



EUROPEAN CENTRAL BANK
EUROSYSTEM

ECB-RESTRICTED

DECISION OF THE EUROPEAN CENTRAL BANK

of 24 September 2019

amending the European Central Bank Staff Rules as regards promotion and amending the Rules for Short-term Employment, Decisions ECB/2016/NP3 and ECB/2016/NP4 and repealing Administrative Circulars 1/2011 and 2/2011 (ECB/2019/NP28)

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 Articles 11.6 and 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 Conditions of Employment for Staff of the European Central Bank, in particular Article 9(a) thereof,

Having regard to the opinion of the Staff Committee,

Whereas:

- (1) The rules on promotion at the European Central Bank (ECB) are currently laid down in Administrative Circular 2/2011². There is a need to introduce new categories of promotion, whilst certain of the existing categories should be discontinued. The European Central Bank Staff Rules (hereinafter the 'Staff Rules') do not currently contain provisions on the categories of promotion of members of staff and related procedures. For reasons of transparency and consistency such rules should be included in the Staff Rules.
- (2) The rules on promotion aim to introduce new career development and growth opportunities for members of staff, support managers in developing and rewarding their members of staff and achieve a high level of staff engagement and motivation, thereby fostering organisational resilience and performance.
- (3) The new categories of promotion should be based on progression within a salary band or across salary bands.

¹ OJ L 80, 18.3.2004, p. 33.

² Administrative Circular 2/2011 of 19 July 2011 on promotion.

- (4) The rules on promotion should clearly establish the conditions for determining which members of staff are eligible for promotion. However, there should be no sense of entitlement to or legitimate expectation of a promotion for any member of staff that simply meets the eligibility conditions for promotion.
- (5) In accordance with Article 12 of the Conditions of Employment of the European Central Bank (hereinafter the 'Conditions of Employment'), which provides for the possibility of introducing subdivisions within salary bands, salary bands A to J should be sub-divided into salary brackets to provide ECB management with a more streamlined professional development tool. Promotion within a salary band to a higher salary bracket provides a visible reflection of progression within a salary band.
- (6) Introducing salary brackets in the ECB's salary structure has an impact on the selection and appointment rules. Therefore, these rules need to be amended.
- (7) Currently, the Staff Rules do not contain rules on which step of a salary band a member of staff is placed at following appointment, nor on the appointing authority responsible for taking such a decision. Such provisions should be introduced through amendments to the Staff Rules and the Rules for Short-term Employment.
- (8) The new rules should allow experienced members of staff who have continuously demonstrated a high contribution to the ECB's tasks and have demonstrated the ability to perform tasks at the level of the next salary band, to progress to the next salary band without undergoing a selection procedure. A robust and well-defined decision-making process should ensure fairness and consistency in promoting members of staff across all business areas.
- (9) Before deciding to conduct an external selection procedure to fill a position, the appointing authority responsible for such a decision should give due consideration to the means available to fill the position from within the ECB and if not available, by other external means.
- (10) While selection procedures remain one of the means by which a member of staff may be promoted, a staff member's mobility should be used as an eligibility criterion for certain positions, while for other positions, a staff member's mobility should be used as an additional selection criterion.
- (11) The rules on promotion also aim to ensure that temporary promotions for a period of less than one year are possible to fill a position to cover specific business needs that are of a limited duration.
- (12) In exercising its competences pursuant to Article 11.6 of the Statute of the European System of Central Banks and of the European Central Bank, the Executive Board determines the appointing authority within the ECB in accordance with Annex VII to the Staff Rules. This Annex should be amended to cover situations where the Executive Board determines the appointing authority for promoting members of staff.
- (13) The Staff Rules should also specify how the rules on promotion apply to staff representatives with time dispensation that is granted to them to carry out their staff representation function at the ECB.

- (14) The development track set out in Decision ECB/2016/NP3 of the European Central Bank³ is no longer used and the general guidelines for the development track⁴ have become obsolete. Decision ECB/2016/NP3 should therefore be amended accordingly.
- (15) Decision ECB/2016/NP4 of the European Central Bank⁵ contains provisions relating to promotion which will become obsolete and should therefore be amended accordingly.
- (16) As a result of incorporating rules on promotion in the Staff Rules and modifying some of the categories of promotion, Administrative Circulars 1/2011⁶ and 2/2011 will become obsolete and should be repealed.
- (17) Therefore, the Staff Rules and the Rules for Short-term Employment 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.1.1 the following Article 1a.1.1.2 is inserted :

'1a.1.1.2 The salary band of the current position of a member of staff in one of the following situations shall be:

 - (a) the salary band of the *ad personam* promotion, for members of staff that have been promoted *ad personam* in accordance with Administrative Circular 1/2011;
 - (b) the salary band of the position held prior to the promotion, for members of staff promoted by a direct appointment to a position that needed to be filled for a period of less than one year;
 - (c) the salary band to which members of staff have been promoted, for members of staff that have been promoted in accordance with Article 2a.11.1.;
2. Article 1a.1.3 is replaced by the following:

'1a.1.3 ***Additional specific eligibility criteria for internal selection procedures***

1a.1.3.1 The following are eligible to apply for internal selection procedures: members of staff with an indefinite or a fixed-term contract, and graduate programme participants, who

³ Decision ECB/2016/NP3 of the European Central Bank of 12 January 2016 delegating certain powers to the Chief Services Officer relating to certain tasks set out in in the policy documents on mobility at the European Central Bank, criteria and procedure for the conversion of fixed-term contracts of staff members recruited for permanent positions, general guidelines for the development track, and the European Central Bank retirement plan and ECB pension scheme - Terms of reference of the Oversight Committee.

⁴ ECB General guidelines for the development track, 28 October 2002.

⁵ Decision ECB/2016/NP4 of the European Central Bank of 12 January 2016 delegating certain powers to the Chief Services Officer in relation to election rules for elected committees, internal administrative inquiries, rules on secondment of members of staff for external work experience, Additional Salary Advancements and promotions.

