MANAGEMENT BOARD DECISION 13/2019
of 12 June 2019

adopting deputising arrangements for the Fundamental Rights Officer

THE MANAGEMENT BOARD

Having regard to the European Border and Coast Guard Regulation\(^1\), in particular Article 62(o) and (y) thereof,

Whereas:

(1) The Management Board is responsible under Article 62(2)(o) and (y) of the European Border and Coast Guard Regulation for establishing the organisational structure of Frontex and for appointing the Fundamental Rights Officer, in accordance with Article 71(1) of that Regulation.

(2) In order to ensure business continuity and in agreement with the Fundamental Rights Officer a.i., an ‘Associated Fundamental Rights Officer’ should be appointed with a power to deputise for the Fundamental Rights Officer\(^2\) in case of her absence.

(3) When deputising for the Fundamental Rights Officer, the Associated Fundamental Rights Officer should enjoy an appropriate level of independence, specifically with regard to the complaints mechanism\(^3\), and the assessment of Serious Incident Reports (‘SIRs’) where FRO is SIR coordinator (‘deputising decisions’).

(4) The Associated Fundamental Rights Officer should be appointed by a Decision of the Executive Director, under the powers delegated to him by the Management Board\(^4\).

(5) Article 18(1) of the Management Board Rules of Procedure\(^5\) in conjunction with Article 2(3) of Management Board Decision No 26/2016 provide that, where relevant, the Chairperson of the Management Board, on behalf of the Management Board, shall approve certain decisions regarding the Fundamental Rights Officer.

(6) The Management Board should therefore adopt the present decision on regulating deputising arrangements for the Fundamental Rights Officer.

(7) Considering that the forthcoming Regulation replacing Regulation 2016/1624 on the European Border and Coast Guard establishes a position of the Deputy Fundamental Rights Officer, it is opportune to review the present Decision upon the entry into force of the forthcoming Regulation.


\(^2\) Referring to the ‘Fundamental Rights Officer ad interim’ as long as Management Board Decision 27/2018 of 5 November 2018 on the appointment of an ad interim Fundamental Rights Officer is in force.

\(^3\) Article 72 of the European Border and Coast Guard Regulation.

\(^4\) Management Board Decision No 26/2016 of 6 October 2016 Delegating the powers conferred by the Staff Regulations of Officials on the appointing authority and by the Conditions of Employment of Other Servants of the European Union on the authority empowered to conclude contracts of employment to the Executive Director of the European Border and Coast Guard Agency.

HAS DECIDED AS FOLLOWS:

Article 1

1. In case of a period of absence of the Fundamental Rights Officer he or she will be deputised by the Associated Fundamental Rights Officer. Therefore, the Associated Fundamental Rights Officer shall be authorised to make and sign deputising decisions on behalf of the Fundamental Rights Officer.

2. The Associated Fundamental Rights Officer shall have the necessary qualifications and experience in the field of fundamental rights.

3. The Associated Fundamental Rights Officer shall be independent in the performance of his or her duties when deputising the Fundamental Rights Officer, specifically when making and signing deputising decisions on behalf of the Fundamental Rights Officer.

Article 2

This Decision enters into force on the day following its adoption and shall reviewed upon the entry into force of the regulation replacing Regulation 2016/1624 on the European Border and Coast Guard.

Done in Warsaw, 12 June 2019.

For the Management Board

[signed]
Marko Gašperlin
Chairperson

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6 See footnote 2.
7 Regulation of the European Parliament and the Council on the European Border and Coast Guard not yet published in the Official Journal of the EU.