



DECISION OF THE EUROPEAN CENTRAL BANK

of 16 October 2018

**amending the European Central Bank Staff Rules as regards horizontal transfers and external secondment of staff, amending Administrative Circular 01/2011, and repealing Administrative Circular 01/2008
(ECB/2018/NP20)**

THE EXECUTIVE BOARD OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 36.1 thereof,

Having regard to Decision ECB/2004/2 of the European Central Bank of 19 February 2004 adopting the Rules of Procedure of the European Central Bank¹, and in particular Articles 11.2 and 21.3 thereof,

Having regard to the opinion of the Staff Committee,

Whereas:

- (1) The rules on horizontal transfers of staff members should be made more flexible to allow transfers by way of internal mobility in all salary bands, including between business areas, in particular to facilitate the exchange of professional expertise and knowledge within the European Central Bank (ECB) as well as to increase professional and career development opportunities for staff members and achieve a high level of staff engagement and motivation.
- (2) For reasons of simplicity and practicality, the rules on external secondment of members of staff to other organisations or institutions of relevance to the ECB's fields of competence should form part of the European Central Bank Staff Rules, rather than being contained in Administrative Circular 01/2008 on the Rules on secondment of members of staff for external work experience, and therefore that Administrative Circular should be repealed.
- (3) Staff members appointed *ad personam* to their current position in line with the rules on Additional Salary Advancements, should be allowed horizontal mobility at the level of their *ad personam* promotion, and Administrative Circular 1/2011 should be amended accordingly.
- (4) Members of staff seconded to countries outside the European Economic Area (EEA) should be treated in the same manner as insured members working in an ECB representative office outside the EEA for the purpose of the reimbursement limits of the ECB health insurance.

¹ OJ L 80, 18.3.2004, p. 33.

(5) Therefore, the Staff Rules should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Amendments to the Staff Rules

The Staff Rules are amended as follows:

1. in Article 1a.7, points (a) and (b) are replaced by the following:
 - '(a) to fill a position for short-term employment pursuant to the Conditions of Short-Term Employment;
 - (b) to implement horizontal mobility as set out in Part 2A;';
2. the following Article 2a.7 is added:

Horizontal mobility and external secondment

2a.7.1 The ECB facilitates horizontal mobility of staff members to a vacant position at the same salary band, where:

- (i) the tasks to be performed on the position are adequate to the staff member's salary band; and
- (ii) the position is filled from within the same business area, or is at salary band I or above, or the mobility is otherwise in the interest of the service.

2a.7.2 Horizontal mobility is excluded for members of staff who have been appointed to their current position under Article 1a.7(d) or (da) of the Staff Rules, and/or under Article 1(4) of Administrative Circular 2/2011 on promotion, and for directly appointed counsellors to the Chair or Vice-Chair of the Supervisory Board and ECB representatives to the Supervisory Board.

Members of staff who have been appointed to their current position in order to fill a position for short-term employment in accordance with the Rules for short-term employment can be transferred horizontally only for the duration of such short-term employment.

2a.7.3 External secondment of members of staff shall take place in accordance with the rules laid down in Annex VI.;

3. in Annex III, Article 18.4 is replaced by the following:
 - '18.4 *Expenditure incurred by insured persons working in ECB representative offices or on external secondment outside the EEA or outside the countries referred to in Article 18.2.2*
 - The reimbursement limits set out in Appendix I (Schedule of benefits) are multiplied by a factor of 5 and Article 18.3 does not apply to:
 - insured members working in an ECB representative office outside the EEA or outside the countries referred to in Article 18.2.2 and their insured dependants, with respect to treatment received in the country where the representative office is located,

- insured members on external secondment pursuant to Annex VI, outside the EEA or outside the countries referred to in Article 18.2.2 and their insured dependants, with respect to treatment received in the country where the host organisation is located.';
4. the attached Annex VI is added to the Staff Rules.

Article 2

Amendment to Administrative Circular 01/2011 on Additional Salary Advancements

Article 5(6) of Administrative Circular 01/2011 on Additional Salary Advancements is deleted.

Article 3

Repeal of Administrative Circular 01/2008 on secondment of members of staff for external work experience

Administrative Circular 01/2008 is repealed.