⁶ Administrative Circular 1/2011 of 14 February 2011 on Additional Salary Advancements for members of staff and staff representatives with time dispensation.

have in each case successfully completed their probationary period at the closing date for applications.

This eligibility criterion for internal selection procedures does not prevent members of staff and graduate programme participants who have not completed their probationary period from applying for external selection procedures.

1a.1.3.2 With regard to internal selection procedures for positions at salary bands H to L, members of staff with an indefinite or a fixed-term contract may apply for positions at salary bands higher than the salary band of their current position if they have participated in mobility for at least twelve months in the ten years preceding the closing date for applications for the relevant position.

Members of staff with an indefinite or a fixed-term contract who do not meet this eligibility criterion are not precluded from applying for internal selection procedures, for positions at the same or at lower salary bands than the salary band of their current position, or for external selection procedures.’;

3. Article 1a.2.1 is replaced by the following:

‘1a.2.1 **Selection criteria**

1a.2.1.1 *General selection criteria*

The selection of members of staff shall be based upon a comparison of the merits of the candidates against the requirements set out in the vacancy notice.

If two or more candidates are of equal merit against those requirements, the diversity of gender and/or nationality may be used as an additional selection criterion.

1a.2.1.2 *Additional specific selection criterion for internal selection procedures*

In internal selection procedures for positions at salary bands up to and including F/G salary band, if two or more members of staff with an indefinite or a fixed-term contract who applied for a position at a salary band higher than the salary band of their current position, are of equal merit against the requirements set out in the vacancy notice, in addition to diversity of gender and/or nationality, mobility of at least twelve months in the ten years preceding the closing date for applications for the relevant position may also be used as an additional selection criterion.’;

4. Article 1a.2.2 is replaced by the following:

1a.2.2 **Decisions on the selection procedure**

The appointing authority may decide to conduct one single selection procedure in order to fill several positions with different position titles and different responsibilities, provided that the positions are at the same salary band and that the same qualifications and/or experience, skills and competencies are required for such positions.’;

5. the following sentence is added to Article 1a.2.3:

‘In external selection procedures for positions allocated to any salary band from A to J, the vacancy notice shall set out the salary bracket of the position(s) which is/are to be filled.’;

6. Article 1a.3.1 is replaced by the following:

'1a.3.1

- 1a.3.1.1 The appointing authority shall decide on the appointment of staff to positions within the organisational structure of the ECB in accordance with the ECB position plan.

A position is a budgetary post reflected in the ECB position plan managed by the Directorate General Human Resources in compliance with the budgetary limits set by the Governing Council, and approved by the Executive Board from time to time.

Temporary appointments may be extended or made permanent, subject to organisational needs and budgetary constraints, provided that such decision to extend or make permanent a temporary appointment is taken prior to the expiry of the appointment. This shall not result in making permanent a temporary appointment to another position at a higher salary band without a prior selection procedure.

- 1a.3.1.2 A vacancy of one year's duration or longer shall be communicated to all members of staff. The communication shall be approved by the appointing authority.

Before filling a position that is available for one year or longer using external means, the appointing authority shall first consider whether the position can be filled using horizontal mobility, or by appointing a member of staff who has been placed on a valid list of suitable candidates resulting from an internal selection procedure in accordance with Article 1a.3.3. Only thereafter shall the appointing authority launch an internal selection procedure.

When a position that is available for one year or longer is to be filled using external means, the appointing authority shall first consider whether the position can be filled by appointing a short-term contract employee in accordance with the Rules for Short-term Employment under the ESCB/IO programme or by appointing a candidate who has been placed on a valid list of suitable candidates resulting from an external selection procedure in accordance with Article 1a.3.3. Only then shall the appointing authority launch an external selection procedure.

The appointing authority may decide to fill a position available for one year or longer by external means without prior use of the internal means of filling the position based in particular on: (a) the specific requirements of the position to be filled; (b) the availability of the required qualifications, experience, skills and competencies within the ECB; and (c) diversity aspects.;

7. in Article 1a.3.2, the last sentence is replaced by the following:

'Due consideration shall also be given to the additional selection criteria laid down in Article 1a.2.1.');

8. Article 1a.3.5 is replaced by the following:

'1a.3.5 A member of staff may be appointed to another position resulting in a promotion either at a higher salary band or at a higher salary bracket, as the case may be, in accordance with Part 2A.');

9. the following Article 1a.3.10 is added:

1a.3.10 *Salary on appointment*

1a.3.10.1 A candidate appointed as a result of an external selection procedure, in accordance with either Article 1a.3.2 or Article 1a.3.3, shall be placed by the appointing authority responsible for taking the appointment decision at the first step of the salary band, or, for positions allocated to one of the salary bands A to J, at the first step of the salary bracket of the salary band, set out in the vacancy notice of that external selection procedure, unless otherwise provided in these Staff Rules or unless otherwise decided by the Executive Board with regard to the appointment of external candidates.

1a.3.10.2 The salary of a member of staff appointed, following an external selection procedure either in accordance with Article 1a.3.2 or in accordance with Article 1a.3.3, to another position within the ECB allocated to the same salary band as their current salary band shall remain unchanged, if placing that member of staff at the first step of the salary bracket of the salary band set out in the vacancy notice would result in a reduction of salary.

1a.3.10.3 A member of staff appointed to another position that is being filled using internal means shall be placed by the appointing authority responsible for taking the appointment decision at the first step of the salary band corresponding to the position that is being filled, unless otherwise provided in these Staff Rules.

1a.3.10.4 Horizontal mobility shall not lead to any changes in the basic salary of a member of staff.

1a.3.10.5 The salary of a member of staff following promotion shall be determined in accordance with Article 2a.14.

