



**DECISION OF THE EUROPEAN CENTRAL BANK**

**of 23 March 2010**

**delegating powers in relation to the ethical framework, repealing Decision ECB/2005/NP3 and amending Decision ECB/2004/NP13**

**(ECB/2010/NP8)**

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 11.6 thereof,

Having regard to the Rules of Procedure of the Executive Board of the European Central Bank, and in particular Article 5 thereof,

Having regard to Decision ECB/2010/NP2 of 21 January 2010 amending the Conditions of Employment for Staff of the European Central Bank and the Conditions of Short-Term Employment and Decision ECB/2010/NP3 of 29 January 2010 amending the European Central Bank Staff Rules and the Rules for Short-Term Employment,

Whereas:

- (1) The ethical framework of the European Central Bank (ECB) was enhanced and consolidated in Part 0 of the Staff Rules and enabling clauses were inserted in Article 3 of the Conditions of Employment for Staff of the European Central Bank and Article 2 of the Conditions of Short-Term Employment; moreover, an explanatory note supplementing the ethical framework was endorsed by the Executive Board.
- (2) The ethical framework contains rules under which members of staff have to request the ECB's authorisation with respect to the private use of the ECB's resources, conflict of interest situations, gainful employment of a spouse or recognised partner, private activities and acceptance of awards, honours and decorations and may be required to abstain from dealing with matters relating to a prospective employer.
- (3) Individual decisions concerning the requests from members of staff for any such authorisations should be taken at a level below the Executive Board.
- (4) The Explanatory Note to the ethical framework needs to be amended from time to time to insert any appropriate clarifications also taking into account the advice given by the ECB's Ethics

Officer. Any other amendments to the Explanatory Note require a decision by the Executive Board. However, if the Executive Board has approved the main substance of such other amendments to the Explanatory Note, the power to adopt the definitive text of such amendments should be delegated to the member of the Executive Board to whom the Directorate General Human Resources, Budget and Organisation reports to facilitate the approval and implementation process.

- (5) To safeguard the Executive Board's collective responsibility, it is necessary for the member of the Executive Board to whom the Directorate General Human Resources, Budget and Organisation reports to provide the Executive Board with an annual report of the decisions taken under the powers delegated under this Decision.
- (6) The Executive Board considers that publication of the provisions contained in this Decision could undermine the protection of the public interest as regards the internal administration of the ECB and as a result this Decision should not be published,

HAS ADOPTED THIS DECISION:

#### *Article 1*

#### **Delegation**

1. The ECB's powers
  - (a) established in Articles 0.5, 0.12 and 0.15 of the Staff Rules;
  - (b) to specify the organisational units in which members of staff are deemed, by virtue of their duties, to have access to inside information concerning monetary or exchange rate policies of the ECB and/or the financial operations of the European System of Central Banks;
  - (c) to adopt the definitive text of amendments to the Explanatory Note to the ECB's ethical framework, provided the Executive Board has approved the main substance of such amendments;
  - (d) to insert any appropriate clarifications in the Explanatory Note to the ECB's ethical framework also taking into account the advice given by the ECB's Ethics Officer,shall be delegated to the Executive Board member to whom the Directorate General Human Resources (HR), Budget and Organisation reports.
2. The powers established in Articles 0.8, 0.9 and 0.14 of the Staff Rules shall be delegated, in directorates general to the Director General, and to the Director in directorates that are not a subunit of a directorate general, of the business area in which the member of staff is employed. For members of staff employed in the Counsel to the Executive Board, the Coordinator to the Counsel

of the Executive Board shall be delegated these powers. Before taking decisions on the basis of such delegation, the respective Area Heads shall consult the ECB's Ethics Officer.

#### *Article 2*

##### **Sub-delegation**

The Executive Board member to whom the Directorate General HR, Budget and Organisation reports may further sub-delegate any of the powers referred to in Article 1(a), (c) and (d) to the Director General HR, Budget and Organisation and Deputy Director General HR, Budget and Organisation.

#### *Article 3*

##### **Reporting obligation**

The member of the Executive Board to whom Directorate General HR, Budget and Organisation reports, as well as the Director General HR, Budget and Organisation and Deputy Director General HR, Budget and Organisation in case of a sub-delegation in accordance with Article 2, and Area Heads with respect to the delegation in accordance with Article 1(2), shall submit to the Executive Board an annual report on the decisions taken on the basis delegated in accordance with Article 1.

#### *Article 4*

##### **Repeal**

1. Decision ECB/2005/NP3 of 15 March 2005 delegating powers to authorise professional activity outside the European Central Bank to the Executive Board member to whom the Directorate General Human Resources reports is repealed.
2. Decision ECB/2004/NP13 of 28 September 2004 delegating powers to the Executive Board member to whom D-HR reports is amended as follows:
  - (a) References to Articles 3 and 4(d) of the Conditions of Employment in Article 1 are deleted.
  - (b) References to Articles 2 and 7 of the Conditions for Short-term Employment in Article 2 are deleted.
  - (c) References to Articles 4(e) and 4(f) of the Conditions of Employment and Articles 8 and 9 of the Conditions for the Short-term Employment in Article 3 are deleted.

*Article 5*

**Entry into force**

This Decision shall enter into force on the first day of the month following its communication to staff.

Done at Frankfurt am Main, 23 March 2010.

[signed]

*The President of the ECB*

Jean-Claude TRICHET