



EUROPEAN CENTRAL BANK
EUROSYSTEM

ECB-RESTRICTED

DECISION OF THE EUROPEAN CENTRAL BANK
of 28 January 2020
amending the European Central Bank Staff Rules as regards mobility
(ECB/2020/NP2)

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 ECB supports internal and external mobility of staff members as an important means of promoting their professional development as well as contributing to the agility, cooperation and resilience of the ECB. Mobility is laid down in the Staff Rules as an eligibility criterion or an additional selection criterion for promotion as result of internal selection procedures in specific cases. It also constitutes an eligibility criterion for participation in promotion procedures for promotion to the next salary band of current position.
- (2) Mobility is understood as having obtained different work experiences over separate periods, by changing the content and/or the context and environment of the work, each long enough to allow staff members to develop, perform and deliver while increasing collaboration amongst different areas of the ECB or with relevant organisations and institutions.
- (3) The rules concerning mobility should be clarified in the Staff Rules in order to promote transparency and legal certainty for members of staff.

¹ OJ L 80, 18.3.2004, p. 33.

- (4) The new rules should replace the ECB mobility framework as approved by the Executive Board on 30 May 2006. Therefore, reference to the general principles and framework for horizontal mobility made in Annex IIa of the Conditions of Employment for Staff of the European Central Bank should be understood as references to Article 2a.7 of the Staff Rules.
- (5) The provisions on horizontal mobility should be clarified to apply to transfers of members of staff to vacant positions, reassignments of members of staff with their position to another organisational unit, swaps, rotations or other structured horizontal transfers.
- (6) Therefore, the Staff Rules 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.1.3.2, the first paragraph is replaced by the following:
‘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 their current position if they have been mobile in accordance with the definition of mobility under Article 2a.7.1.1. The mobility must have taken place in the reference period for mobility determined on the closing date for applications.’;
2. Article 1a.2.1.2 is replaced by the following:
‘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, 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 their current position are of equal merit against the requirements set out in the vacancy notice, mobility, as defined in Article 2a.7.1.1, that took place in the reference period for mobility determined on the closing date for applications, may be used as an additional selection criterion in addition to diversity of gender and/or nationality.’;
3. in Article 1a.3.1.2, the second paragraph is replaced by the following:
‘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 by internal 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.’;
4. Article 1a.3.4 is replaced by the following:

'1a.3.4 A member of staff may be appointed to another position at the same salary band in the context of internal horizontal mobility, in accordance with Article 2a.7.';

5. in Article 1a.3.7, point (a) is replaced by the following:

'(a) the position cannot suitably be filled by way of internal horizontal mobility in accordance with Article 2a.7.';

6. Article 1a.3.10.4. is replaced by the following:

'1a.3.10.4 Internal horizontal mobility shall not lead to any changes in the basic salary of a member of staff.';

7. Article 2a.7 is replaced by the following:

2a.7 Mobility

2a.7.1 Definitions

For the purposes of these Staff Rules:

2a.7.1.1 In relation to a member of staff, whether working full-time or part-time, "mobility" means one of the following:

- (a) service in different divisions or higher organisational units of the internal structure of the ECB, whether under an indefinite or a fixed-term contract, during different periods, each of a duration of 12 consecutive months;
- (b) service at the ECB under an indefinite or a fixed-term contract for a period of 12 consecutive months and external mobility for a period of 12 consecutive months or for two periods of 6 months.

2a.7.1.2 "Reference period for mobility" means the period in which mobility has taken place.

2a.7.2 For the purposes of point (a) of Article 2a.7.1.1, service in another division or higher organisational unit of the internal structure of the ECB in the context of the reorganisation of an organisational unit shall not be considered "service in a different division or higher organisational unit", unless it resulted from an internal process for selecting the most suitable member of staff.

2a.7.3 For the purposes of point (a) of Article 2a.7.1.1, past service as a staff representative within the meaning of Article 2(b) of Annex IX with 50% or more time dispensation granted to members of staff to carry out their staff representation function at the ECB shall be considered equivalent to "service in a different division or higher organisational unit". An uninterrupted period of service as a staff representative shall be considered as one period irrespective of the number of terms held.

2a.7.4 A change of division or higher organisational unit may take place in the context of internal horizontal mobility, external mobility, or may be the result of a selection procedure or of temporary promotion.

2a.7.5 *Reference period for mobility*

The reference period for mobility shall be the last 10 years or the period since the last permanent promotion to a higher salary band, whichever is shorter.