1a.3.10.6 An individual appointed directly to one of the positions listed in Article 1a.3.6 shall be placed by the appointing authority responsible for taking the appointment decision at the first step of the salary band corresponding to that position, unless otherwise provided in these Staff Rules or unless otherwise decided by the Executive Board with regard to external candidates or appointees.’;

10. in Part 2A, the following Articles 2a.8 to 2a.14 are added:

‘Promotion

2a.8 **Definitions and general provisions**

2a.8.1 In relation to promotion, the following definitions shall apply:

- (a) “promotion” means a vertical career progression within or across salary bands;
- (b) “salary bracket” means a sub-division of a salary band or broadband as specified in Annex VIII;
- (c) “promotion procedure” means the procedure laid down in Articles 2a.11.4 to 2a.11.6;

- (d) “readiness” means the demonstrated ability of a member of staff eligible to participate in a promotion procedure to perform tasks at the level of the next salary band in terms of behavioural competencies and contribution;
- (e) “readiness report” means a report, prepared in accordance with Article 2a.11.3.3, assessing the readiness of a member of staff who is eligible to participate in a promotion procedure in accordance with Article 2a.11.1;
- (f) “salary band of current position” means the salary band of the position currently held by a member of staff or the position referred to in Article 2a.8.3;
- (g) “promotion opportunity” means an opportunity, in terms of availability of budgetary resources and organisational needs, to promote a member of staff to the next salary band of current position in accordance with Article 2a.11;
- (h) “role profile” means a generic description of the work carried out in a professional field across the ECB, comprising the purpose of the role, key results or outcomes of the role, and typical activities to be performed in that role at different salary bands
- (i) “reference period of readiness” means five years preceding the date of the launch of the promotion procedure.

2a.8.2 The Heads of Business Area referred to in Part 2A of these Staff Rules shall be the same as the area heads who decide on Annual Salary and Bonus Review (ASBR) in accordance with Annex I to the Conditions of Employment.

2a.8.3 For the purposes of Part 2A of these Staff Rules, the salary band of the position held by a member of staff, who is in one of the following situations, shall be:

- (a) the salary band of the *ad personam* promotion, for members of staff that have been promoted *ad personam* in accordance with Administrative Circular 1/2011;
- (b) the salary band of the position held prior to the promotion, for members of staff promoted by a direct appointment to a position that needed to be filled for a period of less than one year;
- (c) the salary band to which members of staff have been promoted, for members of staff that have been promoted in accordance with Article 2a.11.

2a.9 Categories of promotion

2a.9.1 Members of staff may be promoted to a higher salary bracket as a result of:

- (a) salary steps awarded to them, in accordance with the applicable ASBR guidelines, as part of the annual ASBR exercise, in accordance with Article 2a.10;
- (b) an appointment to a position at a higher salary bracket as a result of an external selection procedure either in accordance with Article 1a.3.2 or in accordance with Article 1a.3.3.

2a.9.2 Members of staff may be promoted to a higher salary band by being:

- (a) appointed to a position at a higher salary band as a result of a selection procedure either in accordance with Article 1a.3.2 or in accordance with Article 1a.3.3;
- (b) directly appointed to a position that needs to be filled for a period of less than one year, in accordance with Article 2a.12;
- (c) directly appointed to one of the following positions: (i) Counsellor to a member of the Executive Board; (ii) Counsellor to the Chair of the Supervisory Board; (iii) Counsellor to the Vice-Chair of the Supervisory Board; (iv) Counsellor to an ECB representative to the Supervisory Board; (v) Head of Business Area, in accordance with the rules laid down in Part 1A of these Staff Rules.

2a.9.3 In addition, members of staff with contracts for an indefinite period or convertible contracts may be promoted to the next salary band while still holding their current position by decision of the appointing authority following a promotion procedure, in accordance with Article 2a.11.

2a.9.4 Staff representatives may be promoted according to the Staff Rules, which shall apply to them as specified or supplemented by Annex IX.

2a.10 Promotion to the next salary bracket of current position

Pursuant to Article 2a.9.1(a), members of staff shall be promoted to the next salary bracket of the salary band of their current position, if the following conditions are fulfilled:

- (a) they hold positions at the salary bands A to J;
- (b) they were awarded, as part of the annual ASBR exercise, in accordance with the ASBR guidelines, a number of salary steps that result in them advancing to the next salary bracket within the salary band of their position.

2a.11 Promotion to the next salary band of current position

2a.11.1 *Eligibility for the promotion procedure*

2a.11.1.1 Members of staff with contracts for an indefinite period or convertible contracts shall be eligible to participate in a promotion procedure if:

- (a) a promotion procedure is launched in their business area in accordance with Article 2a.11.3; and
- (b) the following conditions are fulfilled when the promotion procedure is launched:
 - (i) they hold positions at salary bands A to F/G and have reached the highest bracket of that salary band;
 - (ii) they hold positions at the salary bands immediately below the salary bands at which the promotion opportunities have been identified in their business areas;

- (iii) they are in active employment, on maternity, adoptive or parental leave or, external secondment in accordance with the rules laid down in Annex VI;
- (iv) they have demonstrated a continuously high contribution, as defined and specified in Article 2a.11.1.2;
- (v) they have participated in mobility for at least twelve months in the ten years prior to 1 January of the year when the promotion procedure was launched.

2a.11.1.2 Members of staff shall be considered to have met the condition under Article 2a.11.1.1(b)(iv) if, in their last three ASBR exercises, the average of the number of salary steps awarded to them was at least eight.

In any of the last three ASBR exercises in which members of staff were promoted to the next salary bracket, in accordance with Article 2a.10, as a result of being awarded more than 14 salary steps, the number of salary steps counted for the average shall be 14.

For members of staff whose average number of salary steps awarded in their last three ASBR exercises was not eight or more, and who, in one or more of their last three ASBR exercises, were not eligible for the award of salary steps or could not be awarded eight or more steps, due to being close to or at the top of their salary band, the condition is considered as met if: (a) the contribution of that member of staff was assessed as “high contribution”, in accordance with the applicable ASBR guidelines for that/those years; and (b) in the preceding, if any, one or two ASBR exercises, the number of salary steps awarded to them in an ASBR exercise or their average was at least eight.

