



EUROPEAN CENTRAL BANK

EUROSYSTEM

**DECISION OF THE EUROPEAN CENTRAL BANK****of 13 December 2011****amending the European Central Bank Staff Rules and the Rules for Short-term Employment  
as regards disciplinary proceedings involving the Disciplinary Committee  
(ECB/2011/NP24)**

THE EXECUTIVE BOARD OF THE EUROPEAN CENTRAL BANK,

Having regard to the Rules of Procedure of the European Central Bank, and in particular Article 21 thereof,

Having regard to the Conditions of Employment for Staff of the European Central Bank (hereinafter the 'Conditions of Employment'), and in particular Article 45 thereof,

Having regard to the Conditions of Short-Term Employment, and in particular Article 36 thereof,

Having regard to the opinion of the Staff Committee,

Whereas:

- (1) Articles 45 and 46 of the Conditions of Employment and Articles 35 and 36 of the Conditions of Short-Term Employment regulate the European Central Bank (ECB) disciplinary procedures. The ECB Staff Rules and Rules for Short-term Employment further implement the rules on disciplinary procedures.
- (2) The Disciplinary Committee should be extended to include a Staff Representative from a list submitted by the Staff Committee and the recognised trade unions.
- (3) Practical experience has shown the need to modify the rules on disciplinary procedures to ensure clarity with regard to the discovery of the facts giving rise to the procedure and the effect of absence of the member of staff subject to the procedure.
- (4) The procedure for selecting the Chair of the Disciplinary Committee needs to be specified further. The selection of the Chair is governed exclusively by the specific provisions in the ECB Staff Rules and the Rules for Short-Term Employment. Decision ECB/2007/5 of 3 July 2007 laying down the Rules on Procurement<sup>1</sup> hence does not apply to the selection of the Chair.
- (5) Although the disciplinary rules already provide for the nomination of alternates for the members of the Disciplinary Committee, no reference is made to alternates for the Committee's secretary. The

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<sup>1</sup> OJ L 184, 14.7.2007, p. 34.

Staff Rules and the Rules for Short-term Employment should therefore be amended to ensure the smooth operation of the Disciplinary Committee,

HAS ADOPTED THIS DECISION:

*Article 1*

**Amendments to the European Central Bank Staff Rules**

1. The penultimate paragraph of Article 8.3.2 is replaced by the following:  
‘Disciplinary proceedings shall be initiated at the latest within five years from the date of the facts occurring and within one year from the date on which those facts were discovered, save in cases of serious misconduct for which a dismissal may be imposed, where the time limit shall be respectively 10 years and one year.  
Any periods of absence from work of a member of staff after the date of discovery of the facts due to sickness, disability or maternity, where there is a medically certified incapacity to participate in the hearing pursuant to this Article, shall suspend the time limit for initiation of disciplinary proceedings for the duration of the certified incapacity.’.
2. Article 8.3.5 is replaced by the following:  
‘8.3.5 The Disciplinary Committee shall be composed of five members as follows:
  - (a) a non-voting Chair appointed by the Executive Board from a list composed of former high-ranking officials of another Union institution or senior members of a European international organisation. They shall be remunerated on a daily basis at a level equivalent to 1/22 of the basic monthly salary of an ECB member of staff in band L at step 1;
  - (b) the Director General Human Resources, Budget and Organisation or their Deputy Director General;
  - (c) two members of staff appointed by the Executive Board;
  - (d) a staff representative appointed by the Executive Board from a list ranking three names of members of staff submitted by the Staff Committee and the recognised trade unions. The Staff Committee and the recognised trade unions shall maintain at all times a list of three names. Should no member on this list be available or eligible for whatever reason, and the Staff Committee and the recognised trade unions are not able to provide substitutes, the Executive Board shall appoint another member of staff to complete the composition of the Disciplinary Committee.

The members of the Disciplinary Committee appointed according to paragraphs (c) and (d) may not belong to the business area of the member of staff subject to disciplinary proceedings. The Executive Board shall establish a list of alternates to replace the members of the Disciplinary Committee and the secretary appointed in accordance with Article 8.3.9.

