



Politsei- ja Piirivalveamet
Police and Border Guard Board
Border Guard Department

The non-disclosed text contains personal data, in particular the name of the individual. The disclosure of such information would undermine the protection of privacy and the integrity of the persons concerned and constitute the violation of EU laws regarding the protection of personal data. In this regards the text is not disclosed pursuant to the exception laid down in the Article 4(1)(b) of the Regulation 1049/2001.

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Our ref: 13.12.2010 No 8-06/ *53 930-8*

Estonian comments regarding Code of Conduct

The Estonian Police and Border Guard Board would like to relay our comments on the Code of conduct for all persons participating in Frontex activities.

Comments to article 14 (Consumption of alcohol)

It remains incomprehensible, in which cases stipulations of Articles 23 and 24 will be implemented. It means in which cases drawing a report and applying sanctions will be followed a forbidden behaviour.

In addition there is a need to clarify which moment can be handled as work time and time out-of-work in the sense of Article 14.

For example: If a person is Participating on training - is it allowed to consume alcohol? In which cases moderate consumption of alcohol is allowed (as stipulated in clause 2 of Article 14) without following sanctions? Understandably, consumption of alcohol is forbidden at work time, but what will happen in case referred to in clause 3 of Article 14 – if a person is called out unexpectedly and he/she has consumed alcohol and he/she will notify about this also his/her superior, whether such a behaviour is condemnable or is it excusable (e.g. the sanction will not follow)? Clarification is needed also in clauses 2 and 4 of Article 14 – in which situation and by whom the circumstance will be assessed, whether a person has consumed alcohol or is it dealt with intoxication by alcohol?

Comments to article 16

As discrimination and abuse are defined there should also be a definition to sexual services.

Comments to article 21

There has been laid down arrangement of the training related to the Code of Conduct There is a need to specify, when this training would be passed and by whom and how this would be arranged.

Articles 23 and 24

Activities following possible breach of provisions of the Code of Conduct are treated in Articles 23 and 24. It is not clear, in which form (either in written or orally) the report mentioned in clause 1 of Article 23 will be delivered by the Frontex coordinator. For the reason of possible further investigation and objective assessment of disciplinary case there is a need to present this report in written form. . Report presented to the Executive Director (clause 2 of Article 23)

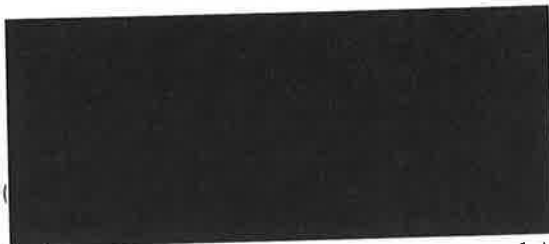
should be accompanied by written explanation of the person in question (person allegedly violated provisions of the Code of Conduct).

It would be important to inform the Management Board in a situation where the Executive Director has made his decision(s) in relation to a certain issue (in present case, obligation of informing of the Management Board is not provided for in the Code).

Clause 1 of Article 24 should be amended so that the Executive Director would rely in his/her decision not only upon the report delivered by the Frontex coordinator, but also upon the written explanation of the person who had allegedly committed the violation or the results of disciplinary investigation conducted in Home MS (MS who is sending state).

In order to apply disciplinary measures described in clause 2 of Article 24, it is important that also documentary materials would be delivered to a Member State (coordinator's report and explanations of the person given at the scene of an event) for further assessment of the case in a Member State.

Yours sincerely,



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✓ Deputy Director General in Border Guard Affairs



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