2a.11.2 *Grounds for promotion*

2a.11.2.1 Members of staff who are eligible to participate in a promotion procedure in accordance with Article 2a.11.1 may be promoted to the next salary band while holding their current position, if their readiness has been determined in the promotion procedure and subject to the provisions of Article 2a.11.2.2.

2a.11.2.2 The participants in a promotion calibration meeting, as set out in paragraph 2a.11.7.1, may determine that two or more members of staff of the same business area participating in the promotion procedure at the same salary band are of equal readiness.

In the event that two or more members of staff participating in the promotion procedure at the same salary band are determined to be of equal readiness, consideration shall be given to the following additional factor: diversity of gender and/or nationality at the salary band to which the concerned members of staff are being considered for promotion.

2a.11.3 *Launch of the promotion procedure*

2a.11.3.1 A promotion procedure shall be launched only in the business areas where promotion opportunities have been identified, at salary bands up to and including salary band H, and only after the ASBR award of the previous year has taken effect.

2a.11.3.2 It shall be launched by the Directorate General Human Resources by publishing a communication on the intranet.

2a.11.4 List of members of staff eligible to participate in a promotion procedure

2a.11.4.1 After launching the promotion procedure in accordance with Article 2a.11.3, the Directorate General Human Resources shall check the eligibility to participate in the promotion procedure of members of staff of the business areas in which the promotion procedure is launched.

The appointing authority shall approve the list of members of staff eligible to participate in the promotion procedure.

2a.11.4.2 After the list of members of staff eligible to participate in the promotion procedure has been approved, the Directorate General Human Resources shall do the following:

- (a) provide each of the Heads of the business areas in which a promotion procedure is launched with the list of their members of staff eligible to participate in the promotion procedure;
- (b) notify in writing the members of staff that are eligible to participate in the promotion procedure about the name of the two members of staff that will prepare the readiness report.

2a.11.5 Phases of the promotion procedure

The promotion procedure shall consist of two phases: the first phase, when a readiness report is prepared for each member of staff eligible to participate in the promotion procedure and, a second phase, when a promotion calibration meeting is held and a reasoned proposal for promotion is made to the appointing authority.

2a.11.6 The first phase of the promotion procedure

2a.11.6.1 Two members of staff holding positions at salary band I or above shall prepare a readiness report for each member of staff eligible to participate in the promotion procedure, unless a member of staff explicitly requests in writing to be excluded from the promotion procedure.

2a.11.6.2 One of the members of staff preparing the readiness report shall be in the reporting line of the member of staff concerned, unless otherwise provided in these Staff Rules.

2a.11.6.3 One of the members of staff preparing the readiness report shall be designated by the Head of Business Area or their deputy of the business area in which the member of staff concerned works.

The other member of staff preparing the readiness report shall be designated by the Director General Human Resources or their deputy, or, for staff working in the Directorate General Human Resources, the Chief Services Officer, in each case upon

a proposal from the Head of Business Area or their deputy of the business area in which the member of staff concerned works.

2a.11.6.4 When the member of staff in the reporting line of the member of staff concerned is the Head of Business Area or their deputy, both members of staff preparing the readiness report shall be designated by the Director General Human Resources or their deputy, or, for staff working in the Directorate General Human Resources, the Chief Services Officer, upon a proposal from the Head of Business Area or their deputy of the business area in which the member of staff concerned works.

2a.11.6.5 Any readiness report shall include an assessment of the behavioural competencies and contribution of the member of staff concerned, demonstrated within the reference period of readiness, relative to all of the following:

- (a) the ECB's behavioural competencies, as approved by the Executive Board, relevant for the next salary band;
- (b) the expected contribution of members of staff in terms of typical tasks relevant for the next salary band, as laid down in the relevant role profile.

2a.11.6.6 Any readiness report shall also include feedback on the competencies and contribution, as determined under Article 2a.11.6.5, received from managers within the ECB including from other business areas. The members of staff preparing the readiness report shall be responsible for requesting such feedback.

Based on a proposal from the members of staff preparing the readiness report and taking into account the observations of the member of staff concerned, the Head of Business Area or their deputy of the business area in which the member of staff concerned works and a Directorate General Human Resources' representative shall approve the list of managers that shall be requested to provide feedback.

The member of staff concerned shall be given five working days to make observations on the draft list of managers providing feedback before its submission for approval.

2a.11.6.7 The readiness report shall take into account relevant information from the available annual review forms of the reference period of readiness. For this purpose and without prejudice to Article 2a.5.2, the members of staff preparing the readiness report shall be granted access to the available annual review forms of the reference period of readiness.

2a.11.6.8 Members of staff shall be given five working days to make observations on the readiness report concerning them and provide any additional information.

2a.11.6.9 The Directorate General Human Resources' representative participating in the promotion procedure shall receive and circulate the readiness reports and the related observations of the members of staff concerned, provided under Article 2a.11.6.8, if any, to the participants in the promotion calibration meeting.

2a.11.7 *The second phase of the promotion procedure*

2a.11.7.1 The participants in a promotion calibration meeting shall be:

- (a) for promotions up to and including the F/G salary band: a Directorate General Human Resources' representative designated by the Director General Human Resources; the two members of staff that have prepared a readiness report; the Head of Business Area or their deputy; and managers and/or other members of staff that hold positions at salary band I and above, from the business area in which the member of staff eligible to participate in the promotion procedure works, as designated by the Head of Business Area or their deputy in advance;
- (b) for promotions to salary band H: a Directorate General Human Resources' representative designated by the Director General Human Resources; the two members of staff that have prepared a readiness report; the Heads of business area or their deputies; and managers and/or other members of staff that hold positions at salary band I and above, from at least two business areas, one of which is the business area in which the member of staff eligible to participate in the promotion procedure works, as designated by their Heads of business area or their deputies in advance.

The Directorate General Human Resources' representative may be at the same or a lower salary band than that of the promotion(s) being discussed.

