



EUROPEAN CENTRAL BANK

EUROSYSTEM

ECB-UNRESTRICTED

**ADMINISTRATIVE CIRCULAR 1/2019**  
**of 23 July 2019**  
**on election rules for elected committees**

THE EXECUTIVE BOARD OF THE EUROPEAN CENTRAL BANK,

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 the Rules of Procedure of the European Central Bank, and in particular Article 11.2 thereof,

Having regard to the opinion of the Staff Committee<sup>1</sup>,

Whereas:

- (1) Administrative Circular 10/2003<sup>2</sup> sets out common rules for the election of members to the elected committees of the European Central Bank (ECB).
- (2) In view of the digitalisation of the work environment within the ECB, it is considered appropriate to modernise the framework for organising elections for elected committees and to replace on-site ballot voting with electronic voting<sup>3</sup>. Taking these steps could help achieve a higher voter turnout and would minimise the environmental footprint of the elections.
- (3) An independent external service provider should support the electronic voting process and ensure compliance with European Union data protection legislation.
- (4) In order to accommodate the revisions that need to be made to the election rules, it is necessary to adopt a new Administrative Circular. Therefore, Administrative Circular 10/2003 should be repealed and replaced by this Administrative Circular,

HAS ADOPTED THIS ADMINISTRATIVE CIRCULAR:

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<sup>1</sup> See opinions of the Staff Committee provided as part of the consultation process launched on 25 October 2018.

<sup>2</sup> Administrative Circular 10/2003 of the European Central Bank of 2 December 2003 on election rules for elected committees.

<sup>3</sup> The Report on the 2018 Election of the Staff Committee.

*Article 1***Scope**

This Administrative Circular sets out the rules for the election of members to (i) the Staff Committee<sup>4</sup>; (ii) the Oversight Committee<sup>5</sup>; and (iii) any other ECB committee in respect of election to which the decision-making body establishing it decides to apply this Administrative Circular. The committees named or referred to in points (i), (ii) and (iii) are hereinafter referred to collectively as the 'elected committees' and individually as an 'elected committee'.

*Article 2***Election Committee**

1. The election of an elected committee shall be organised by an election committee.
2. The Chief Services Officer (CSO), on behalf of the Executive Board, shall appoint the members of an election committee. The appointment is based on a recommendation from the relevant elected committee, if any. The relevant elected committee shall submit its recommendation to the CSO: in the case of a general election, no later than three months before the end of its members' term of office; and, in the case of a special election, no later than one week from the date on which the need for that special election arose. The CSO shall decide on the appointment of the recommended members within ten working days of receiving the elected committee's recommendation. If the relevant elected committee does not submit its recommendation in due time, the CSO shall appoint the members of an election committee, in respect of a general election, by no later than ten weeks before the end of the term of office of the elected committee's members and, in respect of a special election, within three weeks of the date on which the need for that special election arose. The CSO shall keep a record of any decisions taken under this paragraph and shall keep the Executive Board informed on a quarterly basis by submitting to it a quarterly report.
3. Following the appointment of members of an election committee pursuant to paragraph 2, the CSO shall inform their line managers in writing of such appointment. However, members of the election committee shall not report to their line managers on their duties and functions related to this activity and shall not act as representatives of their respective business areas or of the relevant elected committee.
4. Each election committee shall consist of five to nine members, who shall elect a secretary from amongst themselves by a majority vote of the members present. Members of the election committee may only resign in writing to the secretary of the election committee setting out the reasons for doing so. Once appointed, members of the election committee may not present themselves as candidates for the election for the relevant elected committee, even if they resign from the election committee. Provided that the number of election committee members does not fall below five, a resigning member does not need to be replaced. If the secretary decides to resign, he

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<sup>4</sup> See Article 48 of the Conditions of Employment for Staff of the European Central Bank.

<sup>5</sup> See Article 2.2(ii) of Annex III and Article 26(c) of Annex IIIa to the Conditions of Employment for Staff of the European Central Bank, and Article 5 of the Terms of Reference of the Oversight Committee.

or she shall set out his or her reasons in writing to the oldest member of the election committee. In that case, or if the secretary cannot perform his or her tasks, the remaining members of the election committee shall elect a new secretary from amongst themselves by a majority vote of the members present.

