



**DECISION OF THE EUROPEAN CENTRAL BANK**

**of 16 October 2018**

**amending the European Central Bank Staff Rules as regards unpaid leave**

**(ECB/2018/NP21)**

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 Bank<sup>1</sup>, and in particular Article 21.3 thereof,

Having regard to the opinion of the Staff Committee,

Whereas:

- (1) External mobility fosters opportunities for the personal and professional development of members of staff and strengthens relations between the European Central Bank (ECB) and relevant organisations. For this reason, external mobility to relevant organisations should be particularly encouraged by the creation of special rules which, on the one hand, allow for greater flexibility for external mobility and, on the other hand, allow for the possibility of recognition of the experience gained through such external mobility.
- (2) Provisions covering unpaid leave for study, unrelated work and for other personal reasons should also be amended to allow for further flexibility, particularly by increasing the frequency with which such unpaid leave may be taken.
- (3) All unpaid leave should continue to be subject to a managerial assessment to ensure that the ECB's business is not unduly affected and that there is no risk of a conflict of interest.
- (4) Therefore, the European Central Bank Staff Rules should be amended accordingly,

HAS ADOPTED THIS DECISION:

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<sup>1</sup> OJ L 80, 18.3.2004, p. 33.

*Article 1***Amendments**

The Staff Rules are amended as follows:

1. the second paragraph of Article 5.10.3, the last sentence is replaced by the following:  
'The notice period for requesting unpaid leave in Article 5.12 shall not apply';
2. a new Article 5.12.1a is inserted:  
'5.12.1a Subject to Article 5.12.2, members of staff holding an employment contract with the ECB for an indefinite period or who have been notified in writing by Directorate General Human Resources that their fixed-term contract will be converted into a contract for an indefinite period may also, at their request, be granted unpaid leave for any of the following reasons.
  - (a) Study: provided it is recognised by the Director General Human Resources or their Deputy as leading to an official degree or qualification.
  - (b) Mobility: for gainful employment of at least six months in one of the following:
    - a national central bank forming part of the ESCB or any other central bank;
    - a national competent authority forming part of the SSM;
    - an institution, body, office or agency of the European Union;
    - an institution or organisation listed by the International Service for Remunerations and Pensions as a member of the group of international financial institutions and of other international organisations;as well as, provided the Director General Human Resources or their Deputy considers the experience to be gained as a result of the period of employment or self-employment as relevant for the ECB:
    - academia;
    - the private sector;
    - the national public sector or inter-governmental organisations entrusted with the performance of tasks in the public interest, to the extent not included above.
  - (c) Unrelated work: for any other type of gainful employment or self-employment that is not covered by paragraph (b).';
3. a new Article 5.12.1b is inserted:  
'5.12.1b Subject to Article 5.12.2, any member of staff may, at their request, be granted unpaid leave for reasons other than those mentioned in Article 5.12.1a. Such other reasons may include, for example, unpaid leave for personal reasons.';

4. Article 5.12.2 is replaced by the following:

'5.12.2 Members of staff may be granted unpaid leave on any of the grounds mentioned in Article 5.12.1a or 5.12.1b provided that:

- (a) the ECB's business is not unduly affected; and
- (b) the leave does not conflict with the ECB's legitimate interests, in particular that the private or professional activities to be undertaken by the member of staff during such leave do not give rise to a risk of a conflict of interest with their duties at the ECB.';

5. Article 5.12.3 is replaced by the following:

'5.12.3(a) Unpaid leave in accordance with Article 5.12.1a or Article 5.12.1b may be granted for a minimum period of two consecutive weeks, with the exception of unpaid leave for mobility in which case the minimum period is six consecutive months.

(b) At the request of the member of staff concerned, the ECB may extend the period of unpaid leave that has been granted in accordance with Article 5.12.1a or Article 5.12.1b provided the requirements of Article 5.12.2 continue to be met. Without prejudice to the provisions of paragraphs (c) to (e), the total duration of unpaid leave shall not exceed three years.

(c) When one or more periods of unpaid leave are taken, the maximum period of unpaid leave referred to in paragraph (b) is renewed (i.e. starts afresh) on the expiry of a period of five years in which the staff member has not taken any unpaid leave.

(d) The maximum period of three years referred to in paragraph (b), when used uninterruptedly, may, upon request, be extended once in the member of staff's career at the ECB by an additional and consecutive period of up to two years in the following cases and provided the requirements Article 5.12.2 continue to be met:

- (i) the unpaid leave has been granted on the basis of mobility or unrelated work; or
- (ii) the time between the end of the three year period referred to in paragraph (b) and the date on which the member of staff's employment contract is due to be terminated by reason of retirement is two years or less, and the member of staff requests to extend his unpaid leave for the remaining time until this date;

(e) The Chief Services Officer on behalf of the Executive Board may authorise derogations from the periods referred to in paragraphs (a) to (d) for compelling personal reasons, or where such derogations are in the interest of the ECB.';

6. Article 5.12.4 is amended as follows:

(a) in the first sentence, 'area head' is replaced by 'business area head';

(b) the second paragraph is replaced by the following:

'The same procedure and time frames as set out in the first paragraph shall apply to requests to: (a) extend any period of unpaid leave; and (b) return to duty prior to the expiry of a period of unpaid leave, which may be accommodated if this is compatible with the interest of the service.;

7. in Article 5.12.6 point (b) is replaced by the following:

'(b) their risk profile will significantly increase as a consequence of the activities to be performed during the period of unpaid leave.';

8. Article 5.12.7 is replaced by the following:

'5.12.7 During unpaid leave, members of staff shall notify the ECB without undue delay of any events that may affect their unpaid leave, its purpose or duration, and of any other changes that may affect their rights, obligations and entitlements vis-à-vis the ECB.';

9. the following new Article 5.12.8 is added:

'5.12.8 Members of staff returning from unpaid leave shall return to the same or an equivalent position. If no such position is immediately available, they may be assigned to a position allocated to a lower salary band for an interim period, in which case their basic remuneration shall correspond to their basic salary prior to the commencement of the unpaid leave, adjusted in line with salary adjustments and disregarding any temporary promotion that may have expired during the leave.

Notwithstanding the provisions set out in the first paragraph, a member of staff who is not eligible for an Annual Salary and Bonus Review due to being on unpaid leave for mobility may, upon return, be awarded steps within their salary band in accordance with their professional development during the unpaid leave to the extent that it is relevant to their business area or to the ECB at large. The steps awarded shall not exceed those they could have achieved under the Annual Salary and Bonus Review had they continued to work at the ECB. The Director General Human Resources or their Deputy shall make this decision, after consulting the member of staff's line manager who shall provide an opinion which shall take into account the information provided by the returning member of staff.'

10. in Annex III, the last sentence of Article 6.2(a) is replaced by the following:

'Notwithstanding this, such cover is not available with respect to insured members when their unpaid leave is granted for compulsory military or alternative service, or if their risk profile will significantly increase as a consequence of the activities to be performed during the period of unpaid leave.'

*Article 2*

**Transitional provision**

This Decision shall apply to members of staff who are on unpaid leave on 1 November 2018, with the exception of the provisions of the second paragraph of 5.12.8 which shall only apply with respect to the periods of unpaid leave following 1 November 2018.

*Article 3*

**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

ECB-PUBLIC