

**MANAGEMENT BOARD DECISION No 23/2014**  
**of 25 September 2014**

**authorising to request for derogations from the European Commission  
implementing rules on working time**

**THE MANAGEMENT BOARD**

Having regard to the Frontex Regulation<sup>1</sup>, and in particular Article 17(4) thereof, read together with the Staff Regulations<sup>2</sup>, and in particular Article 110(2) thereof,

Whereas:

- (1) Frontex Management Board shall adopt the necessary provisions implementing the Staff Regulations in agreement with the European Commission pursuant to the Article 110 of Staff Regulations of Officials of European Union;
- (2) Implementing rules to the Staff Regulations adopted by the European Commission (hereinafter “EC”) shall apply by analogy to EU agencies nine months after their entry into force in the EC or nine months after the date on which the EC has informed the agencies of the adoption of these rules;
- (3) Should an agency wish to derogate or not apply by analogy any of the EC implementing rules to the Staff Regulations, it is required to submit its justified request to the EC before the expiry of the nine months period;
- (4) Frontex came to conclusion that it would be contrary to Frontex interest to let the EC Decision on working time enter into force in Frontex without taking into account specifics of Frontex and in particular its core operations that significantly influence working regime and working time registration for affected staff members involved especially in field operations and joint return operations

**HAS DECIDED AS FOLLOWS:**

*Article 1*  
**Authorisation**

Frontex Executive Director is authorized to request to the EC for derogations from the EC implementing rules on working time C(2014) 2502 of 15 April 2014, which would apply by analogy to Frontex as of 1 March 2015, and to present to the EC for its agreement a modification of respective EC rules that would better suit specifics, needs and structure of Frontex.

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<sup>1</sup> Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union OJ L 349, 25.11.2004, p.1, as last amended.

<sup>2</sup> Staff Regulations and Conditions of Employment of Other Servants of the European Union (the CEOS), laid down originally by Council Regulation (EEC, Euratom, ECSC) No 259/68 OJ L 56, 4.3.1968, p. 1.

*Article 2*

**Adoption of Frontex implementing rule on working time**

After receiving the formal agreement of the EC to the modified version of the implementing rules on working time, the final version of Frontex implementing rules on working time is to be presented to Frontex Management Board for its final adoption.

*Article 3*

**Entry into force**

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

Done in Rome, 25 September 2014

For the Management Board

[signed]  
Ralf Göbel  
Chairperson

