

MB DECISION



Decision n°:	2012/01
Subject:	2013-01 Amendment of Part II - Establishment Plan (i.e. Annex A and B) of the 2013 Estimate of revenue and expenditure

THE MANAGEMENT BOARD OF THE EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

HAVING REGARD to the revision of the “Rules of Procedure of the European Union Agency for Fundamental Rights” adopted on 20 May 2011 and in particular to Article 10 (1) and (2).

WHEREAS:

1. On a proposal by the Executive Board, the Management Board may also adopt decisions by a written procedure in case of urgent business that is essential for the functioning of the Agency. The proposal for a written procedure shall be considered to be accepted provided there is no objection by any member of the Management Board within seven calendar days from the date of the note, circulated to the members, notifying them of the intention to launch a written procedure.
2. Following the acceptance of the proposal for a written procedure, the decisions mentioned in paragraph 1 shall be deemed to have been adopted by the Management Board if a two-thirds majority of the members enter no objection within seven calendar days from the date of the note launching the written procedure. The objections from the members of the Management Board may be communicated by email.
3. A proposal from the Executive Board was sent on 9 February to the Management Board for launching a written procedure about the Amendment of Part II (Establishment Plan) of the 2013 Estimate of Revenue and Expenditure.
4. The written procedure was launched on 16 February and approved by the Management Board on 23 February 2012.

HAS DECIDED:

To adopt the Amendment of Part II - Establishment Plan (i.e. Annex A and B) of the 2013 Estimate of Revenue and Expenditure.

Done in Vienna on 24 February 2012

For the European Union Agency for Fundamental Rights

Ilze Brands Kehris

Chairperson of the Management Board

Annexes

- Annex I.A: Note to the Management Board regarding the written procedure (No.00143/09 February 2012)
- Annex I.B: Note to the Management Board regarding the written procedure (No.00180/16 February 2012)
- Annex II: Annex A - Amended establishment plan
- Annex III: Annex B - Statement justifying request for new posts

NOTE TO THE MEMBERS OF THE MANAGEMENT BOARD



D(12) MK/CM/XC/am – 000143

FROM: Ms Ilze Brands Kehris, Chairperson of the Management Board

TO: The attention of the Members of the Management Board

DATE: 09 February 2012

SUBJECT: **Written procedure: 2013-01 Amendment of Part II - Establishment Plan (i.e. Annex A and B) of the 2013 Estimate of revenue and expenditure**

Dear Members of the Management Board,

On 5 December 2011, the Management Board adopted the 2013 Estimate of Revenue and Expenditure (i.e. the 2013 Draft Budget).

However, through constructive discussions with the Commission's services on the 2013 Draft Budget during the last two weeks, it emerged that DG Budget considered the Agency still to be in the start-up period. This means that the Agency could exploit the opportunity to request the three posts foreseen in the Financial Perspectives that it could not obtain in 2012.

The Executive Board therefore proposes to launch a written procedure in order to adopt an amending establishment plan including three new Temporary Agent posts and a Contract Agent post.

By the present note, the Management Board is informed of these facts. You are requested to agree to a written procedure, in accordance with Article 10 of the Rules of Procedure of the European Union Agency for Fundamental Rights. Should you have any objections to a written procedure, you are kindly requested to send them by e-mail or fax to Ms Barbara Jäschke (barbara.jaeschke@fra.europa.eu; +43 1 580 30 699) by 13:00 hrs on 16 February 2012. Provided there are no objections to the written procedure by this date, you will receive for your attention the proposal for an amending establishment plan including three new Temporary Agent posts and a Contract Agent post to be adopted.

Kind regards,

Ilze Brands Kehris
Chairperson of the FRA Management Board

NOTE TO THE MEMBERS OF THE MANAGEMENT BOARD



D(12) MK/CM/XC/am – 000180

FROM: Ms Ilze Brands Kehris, Chairperson of the Management Board

TO: The members of the Management Board

DATE: 16 February 2012

SUBJECT: **Written procedure: 2013-01 Amendment of Part II - Establishment Plan (i.e. Annex A and B) of the 2013 Estimate of revenue and expenditure**

On 9 February 2012, the members of the Management Board were requested to agree to a written procedure in order to amend the Establishment Plan of the 2013 Estimate of revenue and expenditure. No objections were received by the deadline. Therefore, with this note a proposal for the amendment of the Establishment Plan is made:

On 5 December 2011, the Management Board adopted the 2013 Estimate of Revenue and Expenditure (i.e. the 2013 Draft Budget). However, through constructive discussions with the Commission's services on the 2013 Draft Budget during the last two weeks, it emerged that DG Budget considered the Agency to still be in the start-up period.