The reference period for mobility shall be extended by a period equal to the duration of all absences for maternity leave, sick leave longer than six consecutive weeks or for disability in the last 10 years.

2a.7.6 *Internal horizontal mobility*

2a.7.6.1 Internal horizontal mobility shall take place at the same salary band by horizontal transfer or by reassignment with the position to a different organisational unit.

2a.7.6.2 Internal horizontal mobility requires that the tasks to be performed in the position are appropriate to the staff member's salary band, and one of the following:

- (a) the position is filled from within the same business area;
- (b) the position is at salary band I or above;
- (c) the internal horizontal mobility is otherwise in the interest of the service.

2a.7.6.3 Swaps and other structured horizontal transfers may take place without communicating a vacancy in advance to all members of staff, by derogation from Article 1a.3.1.2, if a position both becomes vacant and is immediately filled by the swap or other structured horizontal transfer.

2a.7.6.4 Internal horizontal mobility is excluded for members of staff who have been appointed directly to positions of Counsellors to a member of the Executive Board or Counsellors to the Chair or Vice-Chair of the Supervisory Board, or to an ECB representative to the Supervisory Board.

2a.7.6.5 Members of staff may be re-assigned together with their position to another organisational unit of the internal structure of the ECB.

2a.7.7 Short-term contract employees who have been appointed to their current position in order to fill a position for short-term employment in accordance with the Rules for Short-term Employment can be transferred horizontally or reassigned with their position only for the duration of such short-term employment.

2a.7.8 External mobility of members of staff shall take place by way of unpaid leave for mobility in accordance with Article 5.12.1a(b) and/or external secondment in accordance with the rules laid down in Annex VI.

2a.7.9 Changes of division or higher organisational unit, and external mobility shall be recorded by the Directorate General Human Resources in the ECB personnel management system.

2a.7.10 *Exceptions and limitations*

2a.7.10.1 For the purposes of mobility required under Articles 1a.1.3.2, 2a.11.1 (b)(v) and 2a.13, the Executive Board may on an exceptional basis decide to consider exceptional and duly motivated circumstances as equal to mobility, as defined in Article 2a.7.1.1.

- 2a.7.10.2 Temporary promotion of 12 consecutive months shall be taken into account for the purposes of mobility required under Articles 1a.1.3.2, 2a.11.1 (b)(v) and 2a.13 only after the temporary promotion has ended and only if it has not resulted in a permanent promotion.’;
8. in Article 2a.11.1.1, point (b)(v) is replaced by the following:
‘(v) they have been mobile, in accordance with the definition of mobility in Article 2a.7.1.1, in the reference period for mobility determined on 31 December of the year prior to the year in which the promotion procedure is launched.’;
9. Article 2a.13 is replaced by the following:
‘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 they have been mobile in accordance with the definition of mobility under Article 2a.7.1.1. The mobility must have taken place in the reference period for mobility determined on the closing date for applications for such positions.’;
10. in Annex VII, the term ‘horizontal mobility’ is replaced throughout by the term ‘internal horizontal mobility’.
11. in Annex IX, Point 3 is replaced by the following:
‘3. In the context of promotion of staff representatives, staff representatives with time dispensation shall meet the requirement of mobility if they have served as staff representatives with time dispensation for an uninterrupted period of 12 consecutive months.’

Article 2

Amendments to the Rules on Short-term Employment

Article 1a.4 of the Rules on Short-term Employment is replaced by the following:

- ‘1a.4 Short-term contract employees who have been appointed to their current position in order to fill a position for short-term employment in accordance with the Rules for Short-term Employment can be transferred horizontally or re-assigned with their position only for the duration of such short-term employment.’

Article 3

Transitional provisions

Mobility of a member of staff prior to the entry into force of this Decision shall be taken into account if it falls within the definition of mobility set out in Article 2a.7.1.1 of the Staff Rules.

Article 4

Final provisions

1. This Decision shall enter into force on the third day following the date of adoption.
2. Article 2a.11.1(b)(v) of the Staff Rules shall only apply to promotion procedures launched in accordance with Article 2a.11 from 1 January 2022.
3. Articles 1a.1.3.2, 1a.2.1.2 and Article 2a.13 of the Staff Rules shall apply only to internal selection procedures commenced on or after 1 January 2022.

Done at Frankfurt am Main, 28 January 2020.

For the Executive Board of the ECB

[signed]

The President of the ECB

Christine Lagarde