5. If the vote for a new secretary is tied, the oldest member of the election committee shall have the casting vote.
6. The election committee shall be dissolved once the time limit for lodging an appeal against the election has expired and no appeal has been lodged. In the event of an appeal, the election committee shall only be dissolved once the CSO, on behalf of the Executive Board, has decided on the appeal under Article 10.
7. The election committee shall draw up an electoral roll of all persons eligible to vote, with the support of the Directorate General Human Resources as necessary.
8. The election committee shall be responsible for the overall organisation of an election and shall cooperate with the independent external service provider (hereinafter the 'service provider') selected from time to time in accordance with Article 3.

#### *Article 3*

#### **Service provider**

1. The service provider shall provide the appropriate infrastructure and expertise for running elections pursuant to this Administrative Circular.
2. The Data Protection Officer shall be involved in the selection of the service provider, who shall act as a data processor on behalf of the ECB. The processing of personal data by the service provider shall take place in the European Economic Area. The service provider shall ensure the anonymisation of the data for both electronic and postal voting.
3. A member of the Staff Committee shall be involved as an observer in the selection process of the service provider.
4. Subject to the provisions of Decision ECB/2016/2 laying down the rules on procurement<sup>6</sup>, the selection criteria applied shall be both quantitative and qualitative and shall require that the service provider complies with the principles of independence, data protection, secrecy and freedom of election, universality and equality of voting, and security and integrity of the ballot.

#### *Article 4*

#### **Eligibility to vote and right to stand for election**

1. A person's eligibility to vote and right to stand for election are set out in the relevant rules<sup>7</sup>.

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<sup>6</sup> Decision (EU) 2016/245 of the European Central Bank of 9 February 2016 laying down the rules on procurement (ECB/2016/2) (OJ L 45, 20.2.2016, p. 15).

<sup>7</sup> See Article 9.4 of the Staff Rules, Article 6 of the Terms of Reference and Article 2 of the Conditions of the Graduate Programme of the European Central Bank which refers to the Conditions of Employment.

2. Each person eligible to vote shall have the right to cast as many votes as there are committee members to be elected.

#### *Article 5*

#### **General elections, special elections and reserve lists**

1. A general election shall be held when the term of office of the members of an elected committee is coming to an end. The election shall be held on one day.
2. In the event that the number of candidates pursuant to Article 6 is equal to or less than the number of members of the elected committee to be elected, no election shall take place and that candidate is, or those candidates are, deemed elected. In respect of the Oversight Committee, when this results in a shortage of members, the remaining members shall be appointed in accordance with Article 14 of the Terms of Reference.
3. Following each election a reserve list shall be created comprising all candidates who have not been elected but who have received votes from at least 10 % of the electors. Such candidates shall be ranked in descending order on the reserve list starting with the candidate who received the highest number of votes at the top of the reserve list. The reserve list shall be valid from the day of the election until the successor committee is elected at the next general election. Candidates who cease to be eligible during the validity period of the reserve list shall be removed from the list.
4. Any member of an elected committee, whose term of office expires prior to its normal expiry date as laid down in the relevant rules<sup>8</sup>, shall be replaced by the highest ranking candidate on the relevant reserve list who consents to take up office.
5. If there is a need to replace a member of an elected committee but there is no reserve list or no candidates left on the reserve list, a special election shall be held. The special election shall take place on one day.

#### *Article 6*

#### **Candidatures**

1. At least six weeks prior to the date of an election, an election committee shall, either directly or via the service provider, inform by email or, as appropriate, by post, all persons eligible to vote in that election. Persons eligible to vote who cannot be contacted by email should provide the Directorate General Human Resources with a postal address and the election committee shall, either directly or via the service provider, inform them by post. The election committee shall, either directly or via the service provider, provide all relevant information in connection with an election, including, at a minimum: the date of the election; a call for candidatures; a reference to the election rules set out in this Administrative Circular; and details on how to request a postal vote.

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<sup>8</sup> In relation to the Staff Committee see Article 9.1.2 of the Staff Rules and in relation to the Oversight Committee see Article 11 of the Terms of Reference for the Oversight Committee.

2. Candidatures for the vacant positions on the elected committee shall be submitted to the secretary of the election committee by 12.00 (midday) Central European Time (CET)<sup>9</sup> on the working day immediately preceding the three-week period that ends on the day before the day of the election.
3. A candidate may campaign for election until 17:30 CET on the penultimate working day prior to the day of the election. Each candidate may send two emails to eligible voters (including emails to subsets of eligible voters) provided that no eligible voter is sent more than two emails by any one candidate. Candidates may post their election material on an e-voting tool, if one is available, subject to any technical limitation of that tool. Candidates may reserve any available ECB meeting rooms to present their programme. The election committee shall arrange for panels on which each candidate may display one campaigning poster (which may be substituted or replaced by that candidate during the campaign) in each building in suitable locations, taking into account each of the different ECB premises. Any other means of communication shall remain at the discretion of the election committee.
4. The election committee shall, either directly or via the service provider, communicate the list of candidates and the timing of the day of the election to all persons eligible to vote, on the working day immediately preceding the two-week period that ends on the day before the day of the election.

