 – C6-0071/2009 – 2009/0027(COD))

(2010/C 212 E/54)

(Codecision procedure: first reading)

The European Parliament,

— having regard to the Commission proposal to the European Parliament and the Council (COM(2009)0066),

— having regard to Article 251(2), Article 63(1) and (2) and Article 66 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0071/2009),

— having regard to Rule 51 of its Rules of Procedure,

— having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Budgets (A6-0279/2009),

1. Approves the Commission proposal as amended;
2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
3. Stresses that the provisions of Point 47 of the Interinstitutional Agreement of 17 May 2006 on budgetary discipline and sound financial management ⁽¹⁾ (IIA) will apply for the setting-up of the European Asylum Support Office; stresses that, should the legislative authority decide in favour of the setting-up of such an agency, Parliament will enter into negotiations with the other arm of the budgetary authority with a view to coming to a timely agreement on the financing of the agency in line with the relevant provisions of the IIA;
4. Instructs its President to forward its position to the Council and the Commission.

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

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P6_TC1-COD(2009)0027**Position of the European Parliament adopted at first reading on 7 May 2009 with a view to the adoption of Regulation (EC) No .../2009 of the European Parliament and of the Council establishing a European Asylum Support Office**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular points (1) and (2) of Article 63 and Article 66 thereof,

Having regard to the proposal from the Commission \parallel ,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Having regard to the opinion of the Committee of the Regions ⁽²⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽³⁾,

Whereas:

- (1) Under the Hague Programme, Community policy on the Common European Asylum System is designed to establish a common asylum area by means of an effective harmonised procedure in accordance with the Union's values and humanitarian tradition.
- (2) Much progress has been made in recent years towards the establishment of the Common European Asylum System thanks to the implementation of common minimum standards. However, there are great disparities between one Member State and another in the granting of protection and the forms that protection takes.
- (3) In its Policy Plan on Asylum adopted in June 2008, \parallel the Commission announced its intention of developing the Common European Asylum System by proposing a revision of existing legal instruments in the interests of a greater harmonisation of standards and by strengthening support for practical cooperation between Member States, notably by presenting a legislative proposal to establish a European Asylum Support Office in order to step up coordination of operational cooperation between Member States so that the common rules are implemented effectively.
- (4) In adopting the European Pact on Immigration and Asylum in September 2008 \parallel , the European Council solemnly reiterated that any persecuted foreigner is entitled to obtain aid and protection on the territory of the European Union in application of the Geneva Convention of 28 July 1951 relating to the Status of Refugees, as amended by the New York Protocol of 31 January 1967, and other relevant treaties. The European Council also expressly agreed to 'establish in 2009 a European support office with the task of facilitating the exchange of information, analyses and experience among Member States, and developing practical cooperation between the administrations in charge of examining asylum applications'.

⁽¹⁾ OJ C ...

⁽²⁾ OJ C ...

⁽³⁾ Position of the European Parliament of 7 May 2009.

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- (5) Practical cooperation on asylum aims to increase the convergence **and quality** of Member States' decision-making procedures on asylum matters within the European legislative framework. A substantial number of practical cooperation measures have already been undertaken in recent years, notably the adoption of a common approach to *country-of-origin information* and the establishment of a common European Asylum Curriculum.
- (6) For Member States which are faced with specific and disproportionate pressures on their national asylum systems, due in particular to their geographical or demographic situation, the *European Asylum Support Office* should support the implementation of **binding** solidarity mechanisms to promote **■** a better reallocation of beneficiaries of international protection from such Member States to others, **following non-discretionary, transparent and unequivocal rules**, while ensuring that asylum systems are not abused.
- (7) In order to strengthen and develop these *mechanisms*, a specific structure to support and coordinate them is needed in the form of a European Asylum Support Office (the Office).
- (8) In order to best fulfil its terms of reference, the Office should be independent in technical matters and enjoy legal, administrative and financial autonomy. To that end, the Office should be a Community body having legal personality and exercising the implementing powers conferred on it by this Regulation.
- (9) The Office should act in close cooperation with the Office of the *United Nations* High Commissioner for Refugees (UNHCR) **and non-governmental organisations** in order to benefit from **their** expertise and support. To this end, the role of UNHCR **and non-governmental organisations** should be fully recognised and **they** should be fully involved in the work of the Office. The Office should also work in close cooperation with the competent authorities of the Member States with responsibility for asylum, with national immigration and asylum services and other services, drawing on the capacity and expertise of *such* services, and with the Commission. The Member States should cooperate with the Office to ensure that it is *able* to fulfil its remit.
- (10) The Office should be a European centre of expertise on asylum responsible for facilitating, coordinating and strengthening practical cooperation among Member States on the many aspects of asylum. The Office's terms of reference should be focused on three major tasks, namely supporting practical cooperation on asylum, supporting Member States under particular pressure and contributing to the implementation of the Common European Asylum System.
- (11) The Office should not have any direct or indirect powers in the taking of decisions by Member State authorities on individual applications for international protection.
- (12) In order to provide speedy and effective operational support to Member States subject to strong pressure on their asylum systems, the Office should coordinate the deployment in the territory of requesting Member States of asylum support teams made up of asylum experts. *Such* teams should in particular provide expertise about interpreting services, information on the countries of origin and knowledge of the handling and management of asylum cases. The arrangements for the asylum support teams should be governed by this Regulation in order to ensure their effective deployment.
- (13) The Office should carry out its tasks in conditions which enable it to serve as a reference point by virtue of its independence, the scientific and technical quality of the assistance it provides and the information it disseminates, the transparency of its procedures and operating methods, and its diligence in performing the tasks assigned to it.

