



Decision of the Executive Director No 36/2025

on the terms of reference for Member State experts participating in the monitoring of the operational and technical application of the Common European Asylum System, including the Monitoring Roster

THE EXECUTIVE DIRECTOR,

HAVING REGARD to Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum¹ (hereinafter ‘the EUAA Regulation’), and in particular to Article 47(5) thereof,

HAVING REGARD to Management Board Decision No 161 of 13 March 2024 establishing a common methodology for the monitoring mechanism on the operational and technical application of the Common European Asylum System (hereinafter ‘MB Decision No 161’), and in particular section 8.1 of the Annex thereto,

WHEREAS:

- 1) MB Decision No 161 lays down the general principles for the Agency’s activities for the purposes of the monitoring mechanism.
- 2) Section 8.1 of the Annex to MB Decision No 161 sets out the rules and principles for the establishment of teams of experts, and in particular sub-section 8.1.4 foresees the establishment of a roster of Member State experts for the purposes of monitoring and empowers the Executive Director to establish internal rules, procedures and support tools to manage the roster. The Monitoring Roster is to constitute a reserve of Member State experts which will be made available for the purposes of the monitoring mechanism.
- 3) Section 8.1.7 of the Annex to MB Decision No 161 provides that further details concerning the implementation of the methodology in relation to the teams of experts are to be adopted by means of one or more decisions of the Executive Director.
- 4) Terms of reference for the Member States experts participating in the monitoring of the operational and technical application of the Common European Asylum System, including the Monitoring Roster, should be defined,

HAS DECIDED AS FOLLOWS:

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





Article 1
Roster of Member State experts

A roster of Member State experts (hereinafter ‘Monitoring Roster’) is hereby established to facilitate the nomination of experts for the teams of experts for the purpose of monitoring the operational and technical application of the Common European Asylum System.

Article 2
Terms of reference for Member State experts participating in the monitoring of the operational and technical application of the Common European Asylum System, including the Monitoring Roster

The terms of reference for Member State experts participating in the monitoring of the operational and technical application of the Common European Asylum System, including the Monitoring Roster, as annexed to this Decision, are hereby adopted.

Article 3
Implementation

The Head of the Asylum Knowledge Centre is tasked with ensuring the dissemination of this Decision among the Member State experts included on the Monitoring Roster.

Article 4
Entry into force

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

Done at Valletta Harbour, on

Nina Gregori
Executive Director

Annex: Terms of reference for Member State experts participating in the monitoring mechanism of the operational and technical application of the Common European Asylum System, including the Monitoring Roster.



Annex

Terms of reference for Member State experts participating in the monitoring of the operational and technical application of the Common European Asylum System, including the Monitoring Roster

1. Introduction

The Executive Director is responsible for setting up teams of experts² for the purposes of the monitoring mechanism³, which are to be composed of experts from the Agency's own staff, the Commission and, where necessary, the Member States and, as observer, the United Nations High Commissioner for Refugees (UNHCR). Although the EUAA monitoring mechanism is not conceived as a peer review process, the EUAA supports the active involvement of Member State experts in the teams of experts. To facilitate the nomination of experts in the teams, a roster of Member State experts is established. Nonetheless, the teams of experts are not prevented from performing their tasks in the absence of Member State experts and/or the UNHCR observer.

These terms of reference complement the information in section 8.1 of the Annex to MB Decision No 161 and provide further details for the practical implementation and operation of the Monitoring Roster. They set out, *inter alia*, the role and responsibilities of Member State experts on the Monitoring Roster in accordance with the common methodology for the monitoring mechanism laid down in the Annex to MB Decision No 161 (hereinafter 'Monitoring Methodology').

The structure and the size of the teams depend on the type and scope of the monitoring exercise as follows⁴:

- **Country monitoring exercise:** To adequately cover the wide range of expertise required for the purposes of the monitoring exercise, but also to better manage the workload, the country monitoring team will be organised in specific **thematic sub-teams** composed of experts in the areas of **asylum and reception**;
- **Ad hoc monitoring exercise:** The team composition will be adjusted in line with the specific focus depending on the serious concerns identified by the EUAA or the Commission, covering all or partly the areas under review in line with the objective criteria;
- **Thematic monitoring exercise:** The team of experts for a specific thematic exercise will be formulated on the basis of the expertise required.