#### *Article 7*

#### **Voting**

1. Voting shall take place by secret ballot.
2. An elector may vote electronically or, if he or she has validly requested to do so in accordance with this Article, by post. An elector must send a request for a postal vote to the service provider or, if no service provider is involved, to the secretary of the election committee, at least three weeks before the day of the election.
3. In order to cast a valid vote, an elector shall mark the box next to his or her chosen candidate or candidates, in accordance with the number of votes the elector has the right to cast under Article 4(2).
4. For electronic voting, the service provider or the election committee shall provide each elector with a unique personal password to access the electronic voting tool, as well as with information on the voting procedure to be followed. The unique personal password shall serve as a means of identifying that elector, who, after casting his or her vote, will be automatically prevented from accessing the electronic voting tool again during that election.
5. Each elector who has requested a postal vote in due time shall receive ballot papers from the service provider or the election committee without undue delay. When sending out the ballot papers, the service provider or the election committee, as applicable, shall ensure that an elector who has requested a postal vote may not vote electronically. Postal votes must be received by the service provider or, if no service provider is involved, by the secretary of the election committee, on

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<sup>9</sup> CET takes into account the change to Central European Summer Time.

or before the working day before the day of the election. Ballot papers bearing any writing or signature other than the mark(s) indicating the chosen candidate(s) shall be void.

*Article 8*

**Disputes during the election process and exclusion of candidates**

1. The election committee shall, by majority vote of the members present, settle any disputes that may arise during the election, with the support of the service provider as appropriate. If an equal number of votes are cast for and against the settlement proposed, the secretary of the election committee shall have the casting vote.
2. The election committee may exclude a candidate from standing for office in an election in the event of a serious infringement by that candidate of the provisions of this Administrative Circular or of any other rules laid down by the election committee within its field of competence.
3. The election committee may reprimand a candidate behaving contrary to the provisions of this Administrative Circular or any other rules laid down by the election committee within its field of competence and shall notify the electors.

*Article 9*

**Result of the voting**

1. The election committee shall, either directly or via the service provider, as applicable, count the electronic and postal votes. The election committee shall ensure that candidates are permitted to observe the counting of postal votes and the operation of the e-voting tool in the counting of electronic votes, whether that occurs on the premises of the service provider or elsewhere.
2. The election committee shall inform the candidates of the outcome of the election without undue delay. An elected candidate shall notify the election committee within the same working day on which he or she is so informed whether he or she accepts or turns down office.
3. The candidate or candidates receiving the highest number of votes shall be elected up to the number of committee members to be elected. If a candidate turns down office, the candidate receiving the next highest number of votes shall be elected instead. If two candidates receive an equal number of votes, the election committee shall draw lots to determine the ranking of those candidates between themselves.
4. The election committee shall produce an official report on the election process and approve it by majority vote. In the event of a tied vote, the secretary of the election committee shall have the casting vote. The official report shall be published via appropriate means within five working days after the day of the election.

*Article 10*

**Appeal**

1. A candidate who has not been elected may appeal the validity of the election within ten working days following the date on which the results are made public. Any such appeal shall be made in writing to the CSO.
2. The CSO, on behalf of the Executive Board, shall decide on the appeal. The decision shall be notified to the candidate within one month from the date on which the appeal is submitted.
3. The CSO, on behalf of the Executive Board, may decide to publish the decision, taking into account the aspects raised in the appeal and its confidentiality.
4. The candidate may appeal against the CSO's decision referred to in paragraph 2 to the Court of Justice of the European Union within two months from the date on which that candidate is notified of the CSO's decision.
5. The appeal shall not suspend the constitution of the elected committee.
6. The CSO shall keep a record of any decisions taken under paragraph 2 or paragraph 3 and shall keep the Executive Board informed on a quarterly basis by submitting to it a quarterly report.

*Article 11*

**Repeal and entry into force and transitional provisions**

1. This Administrative Circular shall repeal and replace Administrative Circular 10/2003 of 2 December 2003 on election rules for elected committees.
2. This Administrative Circular shall enter into force on the day following its communication to all staff.

Done at Frankfurt am Main, 23 July 2019

*For the Executive Board of the ECB*



*The President of the ECB*

Mario DRAGHI