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- (14) The Commission and the Member States should be represented on a Management Board in order to control effectively the working of the Office. The Management Board should, where possible, consist of the operational heads of the national administrations responsible for asylum policy or their representatives. It should be given the necessary powers to set the budget, verify its execution, adopt the appropriate financial rules, establish transparent working procedures for decision making by the Office and appoint the Executive Director. Given its expertise in the field of asylum, || UNHCR should be a non-voting member of the Management Board so that it is fully involved in the work of the Office. **Given the nature of the tasks of the Office and the role of the Executive Director, the European Parliament should be involved in the selection of the candidates proposed for that post.**
- (15) To ensure that it is managed efficiently and expeditiously, the Office should be assisted by an Executive Committee composed of representatives of the Member States with the task of advising the Office's Executive Director and giving opinions to the Management Board.
- (16) To ensure the Office's full autonomy and independence, it should have its own budget, most of which will be constituted by a contribution from the Community. **The financing of the Office should be subject to an agreement by the budgetary authority as set out in point 47 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾.** The Community budgetary procedure should be applicable to the Community contribution and to any grant chargeable to the general budget of the European Union. The auditing of accounts should be undertaken by the || Court of Auditors.
- (17) To fulfil its purpose, and to the extent required for the performance of its tasks, the Office should cooperate with other community bodies, in particular with the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex), established by Council Regulation (EC) No 2007/2004 ⁽²⁾, and the European Union Agency for Fundamental Rights (FRA), established by Council Regulation (EC) No 168/2007 ⁽³⁾. It should also cooperate with the competent authorities of third countries, international organisations competent in matters covered by this Regulation and third countries within the framework of working arrangements concluded in accordance with the relevant provisions of the Treaty **with a view to ensuring compliance with international and Community legal standards on asylum.**
- (18) To fulfil its purpose, the Office should be open to participation by countries which have concluded agreements with the || Community by virtue of which they have adopted and apply Community legislation in the field covered by this Regulation (for example, || Norway, Iceland and Switzerland). It may also, in agreement with the Commission, conclude working arrangements **for the purpose of ensuring compliance with international and Community legal standards on asylum** with countries other than those which have concluded agreements with the || Community by virtue of which they have adopted and apply Community legislation. Under no circumstances, however, should it formulate any independent external policy.
- (19) **Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽⁴⁾ (Financial Regulation), and in particular Article 185 thereof, should apply to the Office.**
- (20) Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF) ⁽⁵⁾ should apply without restriction to the Office, which should accede to the Interinstitutional Agreement of 25 May 1999 between the European Parliament, the Council of the European Union and the Commission of the European Communities concerning internal investigations by the European Anti-Fraud Office (OLAF) ⁽⁶⁾.

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 349, 25.11.2004, p. 1.

⁽³⁾ OJ L 53, 22.2.2007, p. 1.

⁽⁴⁾ OJ L 248, 16.9.2002, p. 1.

⁽⁵⁾ OJ L 136, 31.5.1999, p. 1.

⁽⁶⁾ OJ L 136, 31.5.1999, p. 15.

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- (21) Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents ⁽¹⁾ should apply to the Office.
- (22) Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 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 ⁽²⁾ should apply to the processing of personal data by the Office.
- (23) The necessary provisions regarding accommodation for the Office in the *|| State of its headquarters* and the specific rules applicable to all Office staff and members of their families should be laid down in a headquarters agreement. Furthermore, the headquarters State should provide the best possible conditions to ensure the proper functioning of the Office, including schools for children and transport, in order to attract high-quality human resources from as wide a geographical area as possible.
- (24) Since the objectives of this Regulation, namely *||* to facilitate and strengthen practical cooperation between Member States on asylum and to help improve the implementation of the Common European Asylum System, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity set out in Article 5 of the Treaty. In accordance with the principle of proportionality, *as* set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
- (25) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark is not taking part in the adoption of this Regulation and *||* is not bound by it *or* subject to its application.
- (26) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and should be implemented in accordance with Article 18 *thereof* on the right to asylum,

HAVE ADOPTED THIS REGULATION:

CHAPTER 1

|| ESTABLISHMENT AND PURPOSE OF THE EUROPEAN ASYLUM SUPPORT OFFICE

Article 1

Establishment of the European Asylum Support Office

A European Asylum Support Office ('the Office') is hereby established in order to help to improve the implementation of the Common European Asylum System and to strengthen practical cooperation among Member States on asylum.

Article 2

Purpose of the European Asylum Support Office

1. The Office shall facilitate, coordinate and strengthen practical cooperation among Member States on the many aspects of asylum and help to improve the implementation of the Common European Asylum System, including its external dimensions.
2. The Office shall provide operational support to Member States subject to strong pressure on their asylum systems, including the coordination of asylum support teams made up of asylum experts.

⁽¹⁾ OJ L 145, 31.5.2001, p. 43.

⁽²⁾ OJ L 8, 12.1.2001, p. 1.

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3. The Office shall provide scientific and technical assistance for Community policy-making and legislation in all areas having a direct or indirect impact on asylum so that it is in a position to lend its full support to practical cooperation on asylum and best carry out its tasks. It shall be an independent source of information on all issues in *those* areas.

4. The Office shall carry out its tasks in conditions which enable it to serve as a reference point by virtue of its independence, the scientific and technical quality of the assistance it provides and the information it disseminates, the transparency of its operating procedures and methods, its diligence in performing the tasks assigned to it, and the information technology support needed to fulfil its remit.

5. The Office shall carry out its tasks without prejudice to those assigned to the European Union Agency for Fundamental Rights (FRA), and shall work closely with it and with || UNHCR.

6. The Office shall not have any direct or indirect powers in relation to the taking of decisions by Member State authorities on individual applications for international protection.

CHAPTER 2

TASKS OF THE EUROPEAN ASYLUM SUPPORT OFFICE

Section 1

Supporting practical cooperation on asylum

Article 3

Pooling information and best practice

The Office shall organise, promote and coordinate all activities enabling the *exchange* of information and the identifying and pooling of *best* practice in asylum matters between the Member States.

Article 4

Country-of-origin information

The Office shall organise, promote and coordinate activities relating to information on countries of origin, in particular:

- (a) the gathering of **relevant, reliable, accurate and-up-to date** information on the countries of origin of asylum seekers and persons applying for international protection **in a transparent and impartial manner**, making use of all relevant sources of information, including governmental and non-governmental organisations (NGOs), **international organisations and EU institutions**;
- (b) the management and development of a portal for gathering information on countries of origin and its maintenance, **as well as the ensuring of its accessibility and transparency**;
- (c) the development of a common format and a common methodology for entering, verifying and using information on the country of origin;
- (d) the **impartial** analysis of country-of-origin information and the drafting of reports on countries of origin **in accordance with point (a), moving towards common assessment criteria**.