- 2a.11.7.2 The Directorate General Human Resources' representative shall invite the other participants, determined in accordance with Article 2a.11.7.1, to a promotion calibration meeting.
- 2a.11.7.3 The Directorate General Human Resources' representative shall facilitate discussion during the promotion calibration meeting and, where necessary, provide guidance regarding the Staff Rules to ensure that the participants comply with these Staff Rules.
- 2a.11.7.4 For each of the members of staff concerned, the participants in the promotion calibration meeting shall consider the readiness report, any received observations in accordance with Article 2a.11.6.8, and any new factual issues that: (a) are raised by participants in the promotion calibration meeting during their discussions; (b) relate to the member of staff's behavioural competencies and contribution level as determined under Article 2a.11.6.5; and (c) were not specified in that member of staff's readiness report.
- 2a.11.7.5 If there are two or more members of staff of the same business area that may be considered for promotion to the same salary band, the participants in the meeting shall calibrate the assessments on their readiness on the basis of the readiness reports, any received observations in accordance with Article 2a.11.6.8, and any new factual issues that meet the conditions laid down in Article 2a.11.7.4. Thereafter the participants shall proceed to a comparative examination of the readiness of the members of staff concerned.

In the event of this examination resulting in two or more members of staff being of equal readiness, due consideration shall be given to the additional factor laid down in Article 2a.11.2.2.

- 2a.11.7.6 The deliberations in the promotion calibration meeting shall be confidential. Notwithstanding this confidentiality, the members of staff participating in the promotion procedure shall be entitled to have access to the parts of the documents that relate to them.
- 2a.11.7.7 At the end of the promotion calibration meeting, the participants in the meeting shall submit to the appointing authority a reasoned proposal for promotion which shall include as a minimum:
- (a) a list of members of staff proposed for promotion to the next salary band of their current position;
 - (b) a list of members of staff not proposed for promotion to the next salary band of their current position;
 - (c) for each member of staff listed under paragraphs (a) and (b) of this Article, any new factual issues that: (i) were raised by participants in the promotion calibration meeting during their discussions; (ii) relate to the member of staff's behavioural competencies and contribution level as determined under Article 2a.11.6.5; and (iii) were not specified in that member of staff's readiness report;
 - (d) reasons for the proposal, including a confirmation of readiness of the members of staff listed according to paragraph (a).
- 2a.11.7.8 Any member of staff participating in the promotion procedure who is not proposed for promotion shall be given five working days to provide observations on any new factual issues that concern them and have been included in the reasoned proposal in accordance with Article 2a.11.7.7(d).
- 2a.11.7.9 The Directorate General Human Resources' representative shall submit the reasoned proposal for promotion, and make available the documentation concerning all members of staff eligible to participate in the promotion procedure, to the appointing authority.
- 2a.11.8 *Promotion decision*
- 2a.11.8.1 The appointing authority shall take a decision on promotion of members of staff taking into consideration the grounds for promotion laid down in Article 2a.11.2.
- 2a.11.8.2 The appointing authority shall be a party other than the two members of staff preparing the readiness report or any of the participants in the promotion calibration meeting.
- 2a.11.8.3 The effective date of promotion shall be determined by the appointing authority.
- 2a.11.8.4 The Head of Business Area shall notify in writing all members of staff eligible to participate in the promotion procedure about the outcome of the promotion procedure, irrespective of whether it results in a promotion.
- 2a.11.8.5 The list of members of staff promoted to the next salary band shall be published on the intranet.
- 2a.12 Promotion to a higher salary band for a period of less than one year**

For a period of less than one year, the appointing authority may promote a member of staff who has the required professional qualifications, skills and competencies to cover justified business needs of a period of less than one year.

2a.13 Promotion to salary bands H to L as a result of an internal selection procedure

Members of staff with an indefinite or a fixed-term contract may be promoted to positions at salary bands H to L following internal selection procedures either in accordance with Article 1a.3.2 or in accordance with Article 1a.3.3 if, at the closing date for applications for such positions, they have participated in mobility for at least twelve months in the last ten years.

2a.14 Effects of promotion

2a.14.1 Effects of promotion to a higher salary bracket

2a.14.1.1 On the date on which the promotion based on Article 2a.10 takes effect, members of staff promoted to the next salary bracket of the salary band of their current position shall benefit from the following:

- (a) an increase in their basic salary in accordance with the number of salary steps awarded as part of the annual ASBR exercise in accordance with the applicable ASBR guidelines;
- (b) a bonus granted as part of the annual ASBR exercise in accordance with the applicable ASBR guidelines;
- (c) for salary bands up to and including H band, the award of a prefix to the job title corresponding to the higher salary bracket, in accordance with Annex VIII.

2a.14.1.2 On the date on which promotion takes effect, members of staff promoted to a higher salary bracket of the salary band of their position as a result of an external selection procedure either in accordance with Article 1a.3.2 or in accordance with Article 1a.3.3, shall benefit from the following:

- (a) an increase in their basic salary to the first step of the salary bracket set out in the vacancy notice;
- (b) for salary bands up to and including H band, the award of a prefix to the job title corresponding to the higher salary bracket, in accordance with Annex VIII.

2a.14.2 Effects of promotion to a higher salary band

2a.14.2.1 On the date on which promotion takes effect, members of staff promoted to a higher salary band shall benefit from the following:

- (a) (i) an increase in their basic salary to the first step of the next salary band or by 3 %, whichever is higher; or
- (ii) an increase in their basic salary to the first step of the higher salary band or, where applicable, to the first step of the salary bracket of the higher salary band, set out in the vacancy notice of the position to which the member of staff is promoted, or by 3 %, whichever is higher; and

- (b) a (new) job title corresponding to the higher salary band and, where applicable, salary bracket.
- 2a.14.2.2 With the exception of a promotion under Article 2a.11, following which members of staff promoted continue to hold their current position, a promotion to a higher salary band shall entail the appointment of the promoted member of staff to a position at a higher salary band by the relevant appointing authority.';
11. in Part 3, the following Article 3.1.4 is added:
- '3.1.4 The provisions of Article 12 of the Conditions of Employment are applied as follows:
- 3.1.4.1 Any reference to salary bands in these Staff Rules includes salary broadbands as defined in Annex I to the Conditions of Employment.
- 3.1.4.2 Salary bands A to J shall be divided into salary brackets in accordance with Annex VIII.';
12. Annex VII is replaced by Annex I to this Decision.
13. Annex II to this Decision is added as Annex VIII to the Staff Rules.
14. Annex III to this Decision is added as Annex IX to the Staff Rules.