2. Background information

The Agency shall maintain a Monitoring Roster for the purposes of monitoring. The Monitoring Roster constitutes a reserve of Member State experts who will be made available for the purpose of the

² Pursuant to Article 47(5)(p) of the EUAA Regulation.

³ Established pursuant to Articles 14 and 15 of the EUAA Regulation.

⁴ More details in sub-section 8.1.2 of MB Decision No 161.



monitoring mechanism. It serves as a pool of Member State experts that participate in teams of experts. Each Member State may nominate a **maximum of five experts** on the Monitoring Roster on a voluntary basis.

The Head of the Monitoring Unit shall manage the Monitoring Roster.

Member State experts participate in monitoring exercises in their individual capacity and not as representatives of their respective Member State. Consequently, they shall not seek advice and/or guidance from their respective Member State when participating in a monitoring exercise.

3. General criteria for the nomination of Member State experts in the Monitoring Roster

The Agency draws on experts on the basis of the general criteria defined in subsection 8.1.5 of the Annex to MB Decision No 161.

A call for nominations of experts shall be issued defining specific skills and thematic expertise, as needed. Moreover, if for the purposes of a monitoring exercise, specific expertise not covered by the Member State experts nominated in the Monitoring Roster is required, the Agency may publish an additional call for experts for the specific monitoring exercise in line with section 8.1.4 of the Annex to MB Decision No 161.

4. Role and responsibilities of Member State experts on the Monitoring Roster

Member State experts may participate in teams of experts where necessary. In the context of a monitoring exercise, Member State experts are mainly expected to:

- participate in the monitoring exercise including the on-site visit;
- participate in relevant training related to the monitoring exercise;
- participate actively in all activities, including the preparatory and follow-up process before and after the on-site visit, as needed;
- cooperate with the EUAA and the EUAA's monitoring country coordinator and thematic leaders and follow their guidance;
- carry out assigned responsibilities effectively and efficiently within the agreed time limits;
- document all findings and observations;
- contribute to the drafting of the monitoring report;
- provide feedback on the activities carried out;
- co-operate with the other team members at all times during all phases of the monitoring exercise;
- process the information received in the framework of the monitoring exercise in a confidential and objective manner in line with the code of conduct⁵;

⁵ As laid down in the Decision of the Executive Director No 34 of 25 April 2025 on the code of conduct for participants in activities for the purposes of monitoring of the operational and technical application of the Common European Asylum System.



- respect at all times the code of conduct for participants in activities for the purposes of monitoring of the operational and technical application of the Common European Asylum System.

5. Inclusion on the Monitoring Roster

All Member States shall be invited to nominate experts for inclusion on the Monitoring Roster, according to the general criteria outlined in section 8.1.5 of MB Decision no 161.

The national monitoring coordinators shall be requested to share a list of suitable Member State experts. Following the nomination, the Agency shall request all nominated Member State experts to fill in the Monitoring Roster Member State experts' registration form.

Personal information on Member State experts on the Monitoring Roster shall be covered by the applicable data protection notice.

Inclusion on the Monitoring Roster shall not be construed as synonymous with immediate participation in a monitoring exercise.

6. Revocation of nominations on the Monitoring Roster

The call for nominations of Member State experts shall be shared with the Monitoring Network. A Member State may recall a nomination at any time if the criteria cease to be fulfilled and/or the expert is no longer available, and may nominate new experts until the maximum number is reached.

7. Selection criteria for the participation of Member State experts in a team of experts for a monitoring exercise

The Executive Director is responsible for setting up teams of experts for the purpose of the monitoring mechanism. The Monitoring Methodology provides for flexibility as regards the size of monitoring teams of experts in order to increase efficiency and reduce the administrative burden. The EUAA shall define and adapt the size of the teams depending on the type and complexity of the monitoring activity while maintaining the balance between the different types of experts (EUAA staff, European Commission, Member State experts, and UNHCR as observer) as described in section 1 above.