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Article 5

Supporting intra-Community transfers of persons accorded international protection

For Member States which are faced with specific and disproportionate pressures on their national asylum systems, due in particular to their geographical or demographic situation, the Office shall coordinate exchanges of information and all other activities related to the implementation of instruments and mechanisms for the intra-Community *transfers* ■ of persons accorded international protection in the European Union.

Article 6

Support for training

1. The Office shall establish and develop, ***in close cooperation with UNHCR and relevant NGOs***, training for members of all national administrations and courts, and national services ***or other entities formally used in the asylum procedure*** in the Member States.

2. The Office shall manage and develop a European asylum curriculum ***which shall, as a minimum, provide for training on international refugee and human rights law and standards and the Community asylum acquis***.

3. The training offered by the Office may be general, specific or thematic.

4. Specific ***or thematic*** training activities shall include:

- (a) issues related to the handling of asylum applications from minors and vulnerable persons with specific needs;
- (b) identification of the signs and symptoms of torture;
- (c) interview techniques;
- (d) the use of expert medical and legal reports in asylum procedures;
- (e) issues relating to the production and use of information on countries of origin;
- (f) specific legal and case-law issues.

5. The training offered shall be designed to provide the persons targeted with high-quality training, and shall identify key principles and best *practice* with a view to greater convergence of practice, administrative methods and national court decisions.

6. The Office shall provide experts who are part of the Asylum Intervention Pool referred to in **Article 15** with specialist training relevant to their tasks and powers and shall conduct regular exercises with those experts in accordance with the specialist training and exercise schedule referred to in its annual work programme.

7. The Office may organise training activities in cooperation with Member States ***and NGOs*** in their territory.

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Article 7

Support for the external dimensions of asylum policy

As regards external matters the Office shall, in agreement with the Commission, coordinate the exchange of information and all other action taken on issues arising from the implementation of instruments and mechanisms relating to the external dimension of the Common European Asylum System.

The Office shall coordinate exchanges of information and all other action taken on the resettlement of refugees within the European Union, **taking into consideration the principles of solidarity and of burden sharing.**

Pursuant to its terms of reference, and in accordance with *Article 49*, the Office may **promote** capacity-building in third countries within the framework of regional protection programmes.

Section 2

Support for Member States under particular pressure

Article 8

Particular pressure

The Office shall coordinate and support common action to assist Member States under particular pressure, in particular pressure arising from their geographical or demographic situations or situations characterised by sudden arrivals of large numbers of third-country nationals who may be in need of international protection.

Article 9

Gathering and analysing information

1. To be able to assess the needs of Member States under particular pressure, the Office shall gather, on the basis notably of information provided by Member States, UNHCR **and other relevant organisations**, all relevant information for the identification, preparation and formulation of emergency measures to cope with such pressure, in particular under Regulation (EC) No .../2009 of the European Parliament and of the Council of ... establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person ⁽¹⁾.

2. The Office shall identify and analyse systematically, on the basis of information provided by Member States, the structures and staff available, especially for translation and interpretation **and assistance with the initial gathering of information to support the Member States in their determination of status**, and the asylum capacity in the Member States with a view to fostering quick and reliable mutual information to the various national authorities responsible for asylum.

Article 10

Support for the Member States

The Office shall coordinate action to support Member States subject to pressure, including:

- (a) setting up an early warning system to notify the Member States **and the Commission** of any influx of applicants for international protection;

⁽¹⁾ OJ L ...

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- (b) *on a proposal from the Commission, implementing a binding solidarity mechanism to reallocate beneficiaries of international protection from Member States with specific and disproportionate pressures on their national asylum systems, in consultation with UNHCR, following non-discretionary, transparent and unequivocal rules;*
- (c) coordinating action to help Member States under pressure to carry out an initial analysis of asylum applications under examination by the competent national authorities;
- (d) coordinating action designed to ensure that appropriate reception facilities can be speedily established by the Member State under pressure, in particular emergency accommodation, transport and medical assistance;
- (e) coordinating the asylum support teams, the operating arrangements for which are set out in Chapter 3.

Section 3

Contribution to the implementation of the Common European Asylum System

Article 11

Gathering and exchanging information

1. The Office shall organise, coordinate and promote the exchange of information between national asylum authorities and between the Commission and national asylum authorities concerning the implementation of all relevant instruments of the Community asylum acquis. To this end, it may create factual, legal and *case-law* databases on national, European and international asylum instruments.
2. In particular, the Office shall gather the following information on:
 - (a) || the processing of applications for international protection by national administrations and authorities;
 - (b) || national legislation and legislative developments in the field of asylum, including case law.

Article 12

Reports and other Office documents

1. The Office shall draw up an annual report on the situation of asylum in the European Union. As part of this report, the Office shall evaluate the results of activities carried out under this Regulation and make a comprehensive comparative analysis of them with the aim of promoting a better understanding of good practice by the Member States and improving the quality, consistency and effectiveness of the Common European Asylum System. ***The report shall be presented to the European Parliament and the Commission.***
2. The Office may draft, at the request of the Commission and after consulting the Executive Committee referred to in Article 32, acting in close consultation with its working parties and the Commission, technical documents on the implementation of Community asylum instruments, including guidelines and operating manuals. ***UNHCR should be a leading participant in the development of EU guidelines to ensure consistency with international standards. For topics where UNHCR guidelines already exist, these should serve as the starting point for practical cooperation to narrow the gaps in practice.***
3. ***At the request of the European Parliament, the Office may draft reports on specific aspects of the implementation of the Community asylum acquis relating to international protection.***

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CHAPTER 3

ASYLUM SUPPORT TEAMS

Article 13

Coordination

1. A Member State or Member States subject to particular pressure **may request the Office for the deployment of an** asylum support **team**. The requesting Member State **or Member States shall specify in particular a description of the situation, any objectives and estimated deployment requirements in accordance with Article 18(1).**

2. **In response to such a request, the Office may coordinate the necessary technical and operational assistance to a Member State or Member States and the deployment, for a limited time, of the asylum support team in the territory of the requesting Member State or Member States on the basis of an operating plan as referred to in Article 18.**

Article 14

Technical assistance

The asylum support teams shall provide **expertise as agreed in the operating plan referred to in Article 18**, in particular expertise about interpreting services, information on the countries of origin and knowledge of the handling and management of asylum cases within the framework of the activities to support Member States referred to in Article 10.