Article 2

Amendments to the Rules for Short-term Employment

Article 1a.2 of the Rules for Short-term Employment is replaced by the following:

- '1a.2 The appointing authority may decide to fill a position for short-term employment by direct appointment without any prior selection procedure. The decision shall be made by the same appointing authority as determined in Annex VII to the Staff Rules to appoint as a result of a selection procedure. The short-term contract employee shall be placed in the salary band corresponding to the position to be filled and at the first step of the salary bracket determined by that same appointing authority.

That same appointing authority shall also place a candidate appointed as a result of an external selection procedure or from a valid list of suitable candidates resulting from an external selection procedure for short-term employment at the first step of the salary band or, for salary bands A to J, at the first step of the salary bracket of the salary band set out in the vacancy notice for that external selection procedure.'

Article 3

Amendments to Decisions ECB/2016/NP3 and ECB/2016/NP4

Decisions ECB/2016/NP3 and ECB/2016/NP4 are amended as follows:

1. Article 3 and point (c) of Article 5 of Decision ECB/2016/NP3 are deleted.
2. Articles 4 and 5 of Decision ECB/2016/NP4 are deleted.

*Article 4***Repeal**

1. Administrative Circular 1/2011 is hereby repealed.
2. Administrative Circular 2/2011 is hereby repealed.

*Article 5***Transitional provisions**

1. The job titles of members of staff holding positions at salary bands A to H shall be updated by the end of January 2020 in accordance with the ECB list of generic job titles. This includes, where applicable, changes to the job title corresponding to the salary bracket of the member of staff's current salary band and for member of staff that have been promoted *ad personam* in accordance with Administrative Circular 1/2011, the salary bracket and salary band of the *ad personam* promotion, as laid down in Annex VIII to the Staff Rules. Members of staff shall be notified in writing accordingly one month after the update.
2. With regard to salary on appointment, the following transitional provisions shall apply to:
 - (a) a member of staff promoted to another position allocated to one of the salary bands up to and including J band following an external selection procedure that commenced prior to the entry into force of this Decision, or appointed to such a position, in accordance with Article 1a.3.3, from a valid list of suitable candidates resulting from such a selection procedure, shall be placed by the appointing authority either at the first step of the salary band set out in the vacancy notice or receive a salary increase of 3 %, whichever is higher;
 - (b) an external candidate appointed to a fixed-term contract following an external selection procedure that commenced prior to the entry into force of this Decision, or from a valid list of suitable candidates resulting from an external selection procedure that commenced prior to the entry into force of this Decision, shall be placed at the first step of the salary band set out in the vacancy notice for that external selection procedure by the same appointing authority as determined in Annex VII to the Staff Rules to appoint as a result of a selection procedure;
 - (c) an external candidate appointed to a short-term contract in accordance with the Rules for Short-term Employment following an external selection procedure that commenced prior to the entry into force of this Decision, or from a valid list of suitable candidates resulting from an external selection procedure that commenced prior to the entry into force of this Decision shall be placed at the first step of the salary band set out in the vacancy notice for that external selection procedure by the same appointing authority as determined in Annex VII to the Staff Rules to appoint as a result of a selection procedure.
3. With regard to promotion procedures launched in accordance with Article 2a.11 of the Staff Rules prior to 1 January 2024, members of staff who have been at the last step of their salary band for at least three years, calculated on the date the promotion procedure is launched, shall be considered to meet the condition under Article 2a.11.1.1(b)(iv) if, at least in their last ASBR exercise, their contribution was assessed as corresponding to the highest ASBR range of awards according to the

applicable ASBR guidelines and, in the previous two ASBR exercises their contribution was not assessed as “underperformance”, in accordance with the applicable ASBR guidelines.

4. With regard to promotion procedures launched in accordance with Article 2a.11 of the Staff Rules prior to 1 January 2022, for the purposes of Articles 2a.11.2.2 and 2a.11.7.5 of the Staff Rules, in the event of equal readiness of two or more members of staff participating in the promotion procedure at the same salary band, in addition to diversity of gender and/or nationality consideration shall also be given to the following additional factor: mobility for at least six months in the ten years preceding the launch of the promotion procedure.
5. With regard to the selection criteria laid down in Article 1a.2.1 of the Staff Rules, in internal selection procedures launched following entry into force of this Decision and prior to 1 January 2022, if two or more members of staff with an indefinite or a fixed-term contract who applied for a position at a salary band higher than the salary band of their current salary band, are of equal merit against the requirements set out in the vacancy notice, in addition to diversity of gender and/or nationality, mobility of at least six months in the ten years preceding the closing date for applications may also be used as additional selection criterion.

Article 6

Final provisions

1. This Decision shall enter into force on 10 October 2019.
2. It shall apply from 1 January 2020.
3. By way of derogation, paragraphs 11 and 13 of Article 1 shall apply from the date of entry into force.
4. Article 2a.11.1.1 (b)(v) of the Staff Rules shall only apply to promotion procedures launched in accordance with Article 2a.11 from 1 January 2022.
5. Articles 1a.1.3.2, 1a.2.1.2 and Article 2a.13 of the Staff Rules shall only apply to internal selection procedures commenced on or after 1 January 2022.
6. For the application of Article 2a.11.1.2 of the Staff Rules, whenever the award resulting from the 2018 ASBR exercise is taken into account, the reference to ‘high contribution’ shall be read as reference to ‘outstanding contribution’ in line with 2018 ASBR guidelines.