When selecting Member State experts, the following considerations should be taken into account to the extent possible:

- the professional experience of the Member State experts on the Monitoring Roster;
- the need for a variety of profiles and expertise in the team of experts in line with the specific needs for the specific monitoring exercise, including, *inter alia*, language skills;
- the availability expressed by the Member State experts for a particular monitoring exercise;
- the need to ensure geographical and gender balance;
- rotation and balance as regards professional experience;



- equitable participation of Member States in monitoring exercises during each cycle.

Member State experts shall not be part of a team of experts performing a monitoring exercise in the country where they are employed (including experts on unpaid leave and seconded national experts) and/or their country of nationality (including dual nationality or former nationality). The Agency's policy on the prevention and management of conflicts of interest⁶ and the general principles defined in Section 8.1.5 of the monitoring methodology apply.

Upon confirmation of the appointment of a Member State expert as member of a team of experts, the Agency shall inform in writing via email the respective national monitoring coordinator and the expert concerned detailing the type of monitoring exercise and expected timeline of activities. The selected Member State expert shall confirm their participation as member of the team of experts within the set deadline.

The appointed Member State expert shall be expected to participate in the designated monitoring exercise as a member of the team of experts.

8. Reimbursement for Member State experts on the Monitoring Roster participating in monitoring teams of experts

Reimbursement of costs (i.e., travel-related expenses, accommodation, and subsistence expenses) linked to scheduled, in-person meetings for preparatory training purposes and/or the monitoring on-site visit shall be reimbursed by the EUAA as per the Decision of the Executive Director No 79/2024 of 19 February 2025 on the rules for reimbursement of expenses incurred by participants invited to attend the Agency's activities (hereinafter 'the Reimbursement Decision').

Tasks performed remotely are not subject to any reimbursement.

Selection on the Monitoring Roster and/or appointment as member of teams of experts does not in and of itself under any circumstances or at any point in time constitute and/or lead to an employment relationship between an expert and the EUAA or any other entities with whom the expert may interact in the context of their participation in the monitoring activities.

In line with section 8.1.3. of the Annex to MB Decision No 161, cancellation of participation of a Member State expert may happen for justified, serious and unforeseen reasons of a personal nature (such as sudden illness). Cancellations should be communicated in writing via email to the EUAA's Monitoring Unit functional mailbox (monitoring@euaa.europa.eu) without undue delay along with the relevant justification and documentation, as needed. In such cases, the EUAA shall reimburse any relevant costs borne for the purposes of the monitoring exercise in line with the Reimbursement Decision.

⁶ As laid down in Annex 1 to the Decision of the Executive Director No 20 of 23 April 2025 on the policy on the prevention and management of conflicts of interest, related post-employment and ethical guidance, and the role of ethics correspondent.



Withdrawal of an expert due to work related reasons (e.g., sudden increase of workload, finalisation of an important project) should be avoided, where possible.

9. Data protection

The personal data of the experts forming part of the team of experts and of the experts nominated for/included on the Monitoring Roster shall be processed in compliance with Regulation (EU) 2018/1725⁷. The data subjects shall be informed regarding the processing by means of a privacy notice that shall be made available on the EUAA's website. The Head of the Monitoring Unit shall act as data controller.

Member State experts' *curricula vitae* (CVs) and nomination forms are kept and used for the purpose of the Monitoring Roster until the EUAA receives a notification from the relevant national monitoring coordinator revoking a nomination. Following this notification, the expert's CV shall be removed from the EUAA's records.

Experts may update or correct their identification data at any time. To update or correct data regarding qualifications and experience relevant for inclusion on the Monitoring Roster, experts must resubmit their CV using an online form provided by the EUAA. Data subjects may ask to be removed from the Monitoring Roster and for their personal data to be erased, by submitting a request in writing to the Monitoring Unit, while maintaining their national monitoring coordinator informed⁸ of the said request.

⁷ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, (OJ L 259, 21.11.2018, p. 39).

⁸ For a request submitted by e-mail this means that the national monitoring coordinator should appear in copy (i.e., in cc.).