Article 15

Asylum Intervention Pool

1. On a proposal by the Executive Director of the Office, the Management Board shall decide by a majority of three quarters of its members on the profiles and the overall number of the experts to be made available for the asylum support teams (Asylum Intervention Pool). The same procedure shall apply with regard to any subsequent changes in the profiles and the overall number of experts of the Asylum Intervention Pool.

2. Member States shall contribute to the Asylum Intervention Pool via a national expert pool on the basis of defined profiles and propose experts corresponding to the required profiles.

Article 16

Deployment

1. Member States shall, at the request of the Office, immediately communicate the number, names and profiles of experts from their national pool who can be made available within five days to join an asylum support team. Member States shall make experts available for deployment at the Office's request unless they are faced with an exceptional situation substantially affecting the discharge of national duties. The home Member State shall retain its autonomy in the selection of staff and the duration of their deployment.

2. **Where Member States are unable to provide the expertise deemed to be essential for its operation, the Office may take the necessary measures to source such expertise from relevant experts and organisations, drawing on the expertise of the Consultative Forum.**

3. When determining the composition of an asylum support team, the Executive Director of the Office shall take into account the particular circumstances confronting the requesting Member State. The asylum support team shall be constituted in accordance with the operating plan referred to in Article 18.

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Article 17

Procedure for deciding on deployment

1. A request for deployment of asylum support teams in accordance with Article 16(1) shall include a description of the situation, any objectives and estimated deployment requirements. If required, the Executive Director may send Office experts to assess the situation in the requesting Member State.
2. The Executive Director shall immediately notify the Executive Committee of any deployment of asylum support teams.
3. The Executive Director shall take a decision on the request for deployment of asylum support teams as soon as possible and no later than five working days from the date of receipt of the request. The Executive Director shall notify the requesting Member State simultaneously and the Executive Committee in writing of the decision, *stating* the main reasons for it.
4. If the Executive Director decides to deploy one or more asylum support teams, an operating plan shall immediately be drawn up by the Office and the requesting Member State in accordance with Article 18.
5. As soon as this plan has been agreed, the Executive Director shall inform the Member States providing the experts to be deployed of the number and profiles required. This information shall be provided, in writing, to the national contact points referred to in Article 19 and shall specify the scheduled date of deployment. A copy of the operating plan shall also be sent to them.
6. If the Executive Director is absent or indisposed, the decisions on the deployment of the teams shall be taken by the head of unit assuming his/her functions.

Article 18

Operating plan

1. The Executive Director and the requesting Member State shall agree on an operating plan setting out in detail the conditions for deployment of the asylum support teams. The operating plan shall include:
 - (a) a description of the situation, with the *modus operandi* and objectives of the deployment, including the operational objective;
 - (b) the forecast duration of the teams' deployment;
 - (c) the geographical area of responsibility in the requesting Member State where the teams will be deployed;
 - (d) a description of the tasks and special instructions for members of the teams, including databases *which* they are authorised to consult and the equipment *which* they may carry in the host Member State;
 - (e) the composition of the teams.
2. Any amendments to or adaptations of the operating plan shall require the agreement of both the Executive Director and the requesting Member State. A copy of the amended or adapted operating plan shall be sent immediately by the Office to the participating Member States.

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Article 19

National contact point

Each Member State shall designate a national contact point for communication with the Office on all matters pertaining to the asylum support teams. The national contact point shall be reachable at all times.

Article 20

Community contact point

1. The Executive Director shall designate one or more Office experts to act as a Community contact point for coordination. The Executive Director shall notify the host Member State of such designations.

2. The Community contact point shall act on behalf of the Office in all aspects of the deployment of asylum support teams. In particular, it shall:

- (a) act as an interface between the Office and the host Member State;
- (b) act as an interface between the Office and members of the asylum support teams, providing assistance, on behalf of the Office, on all issues relating to the conditions of the teams' deployment;
- (c) monitor the correct implementation of the operating plan;
- (d) report to the Office on all aspects of the asylum support teams' deployment.

3. The Executive Director of the Office may authorise the contact point to assist in resolving any disputes concerning the implementation of the operating plan and the deployment of asylum support teams.

4. In discharging his/her duties, the Community contact point shall take instructions only from the Office.

Article 21

Civil liability

1. Where members of an asylum support team are operating in a host Member State, that Member State shall be liable in accordance with its national law for any damage caused by them during their operations.

2. Where such damage is caused by gross negligence or wilful misconduct, the host Member State may approach the home Member State in order to have any sums it has paid to the victims or persons entitled on their behalf reimbursed by the home Member State.

3. Without prejudice to the exercise of its rights vis-à-vis third parties, each Member State shall waive all its claims against the host Member State or any other Member State for any damage it has sustained, except in cases of gross negligence or wilful misconduct.

4. Any dispute between Member States relating to the application of paragraphs 2 and 3 of this Article which cannot be resolved by negotiations shall be referred by them to the Court of Justice of the European Communities in accordance with Article 239 of the Treaty.

5. Without prejudice to the exercise of its rights vis-à-vis third parties, the Office shall meet the costs relating to damage caused to the Office's equipment during deployment, except in cases of gross negligence or wilful misconduct.

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Article 22

Criminal liability

During the deployment of an asylum support team, members of the team shall be treated in the same way as officials of the host Member State with regard to any criminal offences that might be committed against or by them.