Done at Frankfurt am Main, 24 September 2019.

For the Executive Board of the ECB



The President of the ECB

Mario DRAGHI

Annex VII to the Staff Rules is replaced by the following:

'European Central Bank Staff Rules

Annex VII

Determination of the appointing authority

The appointing authority is as determined in the following table, unless otherwise provided in the Staff Rules, or unless otherwise decided by the Executive Board in exceptional and duly motivated circumstances:

SUBJECT	DECISION	LEVEL OF POSITION	ARTICLES OF THE ECB STAFF RULES	RESPONSIBLE AUTHORITY	
Eligibility for appointment	Authorisation of exceptions to nationality and language requirements	For positions at salary bands A to I	Article 1a.1.2 (a) and (c)	Chief Services Officer, on behalf of the Executive Board	
		For positions at salary bands J to M		Executive Board	
	Decision on existence of a conflict of interest or appropriate mitigation measures, on the basis of the advice of the Compliance and Governance Office	For positions at salary bands A to H	Article 0.2.1.4 and Article 1a.1.2 (f)	Head of Division, Deputy Head of Division or Head of Section in Directorate General Human Resources	
		For positions at salary band I		Director General of Human Resources or their Deputy	
		For positions at salary band J		Chief Services Officer, on behalf of the Executive Board	
		For positions at salary bands K to M		Executive Board	
	Vacancies of one year's duration or longer	Approval to communicate a vacancy of one year's duration or	For positions at salary bands A to H	Article 1a.3.1.2 first paragraph	Principal Expert in Directorate General Human Resources

	longer	For positions at salary band I		Chief Services Officer, on behalf of the Executive Board
		For positions at salary band J		Executive Board member, or Chief Service Officer as the case may be, responsible for the business area filling the position
		For positions at salary bands K to M		Executive Board
Selection procedures	Approval (and withdrawal) of a vacancy notice	For positions at salary bands A to H	Article 1a.2.3, first and fifth paragraphs	Principal Expert in Directorate General Human Resources
		For positions at salary band I	Article 1a.2.7.2	Chief Services Officer, on behalf of the Executive Board
	Determination of pre-selection and selection tools and parameters	For positions at salary band J	Article 1a.2.6.1	Executive Board member, or Chief Service Officer as the case may be, responsible for the business area filling the position
		For positions at salary bands K to M		Executive Board
	Establishment of selection committee	For positions at salary bands A to M	Article 1a.2.6.2, fourth paragraph	Executive Board

	Approval of extensions of a vacancy notice, approval of republishing of a vacancy notice	For positions at salary bands A to J	Article 1a.2.3, third and fourth paragraphs	Head of Division or Deputy Head of Division or Head of Section in Directorate General Human Resources
		For positions at salary bands K to M		Executive Board member, or Chief Service Officer as the case may be, responsible for the business area filling the position
	List of suitable candidates Rejection of candidates	To positions of salary bands A to H	Article 1a.2.7.10	Subject to Article 1a.2.6.2, paragraph 2 Head of Division, Deputy Head of Division or Head of Section in Directorate General Human Resources
		To positions at salary band I		Subject to Article 1a.2.6.2, paragraph 2 Director General Human Resources or their Deputy
		To positions at salary bands J to M		Article 1a.2.7.10

Appointment, extension of temporary appointment, including to permanent appointment	Appointment (and related extension) following a selection procedure, from a list of suitable candidates resulting from a previous selection procedure, following horizontal mobility across business area, or following a promotion to a higher salary band	To positions at salary bands A to H	Articles 1a.3.1 to 1a.3.5	Subject to Article 1a.2.6.2, paragraph 2, Head of Division, Deputy Head of Division or Head of Section in Directorate General Human Resources
		To positions at salary band I		Subject to Article 1a.2.6.2, paragraph 2, Director General of Human Resources or their Deputy
	Appointment following a selection procedure, from a list of suitable candidates resulting from a previous selection procedure, following horizontal mobility across business area, or following a promotion to a higher salary band	To positions at salary bands J to M		Executive Board

	<p>Extension of appointment following a selection procedure, from a list of suitable candidates resulting from a previous selection procedure, or following horizontal mobility across business area</p>	<p>To positions at salary band J</p>		<p>Director General of Human Resources or their Deputy, after approval of the Executive Board member, or of the Chief Service Officer as the case may be, responsible for the business area filling the position</p>
		<p>To positions at salary bands K to M</p>		<p>Executive Board</p>
	<p>Appointment (and related extension) following horizontal mobility within the same business area</p>	<p>To positions at salary bands A to I</p>	<p>Article 1a.3.4</p>	<p>Head of Business Area</p>
<p>To positions at salary bands J to M</p>	<p>Executive Board</p>			
	<p>Direct appointment (and related exceptional extension) to a position of Counsellor to a member of the Executive Board, the Chair or Vice-Chair of the Supervisory Board, or an ECB representative to the Supervisory Board</p>		<p>Article 1a.3.6</p>	<p>Executive Board</p>

	Direct appointment to a position of Head of Business Area		Article 1a.3.7	Executive Board
Non-confirmation of appointment of a member of staff to a managerial position	Decision to extend confirmation Decision of non-confirmation	For positions of Head of Business Area (salary bands K and L) and at salary band M	Article 1a.3.9	Executive Board
		For positions at salary bands I to K (other than Head of Business Area)		Chief Services Officer, on behalf of the Executive Board
Promotion to the next salary band of current position	Approval of the list of members of staff eligible to participate in the promotion procedure	For promotions to salary bands up to and including H band	Article 2a.11.4.1	Head of Division, Deputy Head of Division or Head of Section in Directorate General Human Resources
	Decision on promotion to the next salary band of current position (including on the effective date of promotion)	For promotions within DG-HR	Article 2a.11.8.1 and 2a.11.8.3	Chief Services Officer, on behalf of the Executive Board
Promotion of staff representatives	Decision on promotion (including on the effective date of promotion)	For promotions to the next salary bracket by way of a fast track award or the to next of the current position for salary bands up to and including H band	Point 5 of Annex IX	Executive Board

The following Annex VIII is added to the Staff Rules:

'European Central Bank Staff Rules

Annex VIII

Salary brackets and prefixes in job titles

Salary bands A to J are divided into salary brackets as specified in the table below.

