

Explanatory note for the Management Board on the state of play of the recruitment of Fundamental Rights Monitors

1. Legal basis and recruitment procedure

According to Article 110 of the European Border and Coast Guard Regulation¹ ('the Regulation'), at least 40 Fundamental Rights Monitors ('FROMs') should be recruited as statutory staff and assigned by the Fundamental Rights Officer ('FRO') to each operation of the Agency supporting him/her in constantly assessing the fundamental rights compliance of operational activities, providing advice and assistance in that regard and contributing to the promotion of fundamental rights as part of European integrated border management. The FROMs work under the overall supervision of the FRO and they shall be independent in the performance of their duties.

2. State of play

The deadline for the recruitment of at least 40 FROMs is 5 December 2020². The selection procedures (proposed for two different levels of seniority) will be launched at the beginning of November 2020 and the FROMs are to be appointed by the FRO a.i.

Delays occurred due to uncertainties about the actual Frontex establishment plan in 2020. These uncertainties are the consequence of the fact that the EU budget authority withdrew in 2019 more than 100 AD posts from Frontex overall establishment plan. This unannounced but drastic change in the Frontex establishment plan was informally flagged by the Agency in July 2019. The Executive Director then formally asked in writing the Commission in September 2019 how to interpret the new 2020 establishment plan and he made some proposals to find ways out to avoid hampering or delaying recruitment processes. In May 2020, the Commission confirmed officially that more than 100 AD posts had been withdrawn and consented some flexibility to be explored along some lines envisaged by the Agency.

The Agency had to review thoroughly internally the available posts and grades while in between the Agency had to secure the sound recruitment of the Standing Corps (category 1 staff). Preliminary talks have already taken place with the Commission services in view of an amendment of the establishment plan 2020/2021 that is intended among others to ease the recruitment of FROMs at AD7 grade.

A selection committee, set up by FRO a.i., will assess the applications, carry out the interviews and evaluate the tests and interviews in order to be able to establish respective reserve lists of best suited applicants. It is expected that representative(s) of the European Union Agency for Fundamental Rights ('FRA') will take part in the selection as member(s) of the selection committee.

Having regard to the current (limited) number of vacant AD posts in Frontex, a multiannual (gradual) approach to appoint and build up the pool of 40 FROMs was agreed between Frontex's Executive Director ('ED') and FRO, a.i. as follows:

¹ Regulation (EU) 2019/1896 of 13 November 2019 on the European Border and Coast Guard (OJ L 295, 14.11.2019, p. 1).

² Article 110(6) of the Regulation.

The following resources are being made available for recruitment of 40 FROMs:

- Five (5) AD7 posts will be filled immediately after a reserve list is established in early 2021, followed by at least five (5) more AD7 posts from the reserve list once the revised establishment plan is approved by the EU budgetary authority.
- Ten (10) AST4 posts will be filled immediately after a reserve list is established in early 2021, complemented by further waves of ASTs from the reserve list later in 2021.

This is to mirror the way the Standing Corps will be structured (with teams managed by AD7 staff and sections coordinated by AST4 staff).

3. Recruitment timelines

Fundamental Rights Monitors

Publication of the calls	Deadline of application	Interviews & Tests	Establishment of RLs	Appointment decision	Onboarding	Training deployment
First week Nov 20	First week Dec 20	First half Jan 21	Last week Jan 21	Mid Feb 21	March 21	April 21

4. Summary of key points

The Management Board is invited to take note of the state of play of the selection of the FROMs.

FRA/Frontex Pilot Project on the establishment of Fundamental Rights Monitors

In order to prepare for the establishment and maintenance of the FROMs, the ED proposed to launch a pilot project with the FRA to test the means of deployment of the FROMs and to pilot the most effective monitoring of fundamental rights in Frontex operational areas. The project implementation, first phase, started in November 2019 with a kick off workshop and pilot monitoring visits; development of a dedicated monitoring methodology; support in the FROMs' job description as well as design of the deployment and management model of the FROMs mechanism, both in the field and in the Headquarters.

The second phase from June-December 2020 serves to consolidate and test the monitoring tools; elaborate the FROMs training curriculum and discuss the integration of the monitors into operational processes. In the second phase, FRA also assists Frontex in the deployment plan of the FROMs and provides support in the recruitment (recruitment panels and selection procedures). The 2nd Service Level Agreement FRA-Frontex was signed on 10 June 2020.