Article 4

Transitional provision

Members of staff who were directly appointed to their position by way of short-term transfer under the Staff Rules prior to the entry into force of this decision may be appointed permanently to that position provided the permanent appointment becomes effective at the latest on the day following the last day of the short-term appointment, and the conditions set out in Article 2a(7) of the Staff Rules are met.

Article 5

Entry into force

This decision shall enter into force on 1 November 2018.

Done at Frankfurt am Main, 16 October 2018.

[signed]

The President of the ECB

Mario DRAGHI

The following Annex VI is added to the Staff Rules:

'ANNEX VI

RULES ON EXTERNAL SECONDMENT OF MEMBERS OF STAFF

1. Introduction and definitions

This Annex sets out the rules pertaining to the secondment of European Central Bank (ECB) members of staff for external work experience (hereinafter 'external secondment') on a temporary basis from the ECB to an organisation or institution relevant to the ECB's business (hereinafter the 'host organisation'). The external secondment should enable the respective member of staff (hereinafter the 'seconded') to acquire relevant work experience and knowledge of the structures and working methods of the host organisation while remaining on the payroll of the ECB.

2. Eligibility

Members of staff having a contract of employment with the ECB for an indefinite period, or who have been notified in writing by the Directorate General Human Resources that their fixed-term contract will be converted into a contract for an indefinite period, are eligible for external secondment.

3. Duration

The duration and the starting date of the external secondment shall be agreed upon by line management and the member of staff concerned with a view to delivering optimum value to the ECB, the host organisation and the seconded.

An external secondment will normally last six months starting on the 1st or the 15th of a month. It may be extended to a maximum period of 24 months or reduced to a minimum period of two months¹. The external secondment cannot be interrupted but it can be immediately followed by unpaid leave for mobility in line with Article 5.12.1a(b) of the Staff Rules. Only one external secondment shall be allowed within a period of three years, unless the Director General Human Resources grants an exception.

The external secondment shall be without prejudice to the ECB's right to call upon the seconded for temporary assistance during their external secondment if necessary in the interest of the service.

In the case of extended sick leave of more than six weeks, the ECB may terminate the external secondment and may call upon the seconded to return to the ECB. The ECB shall reimburse additional costs that are due to such termination.

¹ Visits of less than two months to other organisations or institutions shall be handled according to the Business Travel Rules.

4. Rules applying to secondees

The secondee remains subject to the Conditions of Employment, Staff Rules and all other ECB provisions, including the ECB's ethical rules, with the exception of the rules regarding working time and public holidays, which are laid down in the last two paragraphs of this Article.

Articles 5.7 and 5.10 of the Staff Rules shall continue to apply and the secondee shall take such leave days in agreement with the host organisation and report them to the ECB accordingly.

In addition, and to the extent that this does not create any conflicts of interest, the secondee shall also comply with all internal rules of the host organisation. Breach of such rules reported to the ECB by the host organisation may lead to termination of the external secondment.

In the case of conflicts between obligations arising from the employment with the ECB and obligations imposed by the host organisation, the former shall prevail.

The following provisions shall apply in respect of working time:

The standard working week of forty hours according to Article 25 of the Conditions of Employment and Article 5.1 of the Staff Rules shall be replaced by the official full-time working hours at the host organisation. The secondee is not entitled to overtime compensation. During the secondment, the public holidays observed by the host organisation shall apply instead of those observed by the ECB.

External secondment shall usually imply full-time work. Exceptionally, if the host organisation accommodates such a request, a member of staff who is employed with the ECB on a part-time contract, or who has been authorised to work part-time at the ECB, may continue to work part-time during an external secondment.

5. Salary

For the entire duration of the external secondment, the secondee shall remain on the ECB's payroll and shall receive the regular salary, including allowances, annual general salary increases and individual salary increases.

6. Travel, other costs and possible payback

In addition to the regular salary, the ECB shall reimburse² the secondee for the following:

- (a) Travel at the commencement and completion of the secondment, including out of pocket expenses, according to the Rules for Business Travel. In addition, fees for a maximum of 20 kg excess luggage will be paid by the ECB.
- (b) A travel allowance for the secondee equivalent to the travel allowance according to Article 20 of the Conditions of Short-Term Employment.

² The extra costs listed under Article 6 will be funded from a central budget for secondment for external work experience managed by DG/HR.

- (c) A daily subsistence allowance for the secondee of EUR 103 for the entire period of external secondment if the secondee provides evidence that they have moved into temporary residence at the place of secondment whilst maintaining their residence at the place of ECB employment³.

