

**DECISION OF THE EUROPEAN CENTRAL BANK**

**of 14 January 2020**

**amending the European Central Bank Staff Rules as regards an exception to the nationality eligibility criterion for appointments to positions within the European Central Bank**

**(ECB/2020/NP1)**

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 Bank, 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 8a.(a) thereof,

Having regard to the opinion of the Staff Committee,

Whereas:

- (1) Should the withdrawal of the United Kingdom of Great Britain and Northern Ireland (UK) from the European Union ('UK withdrawal') become effective, members of staff of the European Central Bank (ECB) who hold UK nationality and do not hold a nationality of a Member State of the European Union or of an acceding country will no longer meet the nationality eligibility criterion for appointment provided for in the Conditions of Employment for Staff of the ECB.
- (2) While it is intended to honour until the end of the contract period existing employment contracts with members of staff who cease, following the UK withdrawal, to fulfil the nationality eligibility criterion for appointment, it is appropriate to clarify the European Central Bank Staff Rules (the 'Staff Rules') so as to ensure that such members of staff who hold an indefinite or a fixed-term contract which had been issued in compliance with the nationality eligibility criterion can benefit from the full career progression possibilities under the ECB legal framework during the period of their contract. At the same time, new employment contracts should not be issued in non-compliance with the nationality eligibility criterion. Thus, the nationality eligibility requirement for

appointment should not be an obstacle for members of staff on an indefinite or a fixed-term contract who no longer hold the nationality of a Member State or of an acceding country following the UK withdrawal to have the possibility to be appointed to another position within the ECB in the context of horizontal mobility, as a result of a promotion or from a valid list of suitable candidates resulting from a previous selection procedure, or to apply for selection procedures, in accordance with ECB rules, during the period of their contract, provided that this does not result in an appointment extending beyond the duration of the contract in place at the time of the envisaged appointment. Such exception to the nationality eligibility requirement should not create an entitlement to be appointed to a position where the remaining duration of the contract in place would not cover the full duration of the envisaged appointment.

- (3) This will apply to members of staff on an indefinite or a fixed-term contract who no longer hold the nationality of a Member State or of an acceding country following the UK withdrawal as well as any member of staff on an indefinite or a fixed-term contract who ceases to fulfil the nationality eligibility criterion for appointment, and members of staff who were recruited as a result of a selection procedure for which an exception to the nationality eligibility criterion had been authorised.
- (4) Therefore, the Staff Rules should be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

**Amendments to the Staff Rules**

In Article 1a.1.2 of the Staff Rules, point (a) is replaced by the following:

‘(a) they are a national of a Member State of the European Union or an acceding country, unless an exception is authorised by the appointing authority. For members of staff on an indefinite or a fixed-term contract, this criterion shall not apply provided that the envisaged appointment does not extend beyond the duration of their existing contract;’.

*Article 2*

**Entry into force**

This Decision shall enter into force on the third day following the date of adoption.

Done at Frankfurt am Main, 14 January 2020.

*For the Executive Board of the ECB*

A handwritten signature in black ink, appearing to read 'Chiyach', written in a cursive style.

*The President of the ECB*

Christine LAGARDE

ECB-PUBLIC