As you may recall, it was initially agreed, based on the 2007-2013 Financial Perspectives, that the Agency would gradually receive additional funds and staff in order to be fully operational by 2012. However, due to the austerity measures, the Agency experienced a reduction in its 2012 financial and human resources. The Agency was expected to reach the budget foreseen in the Financial Perspectives in 2013. This would allow the Agency to conclude its phasing in period and to become fully engaged with its new tasks.

Following the fruitful discussion that the Agency had with the Commission's services, it is suggested to request three new Temporary Agent posts as foreseen in the Financial Perspectives, reaching a total of 78 posts in 2013 instead of 2012 as it was initially expected. In addition, a Contract Agent post is requested which is linked to the Accession of Croatia in the Agency's work.

Moreover, the Commission proposed to the Agency to request the additional amount of 1,050,000 EUR considered for the Roma multi-annual programme.

In view of the above the Agency updated its establishment plan (see Annex I) including the three posts together with the statement justifying the request of these posts (see Annex II).

In order to respect the deadline implied by the Agency's financial rules, that is to say 10 February 2012, the proposed versions of these two annexes were forwarded to the Commission subject to approval of the current written procedure.

NOTE TO THE MEMBERS OF THE MANAGEMENT BOARD



By the present note the Management Board is requested to adopt the 2013-01 Amending estimate of revenue and expenditure in accordance with Article 10 of the Rules of Procedure of the European Union Agency for Fundamental Rights. Should you have any objections, you are kindly requested to send them by e-mail or fax to Ms Barbara Jäschke (barbara.jaeschke@fra.europa.eu; +43 1 580 30 699) by 17:00 hrs on 23 February 2012.

Thank you very much for your support in this matter.

Ilze Brands Kehris
Chairperson of the Management Board

Annexes:

- Annex I: Annex A - Amended establishment plan
- Annex II: Annex B - Statement justifying request for new posts

Part II — Establishment plan

Annex A – Establishment Plan

Category and grade	Permanent posts				Temporary posts			
	2013	2012 (authorised posts)	2011 (authorised posts)	2011 (actually filled)	2013	2012 (authorised posts)	2011 (authorised posts)	2011 (actually filled)
AD16	-	-	-	-	-	-	-	-
AD15	-	-	-	-	1	1	1	-
AD14	-	-	-	-	-	-	-	1
AD13	-	-	-	-	3	3	3	1
AD12	-	-	-	-	11	11	11	1
AD11	-	-	-	-	-	-	-	3
AD10	-	-	-	-	15	15	12	4
AD9	-	-	-	-	11	11	11	5
AD8	-	-	-	-	1	1	1	5
AD7	-	-	-	-	5	5	5	16
AD6	-	-	-	-	3	-	-	7
AD5	-	-	-	-	-	-	-	1
Total AD	-	-	-	-	50	47	44	44
AST11	-	-	-	-	-	-	-	-
AST10	-	-	-	-	1	1	1	-
AST9	-	-	-	-	-	-	-	-
AST8	-	-	-	-	3	3	3	1
AST7	-	-	-	-	9	9	9	6
AST6	-	-	-	-	4	4	4	0
AST5	-	-	-	-	1	1	1	8
AST4	-	-	-	-	9	9	9	7
AST3	-	-	-	-	-	-	-	3
AST2	-	-	-	-	1	1	1	1
AST1	-	-	-	-	-	-	-	-
Total AST	-	-	-	-	28	28	28	26
Total	-	-	-	-	78	75	72	70

Annex B – Statement justifying the request of new posts

It is worth mentioning that, based on the Financial Perspectives, the Agency should have reached 78 Temporary Agent posts by 2012. However, during the 2012 draft budget procedure the budgetary authority agreed on an increase of three Temporary Agent positions instead of six. Moreover, the Agency reorganised its structure in June 2011 aiming at increasing the efficiency and operations while maintaining high quality of outputs. In order to address the needs of its stakeholders as these have been shaped today in the area of fundamental rights, the Agency needs specialised staff as follows:

- In view of the Agency's growing work in the area of discrimination on grounds of disability there is a need for an additional legal expert specialised on issues of discrimination on grounds of disability to support the Agency's forthcoming work in this area, as proposed in the European Commission's background note: The Commission considers it appropriate that the tasks laid down in Article 33.2 of the UN CRPD are carried out jointly by four EU institutions and bodies, together forming "the EU framework": the European Parliament via its PETI Committee, the European Ombudsman, the European Commission and the Fundamental Rights Agency (FRA). In particular, the proposal considers that the Agency will have as main task in the framework to independently collect and analyse data.
- Given the complexity and the scale of the surveys that the Agency will undertake based on its Annual Work Programme, i.e. requiring the development of complex sampling frames, large-scale fieldwork and statistical analysis in the development of indicators, there is a need to allocate specialist staff who are able to undertake work in the fields of quantitative survey research and data analysis.
- The Agency reshaped its Annual Report, one of its main deliverables which examines progress on EU and Member States rights obligations under the Charter of Fundamental Rights of the EU, covering the following topics: situation of Roma in the EU; asylum immigration and integration; border control and visa policy; information society and data protection; the rights of the child and protection of children; equality and non-discrimination; racism and ethnic discrimination; participation of EU citizens in the Unions democratic functioning; access to efficient and independent justice; and victims' protection. This new approach calls for a legal expert who is able to consolidate the Agency's outputs. In addition, this expert will contribute to the drafting of opinions issued by the Agency.
- Croatia, after decision of the Association Council, is required to be integrated into the Agency under the observer status. The Agency is expending its activities in this country and performs the same activities as in other Member States. A new Contract Agent position is foreseen in 2013 in order to cover the additional work that results from the inclusion of Croatia in the Agency's work. The cost of this position has been budgeted and is included in Croatia's contribution.

In conclusion, for 2013, the Agency is requesting three Temporary Agent posts and one Contract Agent position for its operational departments. The recruitment grade of the Temporary Agent posts will be at AD 6 grade and of the Contract Agent posts Function Group IV. With these new posts the Agency will complete its 'start-up' phase as foreseen in the financial perspectives with 78 Temporary Agent positions. The Agency will be at 'cruising speed' by 2014.

The profiles of the new posts are as follows:

1. Programme Manager – Legal Research (TA-AD6). To date, the Agency has recruited two legal experts for its data collection and analysis needs with specialist knowledge on discrimination issues. Specifically, one legal expert specialised on issues of discrimination on grounds of racial or ethnic origin and one legal expert specialised on issues on discrimination on grounds of sexual orientation and gender. On the basis of the relevant data collected by the Agency, the monitoring will be carried out by the Commission (and ultimately by the Court of Justice). The Agency shall also proceed, in cooperation with the Commission, to develop indicators and benchmarks (in the light of policy needs and based on the existing benchmarks). In order to adequately fulfil these tasks the Agency would need a legal expert with experience and expertise specifically in the area of disability.
2. Programme Manager – Social research (TA-AD6). To date, the Agency has recruited three social science experts for its data collection and analysis needs with specialist knowledge on quantitative and qualitative

methodology in regard to discrimination issues. Specifically, one social science expert on issues regarding discrimination on grounds of race, ethnicity and religion, and one social science expert on issues regarding integration issues and one social science expert on issues regarding discrimination on grounds of disability. Given the volume of work in regard to these areas, for example two large scale surveys currently implemented on (1) sexual orientation discrimination and homophobia, including additional qualitative research, and (2) violence against women, as well as the growing focus of the Agency on other grounds of discrimination, in particular age, gender and sexual orientation it is necessary to recruit one additional social science expert covering discrimination with a particular focus on age, gender and sexual orientation.

3. Programme Manager – Legal Background (TA-AD6). To date, the Agency has recruited legal experts with specialist knowledge in particular fields. It needs an expert with knowledge covering all areas of the multiannual framework who will link findings from different areas of activity and present them in an all-inclusive fashion. To this end, the post requires a legal researcher with an excellent combined knowledge of fundamental rights and European Union law that can be utilised with respect to the Agency's work in various fields covered by its multi-annual framework, and in particular with regard to the development of the Agency's annual reporting on the situation of fundamental rights in the European Union. The post also requires a legal expert with a sound knowledge of the fundamental rights architecture both within the European Union and beyond - so as to be able to situate the Agency's work in the broader context of work undertaken by the United Nations, the Council of Europe and other key actors.
4. Contract Agent – Junior Researcher (CA-Group IV). The Accession State of Croatia was granted observer status in the Agency's Management Board. Subsequently the Agency has expanded its data collection and analysis activities to cover Croatia. Croatia is now included in large scale data collection projects, for example the large scale surveys on LGBT and violence against women. In this regard it is necessary to recruit one junior researcher to cover the increased needs in data collection and analysis.

It should be noted that the Agency has been informed by DG HR on the Commission's proposal for the reform of the Staff Regulations. The Agency is aware of the fact that during the next five years a 5% decrease in human resources should be achieved. The Agency is already taken this into consideration in its two-year ahead planning exercise as described above.