The alternate for the member of staff appointed under paragraph (d) shall be taken from the list mentioned in the same paragraph unless there is no member available or eligible on this list and the Staff Committee, and the recognised trade unions are not able to provide a substitute, in which case the Executive Board may appoint another member of staff as alternate.’.

3. The following sentence is added to Article 8.3.15:

‘Any periods of absence from work of the member of staff following the initiation of disciplinary proceedings due to sickness, disability or maternity, where there is a medically certified incapacity to participate in the hearing referred to in Article 8.3.12, shall suspend the time limit for transmission of the final opinion for the duration of the certified incapacity.’.

#### *Article 2*

#### **Amendments to the Rules for Short-term Employment**

1. The penultimate paragraph of Article 7.3.2 is replaced by the following:

‘Disciplinary proceedings shall be initiated at the latest within five years from the date of the facts occurring and within one year from the date on which those facts were discovered, save in cases of serious misconduct for which a dismissal may be imposed, where the time limit shall be respectively 10 years and one year.

Any periods of absence from work of a short-term contract employee after the date of discovery of the facts due to sickness, disability or maternity, where there is a medically certified incapacity to participate in the hearing pursuant to this Article, shall suspend the time limit for initiation of disciplinary proceedings for the duration of the certified incapacity.’.

2. Article 7.3.3 is replaced by the following:

‘If a written warning or written reprimand is likely to be imposed, the Director General Human Resources, Budget and Organisation or their Deputy Director General (for short-term contract employees in salary bands A to J), or the member of the Executive Board to whom the Directorate General Human Resources, Budget and Organisation reports (for short-term contract employees in salary bands K or L), shall hear the short-term contract employee before such a disciplinary measure is imposed.’.

3. Article 7.3.5 is replaced by the following:

‘7.3.5 The Disciplinary Committee shall be composed of five members as follows:

- (a) a non-voting Chair appointed by the Executive Board from a list composed of former high-ranking officials of another institution or senior members of a European international organisation. They shall be remunerated on a daily basis at a level equivalent to 1/22 of the basic monthly salary of an ECB member of staff in band L at step 1;

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- (b) the Director General Human Resources, Budget and Organisation or their Deputy Director General;
- (c) two members of staff appointed by the Executive Board;
- (d) a staff representative appointed by the Executive Board from a list ranking three names of staff members submitted by the Staff Committee and the recognised trade unions. The Staff Committee and the recognised trade unions shall maintain at all times a list of three names. Should no member on this list be available or eligible for whatever reason, and the Staff Committee and the recognised trade unions are not able to provide substitutes, the Executive Board shall appoint another member of staff to complete the composition of the Disciplinary Committee.

The members of the Disciplinary Committee appointed according to paragraphs (c) and (d) may not belong to the business area of the short-term contract employee subject to disciplinary proceedings. The Executive Board shall establish a list of alternates to replace the members of the Disciplinary Committee and the secretary appointed in accordance with Article 7.3.9. The alternate for the member of staff appointed under paragraph (d) shall be taken from the list mentioned in the same paragraph, unless there is no member available or eligible on this list and the Staff Committee and the recognised trade unions are not able to provide a substitute, in which case the Executive Board may appoint another member of staff as alternate.’.

4. The following sentence is added to Article 7.3.15:

‘Any periods of absence from work of the short-term contract employee following the initiation of disciplinary proceedings due to sickness, disability or maternity, where there is a medically certified incapacity to participate in the hearing referred to in Article 7.3.12, shall suspend the time limit for transmission of the final opinion for the duration of the certified incapacity.’.

### *Article 3*

#### **Entry into force**

- 1. This Decision shall enter into force for all staff on the first day of the month following its communication to staff on the ECB intranet.
- 2. These rules shall apply to all disciplinary procedures which had not been initiated at the time these rules entered into force. All pending initiated disciplinary procedures will be dealt with in accordance with the rules previously in force.

Done at Frankfurt am Main, 13 December 2011.

[signed]

*The President of the ECB*

Mario DRAGHI