Article 23

Costs

The Office shall fully cover the following costs incurred by Member States in making their experts available for deployment to asylum support teams:

- (a) travel costs from the home Member State to the host Member State and from the host Member State to the home Member State;
- (b) cost of vaccinations;
- (c) cost of special insurance cover required;
- (d) cost of health care;
- (e) daily subsistence allowances, including accommodation costs;
- (f) cost of the Office's technical equipment.

CHAPTER 4

ORGANISATION OF THE OFFICE

Article 24

Bodies of the Office

The administrative and management structure of the Office shall comprise:

- (a) a Management Board;
- (b) an Executive Director and his/her staff;
- (c) an Executive Committee;
- (d) a Consultative Forum.

Article 25

Composition of the Management Board

1. Each Member State shall appoint one member to the *Management Board* and the Commission two members.
2. Each member of the Management Board may be represented or accompanied by an alternate. *When* accompanying a member, the alternate ¶ shall attend without having the right to vote.

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3. Management Board members shall be appointed on the basis of their experience and high degree of expertise in the field of asylum.
4. ¶ UNHCR shall be a non-voting member of the Management Board.
5. The term of office of members of the Management Board shall be three years. This term shall be renewable. On the expiry of their term of office or in the event of their resignation, members shall remain in office until their appointments are renewed or until they are replaced.

Article 26

Chair of the Management Board

1. The Management Board shall elect a *Chair* and a Deputy *Chair* from among its members. The Deputy *Chair* shall automatically replace the *Chair* if he/she is prevented from attending to his/her duties.
2. The term of office of the *Chair* and that of the Deputy *Chair* shall last for three years and may be renewed only once. If, however, their membership of the Management Board ends at any time during their term of office as *Chair* or Deputy *Chair*, their term of office shall automatically *also* expire on that date ¶.

Article 27

Meetings of the Management Board

1. The meetings of the Management Board shall be convened by its *Chair*. The Executive Director of the Office shall take part in the meetings.
2. The Management Board shall hold at least two ordinary meetings a year. In addition, it shall meet on the initiative of its *Chair* or at the request of one third of its members. The *Chair* shall convene additional meetings of the Management Board at the request of at least one third of its members.
3. The Management Board may invite any person whose opinion may be of interest to attend its meetings as an observer.
4. The members of the Management Board may, subject to the provisions of its rules of procedure, be assisted by advisers or experts.
5. The secretariat for the Management Board shall be provided by the Office.

Article 28

Voting

1. The Management Board shall take its decisions by a majority of two thirds of all members with voting rights. Each member entitled to vote shall have one vote. In the absence of a member, his/her alternate shall be entitled to exercise his/her right to vote.
2. The Executive Director of the Office shall not *be entitled to vote*.
3. The *Chair* shall take part in the voting.
4. Member States that do not fully participate in the *Community asylum acquis* ¶ shall not vote when the Management Board is called on to take decisions falling within the management powers of the Office, as laid down in Article 29, on the basis of instruments to which they do not adhere.

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5. The Management Board's rules of procedure shall establish more detailed voting arrangements, in particular the circumstances in which a member may act on behalf of another member, plus any quorum requirements, where *necessary*.

Article 29

Functions of the Management Board

The Management Board shall ensure that the Office performs the tasks assigned to it. It shall be the Office's planning and monitoring body. In particular, it shall:

- (a) adopt its rules of procedure;
- (b) appoint the Executive Director as laid down in *Article 30*; exercise disciplinary authority over the Executive Director and, where necessary, suspend or dismiss him;
- (c) adopt the annual general report on the Office's activities and forward it by 15 June of the following year ¶ to the European Parliament, the Council, the Commission and the ¶ Court of Auditors; the general report shall be made public;
- (d) before 30 September each year, on the basis of a draft put forward by the ¶ Executive Director and after receiving the opinion of the Commission, adopt, by a majority of three quarters of its members with the right to vote, the Office's work programme for the coming year and forward it to the European Parliament, the Council and the Commission; this work programme shall be adopted in accordance with the annual Community budgetary procedure and the Community legislative work programme in the area of asylum;
- (e) exercise its responsibilities in respect of the Office's budget as laid down in Chapter 5;
- (f) adopt the detailed rules for applying Regulation (EC) No 1049/2001 in accordance with *Article 43* of this Regulation;
- (g) establish the rules governing the use of languages by the Office in accordance with *Article 42*;
- (h) establish the Office's organisational structure and adopt its staff policy in accordance with *Article 39*;
- (i) adopt, having requested the opinion of the Commission, the multiannual staff policy plan;
- (j) take all decisions for the purpose of fulfilling the Office's terms of reference as laid down in this Regulation;
- (k) take all decisions on the establishment and, where necessary, the development of the information systems provided for in this Regulation, including the information portal referred to in *Article 4(b)*;
- (l) take all decisions on the establishment and, where necessary, modification of the Office's internal structures;
- (m) exercise disciplinary authority over the Executive Director;
- (n) adopt its rules of procedure on the basis of a draft submitted by the Executive Director and after receiving the opinion of the Commission.

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Article 30

Appointment of the Executive Director

1. The Office's Executive Director shall be appointed for a period of five years by the Management Board **in accordance with the cooperation procedure provided for in this Article. The Executive Director shall be appointed on the basis of his or her personal merit, experience in the field of asylum and administrative and management skills. The cooperation procedure shall be as follows:**

(a) on the basis of a list drawn up by the Commission after a call for candidates and a transparent selection procedure, applicants shall be asked before an appointment is made to address the Council and the competent committee or committees of the European Parliament and to answer questions;

(b) the European Parliament and the Council shall then give their opinions and state their orders of preference;

(c) the Management Board shall appoint the Executive Director taking those opinions into account.

In the course of the last nine months of this five-year period the Commission shall carry out an evaluation focusing on:

— the performance of the Executive Director; and

— the Office's tasks and requirements in coming years.

2. The Management Board, acting on a proposal from the Commission and taking into account the evaluation report, may extend the term of office of the Director once for not more than three years, but only || where *such an extension* is justified by the purpose and requirements of the Office.