The prefixes to the job titles, in accordance with the various salary brackets, for salary bands A to J are also specified in the table below.

Salary band	Number of salary steps in the salary band	Bracket 1		Bracket 2		Bracket 3	
		Steps	Prefix to job title	Steps	Prefix to job title	Steps	Prefix to job title
A	55	1 to 30		31 to 55	Senior		
B	73	1 to 30		31 to 73	Senior		
C	89	1 to 45		46 to 89	Senior		
D	90	1 to 45		46 to 90	Senior		
E	99	1 to 45		46 to 99	Senior		
E/F	167	1 to 45		46 to 99	Senior	100 to 167	Principal
F	98	1 to 51		52 to 98	Senior		
F/G	169	1 to 45		46 to 99	Senior	100 to 169	Principal
G	99	1 to 50		51 to 99	Senior		
H	91	1 to 45		46 to 91	Senior		
I	91	1 to 45		46 to 91			
J	144	1 to 45		46 to 99		100 to 144	

The following Annex IX is added to the Staff Rules:

'European Central Bank Staff Rules

Annex IX

Promotion of staff representatives

1. The rules on promotion laid down in Part 2A of these Staff Rules shall apply to staff representatives as specified and supplemented in this Annex.
2. In relation to the promotion of staff representatives, the following additional definitions shall apply:
 - (a) "time dispensation" means any paid time off, including full time dispensation, granted to members of staff to carry out their staff representation function at the ECB;
 - (b) "staff representative" means a member of staff who is: (a) elected as a member of the Staff Committee and/or Oversight Committee, and/or (b) appointed by one of the trade unions recognised under the terms of the "Guiding principles for the recognition of, information sharing and consultation with, trade unions at the European Central Bank" of 1 April 2011 as their representative; and (c) was granted time dispensation;
 - (c) "promotion procedure for staff representatives" means the procedure laid down in Point 5 of this Annex for promoting a staff representative either to the next salary bracket by way of a fast-track award for staff representatives as determined in the applicable Annual Salary and Bonus Review (ASBR) guidelines, or to the next salary band of their current position, while holding their current position, in accordance with Point 5 of this Annex;
 - (d) "fast-track award for staff representatives" means the award of the number of salary steps needed to reach the next salary bracket under the conditions and limits laid down in the applicable ASBR guidelines.
3. In the context of promotion of staff representatives, the number of months a staff representative carries out their staff representation function shall be counted towards the number of months required for mobility.
4. *Specific condition for promotion of staff representatives in accordance with Article 2a.11 of the Staff Rules*

In addition to the eligibility conditions provided in Article 2a.11.1.1, staff representatives need to have worked in a business area on average 25% or more in their last three years of service.
5. *Promotion procedure for staff representatives*
 - 5.1 A promotion procedure for staff representatives shall be launched annually, after the procedure laid down in Article 2a.11 has been closed, provided that one or more staff representatives with time dispensation in the preceding year: (a) meets the eligibility criteria laid down in Point 5.2 of this Annex; and/or (b) meets the eligibility criteria to be considered for a promotion to the next salary bracket by way of a fast-track award for staff representatives in accordance with the applicable ASBR guidelines.

The Directorate General Human Resources shall launch a promotion procedure for staff representatives by requesting the staff representatives in active service with the ECB who were

staff representatives with time dispensation in the preceding year, including the staff representatives with time dispensation in the preceding year, to submit a reasoned proposal for the promotion of one staff representative with time dispensation in the preceding year from among the staff representatives, if any, that meet the eligibility criteria referred to in the preceding paragraph.

5.2 Staff representatives with time dispensation in the preceding year shall be eligible to be considered for promotion to the next salary band of their current position, while holding their position, if the following conditions are fulfilled when the promotion procedure for staff representatives is launched:

- (a) they have completed at least three months of service as staff representatives in the year preceding the year in which the promotion procedure is launched;
- (b) they have been eligible for at least three ASBR exercises in the years preceding the year in which the promotion procedure is launched;
- (c) they fulfil the eligibility conditions laid down in Article 2a.11.1.1(b) (i), (iii) and (v);
- (d) they were not promoted to the next salary band following a promotion procedure under Article 2a.11 in the current or preceding year.

5.3 *Grounds for promotion*

An eligible staff representative proposed for promotion in accordance with Point 5.4 may be promoted in the promotion procedure for staff representatives if the high contribution of that staff representative to the staff representation function has been evidenced in accordance with Point 5.5(b) of this Annex.

5.4 The staff representatives in active service with the ECB who were staff representatives with time dispensation in the preceding year, including the staff representatives with time dispensation in the preceding year, shall submit a joined reasoned proposal agreed by them by a majority vote.

5.5 The reasoned proposal shall include:

- (a) an eligibility assessment on the basis of either: (i) the eligibility criteria laid down in Point 5.2 of this Annex; and/or (ii) the eligibility criteria for a promotion to the next salary bracket by way of a fast-track award for staff representatives in accordance with the applicable ASBR guidelines; and
- (b) following a comparative examination of the individual contributions of the staff representatives, including the staff representatives with time dispensation in the preceding year, to the staff representation function, an assessment of the individual contribution of the proposed staff representative eligible for promotion, evidencing the staff representative's high contribution to the staff representation function in the year preceding the launch of the promotion procedure.

5.6 The Chief Services Officer shall ensure compliance with the applicable rules and report to the Executive Board to this effect. The appointing authority shall decide on the basis of the reasoned proposal.

5.7 The effective date of promotion to the next salary band while holding the current position shall be determined by the appointing authority.

- 5.8 The effective date of promotion to the next salary bracket shall be 1 January of the year in which the promotion procedure for staff representatives is launched.’.

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