

MB DECISION

Decision n°: 2022/07

Subject:

Decision on the delegation to the Director of the European Union Agency for Fundamental Rights of the powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment of Other Servants of the European Union on the Authority Authorised to Conclude Contracts of Employment

THE MANAGEMENT BOARD OF THE EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

Having regard to the Staff Regulations of Officials ('Staff Regulations') and the Conditions of Employment of Other Servants ('CEOS') of the European Union, laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68, and in particular Articles 2(1), 110(2) of the Staff Regulations and Article 6 of the CEOS,

Having regard to Council Regulation (EC) 168/2007 establishing the European Union Agency for Fundamental Rights (hereinafter referred to as 'the founding Regulation'), and in particular Articles 12(6)(e), 12(6)(i), 12(7a) and 12(7b) thereof,

Having regard to the Rules of Procedures of the Management Board of the European Union Agency for Fundamental Rights ('the Agency'),

Having regard to the Commission Decision C(2022) 3595 of 25 May 2022 giving its agreement pursuant to Article 110(2) of the Staff Regulations,

After consulting the Staff Committee,

Whereas:

- (1) By virtue of Article 12(6)(e) of the founding Regulation, the powers of the appointing authority and the authority authorised to conclude contracts of employment are conferred on the Management Board of the Agency.
- (2) Pursuant to Articles 12(6)(i) and 12(7a) of the amended Regulation, the Management Board adopts, in accordance with Article 110(2) of the Staff Regulations and the CEOS, a decision based on Article 2(1) of the Staff Regulations and on Article 6 of the CEOS delegating the relevant appointing authority powers to the Director of the Agency and defining the conditions under which that delegation of powers can be suspended. The Director is authorised to sub-delegate those powers and should inform the Management Board of such sub-delegations.
- (3) Pursuant to Article 12(7b) of the founding Regulation, where exceptional circumstances so require, the Management Board may decide to suspend temporarily the delegation of appointing authority powers to the Director and those sub-

MB DECISION

delegated by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Director.

- (4) Pursuant to the sixth subparagraph of Article 110(2) of the Staff Regulations and Article 12(7a) of the founding Regulation, the Management Board is to adopt, in agreement with the Commission, the implementing rules for giving effect to the Staff Regulations and the CEOS.
- (5) Decisions on the daily management of the Agency, and in particular decisions in individual staff matters should be taken at the most appropriate level.
- (6) The Director manages the Agency and should be, in particular, responsible for the day-to-day administration of the Agency.
- (7) On the basis of Service Level Agreements, certain appointing authority powers of a technical nature could be sub-delegated by the Director to the services of the European Commission, in particular to the Paymaster's Office or the Directorate-General for Human Resources and Security, notably when those services are not available within the Agency.
- (8) It is therefore necessary to adopt a decision delegating the relevant competences in the area of staff management to the Director,

HAS DECIDED AS FOLLOWS:

Article 1

This Decision concerns the exercise of the powers of the appointing authority and the authority authorised to conclude contracts of employment in respect of the staff of the Agency, except the Director.

Article 2

1. Within the limits of Article 1, the powers conferred by the Staff Regulations on the appointing authority and by the CEOS on the authority authorised to conclude contracts of employment shall be delegated to the Director of the Agency, except for the adoption of the implementing rules to give effect to the Staff Regulations and the CEOS.
2. The powers referred to in paragraph 1 are conferred on the Director without prejudice to other competences of the Management Board as provided for in the founding Regulation.
3. The powers referred to in paragraph 1 concerning Article 90(2) of the Staff Regulations are exercised by the Management Board when the contested decision was taken at the level of the Director.

Article 3

1. The Director may sub-delegate, by way of a formal decision, the powers referred to in Article 1 to a member of temporary staff by reference to appropriate criteria, such as their function group, position and job assignment, which they hold in the Agency. In such case, the Director may not exercise himself or herself the power, unless he or she has taken back the sub-delegation by way of a formal decision.
2. The Director shall inform the Management Board of such sub-delegations.
3. Agents to whom powers are sub-delegated under paragraph 1 may be designated by their position in the Agency or *ad personam*.
4. Sub-delegations shall be brought to the attention of the staff in a suitable form.
5. Where a person to whom powers have been conferred pursuant to Article 2 or paragraph 1 of this Article is unable to act, those powers shall be exercised in

MB DECISION

accordance with the rules on deputising set out in the Agency's internal rules. The person exercising the deputising role may exercise the powers conferred on the Director within the limits required by ensuring business continuity in the operation and the day-to-day management of the Agency, without impairing the powers conferred on the Director in the provisions governing his/her role.

6. The Director, may sub-delegate the relevant powers referred to in Article 1 to the services of the Commission. The sub-delegation shall be carried out in writing and brought to the attention of the staff.

Article 4

1. Where exceptional circumstances so require, the Management Board may, by way of a decision, suspend temporarily the delegation of appointing authority powers to the Director and those sub-delegated by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Director. The delegate shall report to the Management Board on the exercise of such a delegation.
2. The powers referred to in paragraph 1 may then be sub-delegated as necessary, in which case Article 3 shall apply *mutatis mutandis*.
3. The suspension shall be decided in accordance with the following provisions:
 - a. before adopting a decision on suspension, the Management Board shall carefully consider any possible impacts on the functioning of the Agency. The suspension shall be limited to the duration and extent necessary to achieve its objective;
 - b. the decision on suspension shall be taken according to the voting rules of the Management Board provided for in the founding Regulation;
 - c. the decision on suspension shall be communicated to the Director in writing and shall clearly define the powers being suspended, the exact duration of the suspension and any conditions thereto;
 - d. the decision on suspension shall automatically suspend any related sub-delegation, unless explicitly stated otherwise in the decision;
 - e. the decision on suspension shall specify who shall exercise the relevant powers during the period of suspension;
 - f. the decision on suspension shall be brought to the attention of staff in a suitable form.

Article 5

This Decision shall take effect on the day following that of its adoption. It shall be brought to the attention of the staff in a suitable form.

Done at Vienna, on 9 June 2022

For the European Union Agency for Fundamental Rights



Elise Barbé

Chairperson of the Management Board