3. The Management Board shall inform the European Parliament of its intention to extend the Executive Director's term of office. In the month prior to such extension of his/her term, the Executive Director **shall** be invited to make a statement before the competent committee or committees of the European Parliament and answer questions put by its or their members.

Article 31

Functions of the Executive Director

1. The Office shall be managed by its Executive Director, who shall be independent in the performance of his/her duties. The Executive Director shall be accountable to the Management Board for his/her activities.

2. Without prejudice to the powers of the Commission or the Management Board, the Executive Director shall neither seek nor take instructions from any government or from any other body.

3. The European Parliament and the Council may invite the Executive Director to report on the performance of his/her tasks.

4. The Executive Director shall be the legal representative of the Office.

5. The Executive Director may be assisted by one or more heads of unit. If the Executive Director is absent or indisposed, a head of unit shall take his/her place.

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6. The Executive Director shall be responsible for:
- (a) the day-to-day administration of the Office;
 - (b) establishing the Office's work programmes, having received the opinion of the Commission;
 - (c) implementing the work programmes and decisions adopted by the Management Board;
 - (d) drafting reports on || countries of origin as provided for in point (d) of Article 4;
 - (e) preparing the Office's draft financial regulation for adoption by the Management Board under *Article 38*, and its implementing rules;
 - (f) the preparation of the Office's draft statement of estimates of revenue and expenditure and of *implementation* of its budget;
 - (g) exercising the powers laid down in *Article 39* in respect of Office staff;
 - (h) all staff matters; taking all decisions on the management of the information systems provided for in this Regulation, including the information portal referred to in *Article 4(b)*;
 - (i) taking all decisions on the management of the Office's internal structures.

Article 32

Executive Committee

1. In the interests of speed and efficiency, the Office shall set up an Executive Committee with eight members appointed from among the members of the Management Board.
2. The Commission shall be an *ex officio* member of the Executive Committee. The Management Board of the Office shall lay down the rules applicable to the appointment of other members of the Executive Committee.
3. The Executive Committee shall meet regularly at the invitation of the Executive Director, or at the request of at least one third of its members at least four times a year. Its operating procedures shall be laid down in the Office's rules of procedure and be made public.
4. The term of office of members of the Executive Committee shall be the same as that of members of the Management Board.
5. The Executive Committee shall convene when necessary for meetings on specific topics.
6. The Executive Committee shall be responsible for advising the Office's Executive Director and issuing opinions to the Management Board, either at the *Management Board's* request or on its own initiative, on the Office's work programme and all its activities and on any occasion where the Office *has to* take quick decisions, especially concerning the sending of asylum support teams to Member States under particular pressure in accordance with the provisions of Chapter 3.
7. The Office shall provide the technical and *logistical* support necessary for the Executive Committee and provide the secretariat for its meetings.

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8. At the request of the Executive Committee, UNHCR representatives may attend meetings of the Executive Committee without the right to vote.

9. The Executive Committee may invite any person whose opinion may be of interest to attend its meetings as an observer.

Article 33

Working parties

1. As part of its terms of reference as laid down in this Regulation, the Office may set up working parties composed of experts from competent Member State authorities operating in the field of asylum, including judges. Experts may be replaced by alternates appointed at the same time.

2. The Commission shall take part in the working parties as of right. UNHCR representatives may attend all or part of the meetings of the Office's working parties, depending on the nature of the issues under discussion.

3. The working parties may invite any person whose opinion may be of interest to attend meetings, including representatives of NGOs working in the field of asylum.

||

CHAPTER 5

FINANCIAL PROVISIONS

Article 34

Budget

1. Estimates of all the revenue and expenditure of the Office shall be *drawn up* for each financial year, corresponding to the calendar year, and shall be shown in the Office's budget.

2. *The revenue and expenditure shown in the Office's budget shall be in balance.*

3. Without prejudice to other resources, the Office's revenue shall comprise:

(a) a contribution from the Community entered in the general budget of the European Union;

(b) any voluntary contribution from the Member States;

(c) charges for publications, training and any service provided by the Office.

4. The expenditure of the Office shall include staff remuneration, administrative and infrastructure expenses, operating costs, and expenditure relating to contracts or agreements concluded by the Office.

Article 35

Setting of the budget

1. Each year the Executive Director shall draw up a draft statement of estimates of the Office's revenue and expenditure for the following year together, including the establishment plan, and forward it to the Management Board.

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2. The Management Board shall, on the basis of this draft, produce an estimate of the Office's revenue and expenditure for the following financial year.
3. The draft statement of estimates of the Office's revenue and expenditure shall be forwarded to the Commission by 10 February ¶. The final version of this estimate, which shall include a draft establishment plan, shall be forwarded by the Management Board to the Commission by 31 March ¶.
4. The statement of estimates shall be forwarded by the Commission to the European Parliament and the Council (the 'budgetary authority') together with the preliminary draft general budget of the European Union.
5. On the basis of the statement of estimates, the Commission shall enter in the preliminary draft general budget of the European Union the estimates *which* it considers necessary for the establishment plan and the amount of the grant to be charged to the general budget, which it shall place before the budgetary authority in accordance with Article 272 of the Treaty.
6. The budgetary authority shall authorise the appropriations for the Office's grant.
7. The budgetary authority shall adopt the Office's establishment plan.
8. The Office's budget shall be adopted by the Management Board. It shall become final following final adoption of the general budget of the European Union. Where necessary, it shall be adjusted accordingly.
9. The Management Board shall, as soon as possible, notify the budgetary authority of its intention to implement any project which may have significant financial implications for the funding of the budget, in particular any projects relating to property such as the rental or purchase of buildings. It shall inform the Commission accordingly.
10. Where a branch of the budgetary authority has notified its intention to deliver an opinion, it shall forward its opinion to the Management Board within a period of six weeks from the date of the project's notification.

Article 36

Implementation of the budget

1. The Executive Director shall implement the Office's budget.
2. Each year the Executive Director shall forward to the budgetary authority all information relevant to the findings of the evaluation procedures.