The Directorate General Human Resources (DG/HR) shall adjust this allowance in the case of secondment to non-EU countries with a significant difference in cost of living compared with the place of ECB employment. In such instances, the allowance shall be adjusted by a correction factor based on the EuroCost International index (cost of living) provided the difference in the cost of living between the two cities exceeds 5 % (positive or negative).

In any event, no costs shall be reimbursed relating to accompanying spouses/recognised partners and/or dependants.

The secondee shall be required to sign a payback clause. In the case of termination of employment with the ECB due to either resignation of the member of staff or as a result of a procedure carried out by the ECB pursuant to Article 11(a)(i) or (iv) of the Conditions of Employment, the secondee shall reimburse the amounts received under Article 6(a) to (c) of this Annex as follows:

- 100% where the member of staff does not complete at least six months of service at the ECB after finishing the external secondment;
- 75% where the member of staff completes less than 12 months but at least six months of service at the ECB after finishing the external secondment;
- 50% where the member of staff completes less than 18 months but at least 12 months of service at the ECB after finishing the external secondment;
- 25% where the member of staff completes less than 24 months but at least 18 months of service at the ECB after finishing the external secondment.

7. Special leave for travelling

The secondee will be entitled to one day of special leave in total for travelling time to and from the location of the host organisation if there is a difference of five hours or more between the time zone of the place of ECB employment and the time zone of the location of the host organisation.

8. Performance management

For the purpose of the annual review pursuant to Article 2a.4 of the Staff Rules, the external secondment shall be considered as working time at the ECB.

The line manager and the secondee shall discuss the achievements during the external secondment on the basis of the back-to-office report mentioned under Article 10.

On completion of the secondment, DG/HR shall request the host organisation to supply the ECB with a report assessing the work of the secondee. The report shall be made available to the secondee's reviewers.

³ The member of staff shall be considered as having provided such evidence if they have completed and submitted the declaration of honour received from the ECB. Any false statement or omission in this respect may be subject to disciplinary measures for gross misconduct.

9. Procedure

- a) A member of staff who wishes to benefit from an external secondment shall submit an expression of interest to their line management, indicating the nature of the envisaged work experience as well as the name of the host organisation. The expression of interest of the member of staff shall also contain a reasoned explanation of how this work experience can support their current or future work at the ECB.

Line management may identify suitable opportunities for external secondment.

- b) When evaluating expressions of interest for external secondment, and deciding on a nomination, line management shall have due regard to budgetary constraints and business needs. They shall take into consideration the annual objective setting discussion performed pursuant to Article 2a.2 of the Staff Rules, in particular the agreed professional development goals, the individual and divisional work plans, as well as the business area's priorities.
- c) For each nomination, line management shall provide the following information to DG/HR:
- the name of the candidate secondee;
 - the description of the merits of the candidate secondee as well as a summary of the candidate secondee's past performance;
 - the envisaged host organisation and the names of contact persons, if available;
 - the description of the desired work opportunity as well as a description of how this work supports the work that the candidate secondee is currently performing at the ECB or will perform upon return to the ECB;
 - the duration and the envisaged date of commencement of the external secondment.
- d) Upon agreement with the host organisation, DG/HR shall send a confirmation letter to the secondee. No secondment may be taken up before final clearance and confirmation by DG/HR.
- e) The secondee shall claim the allowances and the reimbursement of incurred costs from DG/HR against documentary evidence by using the appropriate claim form.

Articles 3.1 and 3.2 of the Staff Rules shall apply to payments effected under Article 6 of this Annex. The allowances granted by Article 6(b) and (c) of this Annex shall be paid in euro on a monthly basis into the indicated salary account. Bank fees incurred due to foreign transfers to the country of the external work experience shall be borne by the secondee.

The secondee shall be responsible for ensuring that the funds can be accessed in the host country.

10. Report

Upon completion of an external secondment, the member of staff shall submit a back-to-office report to line management and provide a copy to DG/HR.

This report shall include a summary of the main responsibilities and accomplishments during the assignment, as well as a description of the relevant specific experience acquired in relation to the staff member's current or future work at the ECB.

11. Exceptions

In exceptional circumstances and if justified in the interest of the service, the Executive Board may grant exceptions allowing deviations from the provisions of this Annex.¹.

ECB-PUBLIC