Article 37

Presentation of accounts and discharge

1. By 1 March ¶ following each financial year, the Office's accounting officer shall communicate the provisional accounts to the Commission's Accounting Officer together with a report on the budgetary and financial management for that financial year. The Commission's Accounting Officer shall consolidate the provisional accounts of the institutions and decentralised bodies in accordance with Article 128 of *the Financial Regulation* ¶.

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2. By 31 March ¶ following each financial year, the Commission's accounting officer shall forward the Office's provisional accounts to the Court of Auditors, together with a report on the budgetary and financial management for that financial year. The report on the budgetary and financial management for that financial year shall also be forwarded to the European Parliament and the Council.
3. On receipt of the Court of Auditors' observations on the Office's provisional accounts pursuant to Article 129 of *the Financial Regulation* ¶, the Executive Director shall draw up the Office's final accounts under his/her own responsibility and submit them to the Management Board for an opinion.
4. The Management Board shall deliver an opinion on the Office's final accounts.
5. The Executive Director shall, by 1 July ¶ following each financial year, forward the final accounts to the European Parliament, the Council, the Commission and the Court of Auditors, together with the Management Board's opinion.
6. The final accounts shall be published.
7. The Executive Director shall send the Court of Auditors a reply to its observations by 30 September ¶. He/she shall also send *that* reply to the Management Board.
8. The Executive Director shall submit to the European Parliament, at its request, any information required for the smooth application of the discharge procedure for the financial year in question, as laid down in Article 146(3) of *the Financial Regulation* ¶.
9. On a recommendation from the Council acting by a qualified majority, the European Parliament ¶ shall, before 15 May of year N + 2, give a discharge to the Executive Director in respect of the implementation of the budget for year N.

Article 38

Financial regulation

The financial regulation applicable to the Office shall be adopted by the Management Board after consultation with the Commission. It may not depart from Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 ¶ on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽¹⁾, unless such departure is specifically required for the Office's operation and the Commission has given its prior consent.

CHAPTER 6

STAFF PROVISIONS

Article 39

Staff

1. The Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and the rules adopted jointly by the EU institutions for the purpose of applying *those* Staff Regulations and Conditions of Employment shall apply to the staff of the Office, including the Executive Director.
2. The Management Board shall, in agreement with the Commission, adopt the necessary implementing measures referred to in Article 110 of the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities.

⁽¹⁾ OJ L 357, 31.12.2002, p. 72.

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3. The powers conferred on the appointing authority by the Staff Regulations and on the authority entitled to conclude contracts by the Conditions of Employment of Other Servants shall be exercised by the Office in respect of its own staff.

4. The Management Board may adopt provisions to allow national experts from Member States to be employed on secondment to the Office.

Article 40

Privileges and immunities

The Protocol on the Privileges and Immunities of the European Communities shall apply to the Office.

CHAPTER 7

GENERAL PROVISIONS

Article 41

Legal status

1. The Office shall be a body of the Community ***established in accordance with Article 185 of the Financial Regulation***. It shall have legal personality.

2. In each of the Member States the Office shall enjoy the most extensive legal capacity accorded to legal persons under their laws. It may, in particular, acquire and dispose of movable and immovable property and be a party to legal proceedings.

3. The Office shall be represented by its Executive Director.

4. The headquarters of the Office shall be located in [...]. ¶

Article 42

Language arrangements

1. The provisions laid down in Regulation No 1 of 15 April 1958 determining the languages to be used by the European Economic Community ⁽¹⁾ shall apply to the Office ¶.

2. Without prejudice to decisions taken on the basis of Article 290 of the Treaty, the annual general report on the Office's activities and the annual work programme referred to in points (c) and (d) of Article 29 shall be produced in all the official languages of the Community.

3. The translation services required for the functioning of the Office shall be provided by the Translation Centre for the bodies of the European Union.

4. The Management Board shall establish the practical arrangements for the implementation of the language arrangements.

⁽¹⁾ OJ 17, 6.10.1958, p. 385.

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Article 43

Access to documents

1. ***The Office shall develop good administrative practices in order to ensure the highest possible level of transparency concerning its activities.*** Regulation (EC) No 1049/2001 \parallel shall apply to documents held by the Office.
2. The Management Board shall adopt the arrangements for implementing Regulation (EC) No 1049/2001 within six months of entry into force of this Regulation.
3. Decisions taken by the Office under Article 8 of Regulation (EC) No 1049/2001 may form the subject of a complaint to the Ombudsman or of an action before the Court of Justice of the European Communities, under the conditions laid down in Articles 195 and 230 of the Treaty respectively.
4. The processing of data of a personal nature by the Office shall be subject to the provisions of Regulation (EC) No 45/2001 \parallel .

Article 44

Security rules on the protection of classified information and non-classified sensitive information

1. The Office shall apply the security principles contained in Commission Decision 2001/844/EC, ECSC, Euratom of 29 November 2001 amending its internal *Rules of Procedure* ⁽¹⁾. This shall cover, inter alia, provisions for the exchange, processing and storage of classified information.
2. The Office shall also apply the security principles relating to the processing of non-classified sensitive information as adopted and implemented by the \parallel Commission.

*Article 45**Combating fraud*

1. ***In order to combat fraud, corruption and other unlawful activities, the provisions of Regulation (EC) No 1073/1999 shall apply without restriction.***
2. ***The Office shall accede to the Interinstitutional Agreement of 25 May 1999 and shall issue, without delay, the appropriate provisions applicable to all the employees of the Office.***
3. ***Decisions concerning funding and the implementing agreements and instruments resulting from them shall expressly stipulate that the Court of Auditors and OLAF may carry out, if necessary, on-the-spot checks among recipients of the Office's funding and the agents responsible for allocating it.***

Article 46

Provisions on liability

1. The Office's contractual liability shall be governed by the law applicable to the contract in question.
2. The Court of Justice of the European Communities shall have jurisdiction to give judgment pursuant to any arbitration clause contained in a contract concluded by the Office.
3. In the case of non-contractual liability, the Office shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by its departments or by its staff in the performance of their duties.

⁽¹⁾ OJ L 317, 3.12.2001, p. 1.

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4. The Court of Justice of the European Communities shall have jurisdiction in disputes over compensation for damages referred to in paragraph 3.

5. The personal liability of its staff towards the Office shall be governed by the provisions laid down in the Staff Regulations or Conditions of Employment applicable to them.

Article 47

Evaluation and review

1. No later than three years after *the Office becomes operational as referred to in Article 54*, the Office shall commission an independent external evaluation of its achievements on the basis of terms of reference issued by the Management Board in agreement with the Commission. *That evaluation shall cover the Office's impact on practical cooperation on asylum and on the Common European Asylum System. It shall, in particular, address the possible need to modify or extend the tasks of the Office, including the financial implications of any such modification or extension. The evaluation shall also look at whether the management structure is appropriate for carrying out the Office's tasks. The evaluation shall take into account the views of stakeholders, at both Community and national levels.*

2. The Management Board, in agreement with the Commission, shall decide the timing of future evaluations, taking into account the findings of the evaluation report referred to in paragraph 1.

Article 48

Administrative controls

The activities of the Office shall be subject to the supervision of the Ombudsman in accordance with Article 195 of the Treaty.

Article 49

Cooperation with third and associate countries

1. The Office shall be open to the participation of countries which have concluded agreements with the ¶ Community by virtue of which they have adopted and applied Community legislation in the field covered by this Regulation. Arrangements shall be made under the relevant provisions of those agreements, specifying in particular the nature, extent and manner in which those countries are to participate in the Office's work. Such arrangements shall include provisions relating to participation in initiatives undertaken by the Office, financial contributions and staff. As regards staff matters, those agreements shall, in any event, *comply with the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities.*

2. In matters connected with its activities and to the extent required for the fulfilment of its tasks the Office shall, in agreement with the Commission ***and within the limits of its mandate***, facilitate operational cooperation between Member States and third countries *within the framework of the European Union's external relations policy*, and may also cooperate with the authorities of third countries competent in technical aspects of the areas covered by this Regulation, within the framework of working arrangements concluded with those authorities, in accordance with the relevant provisions of the Treaty.

Article 50

Cooperation with ¶ UNHCR

The Office shall cooperate with UNHCR in the areas governed by this Regulation within the framework of working arrangements concluded with it.

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The Office may make grants to ¶ UNHCR. Such grants shall be made in order to finance activities that will enable the Office to avail itself of ¶ UNHCR's expertise in asylum matters on a stable and sustainable footing. They shall form part of the special cooperation relations established between the Office and ¶ UNHCR in accordance with this Article and with Articles 2(5), 9(1), 25(4), 32(8), 33(2) and 51(4). In accordance with Article 75 of Regulation (EC, Euratom) No 2343/2002, the relevant provisions of the Financial Regulation ¶ and its implementing rules shall apply.

Article 51

Consultative Forum

1. The Office shall cooperate closely with civil society organisations and relevant competent bodies operating in the field of asylum policy at local, regional, national, European or international level and shall set up a Consultative Forum for that purpose.

2. Local authorities, which have an important role and expertise in the field of asylum policy, shall be included in the Consultative Forum.

3. The Consultative Forum shall constitute a mechanism for the exchange of information and pooling of knowledge. It shall ensure that there is close cooperation between the Office and the relevant stakeholders.

4. The Consultative Forum shall be open to all competent stakeholders in accordance with paragraph 1. The Office shall address the members of the Consultative Forum in accordance with specific needs related to areas identified as priority for the Offices work.

UNHCR shall be an ex officio member of the Consultative Forum.

5. The Office shall call on the Consultative Forum in particular to:

- (a) make suggestions to the Management Board on the annual work programme to be adopted under point (d) of Article 29;**
- (b) provide feedback to the Management Board and suggest measures as a follow-up to the annual report referred to in point (c) of Article 29 and the annual report on the situation of asylum in the European Union referred to in Article 12(1); and**
- (c) communicate the conclusions and recommendations of conferences, seminars and meetings relevant to the work of the Office to the Executive Director and the Management Board.**

6. The coordination of the Consultative Forum shall be under the authority of the Executive Director.

7. The Consultative Forum shall meet at least twice a year.

Article 52

Cooperation with Frontex, FRA and other Community bodies and with international organisations

The Office shall cooperate with Community bodies having activities relating to its field of activity, and in particular with the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) and the ¶ FRA ¶ and with international organisations competent in matters covered by this Regulation, within the framework of working arrangements concluded with those bodies, in accordance with the ¶ Treaty and the provisions on the competence of those bodies.

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Cooperation shall create synergies between the bodies concerned and prevent any duplication of effort in the work carried out pursuant to their terms of reference.

Article 53

Headquarters agreement and operating conditions

The necessary arrangements concerning the accommodation to be provided for *the* Office in the host *Member State* and the facilities to be made available by that State together with the specific rules applicable in the Office's host *Member State* to the Executive Director, members of the Management Board, Office staff and members of their families shall be laid down in a headquarters agreement between the Office and the host *Member State* concluded once the Management Board's approval is obtained. The headquarters *Member State* should provide the best possible conditions to ensure the proper functioning of the Office, including multilingual, European-oriented schooling and appropriate transport connections.

Article 54

Start of the Office's activities

The Office shall become operational within one year of the entry into force of this Regulation.

The Commission shall be responsible for the establishment and initial operation of the Office until it has the operational capacity to implement its own budget.

To this end:

- until such time as the Executive Director of the Office takes up his/her duties following his/her appointment by the Management Board in accordance with *Article 30*, a Commission official may act as interim Director and exercise the functions assigned to the Office's Executive Director;
- Commission officials may carry out the tasks assigned to the Office under the responsibility of its interim Director or Executive Director.

The interim Director may authorise all payments covered by appropriations entered in the Office's budget after approval by the Management Board and may conclude contracts, including staff contracts, following the adoption of the Office's establishment plan.

Article 55

Entry into force

This Regulation shall enter into force on the [...] day following ¶ its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at ¶,

For the European Parliament
The President

For the Council
The President
