



EUROPEAN CENTRAL BANK

EUROSYSTEM

ECB-RESTRICTED

DECISION OF THE EUROPEAN CENTRAL BANK

of 10 January 2017

amending Administrative Circular 1/2011 on Additional Salary Advancements

(ECB/2017/NP3)

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 the Rules of Procedure of the European Central Bank¹, and in particular Article 11.2 thereof,

Whereas:

- (1) The judgments of the Civil Service Tribunal in Cases F-94/14 *Bowles v ECB*² and F-95/14 *Seigneur v ECB*³, delivered on 17 December 2015, annulled the Additional Salary Advancement (ASA) decision for 2014 in relation to two staff members, Mr Bowles and Mr Seigneur, who were staff representatives on full and substantial time dispensation respectively. This was because, unlike other members of staff, it was impossible for them to obtain an ASA for that year. In particular, the Civil Service Tribunal declared illegal Article 2(3) of Administrative Circular 1/2011 'insofar as that provision discriminates against the applicant by making it absolutely impossible for him to claim a second year of outstanding performance based on his full-time activity as a staff representative in 2011, 2012 and 2013 for the purpose of the ASA procedure for 2014'⁴.
- (2) Therefore, Administrative Circular 1/2011 should be amended accordingly,

HAS ADOPTED THIS DECISION:

¹ As laid down in Decision ECB/2004/2 of the European Central Bank of 19 February 2004 adopting the Rules of Procedure of the European Central Bank (OJ L 80, 18.3.2004, p. 33).

² *Carlos Bowles v European Central Bank*, F-94/14, ECLI:EU:F:2015:156.

³ *Olivier Seigneur v European Central Bank*, F-95/14, ECLI:EU:F:2015:155.

⁴ Paragraph 60 of Case F-94/14 and paragraph 68 of Case F-95/14.

Article 1

Amendments

Administrative Circular 1/2011 is amended as follows:

1. in Article 2, paragraph 3 is replaced by the following:
 - '3. For staff representatives the eligibility criteria shall apply for their performance within – and level of contribution to – their business area.';
2. in Article 3, paragraph 2 is replaced by the following:
 - '2. The Area Heads shall individually propose members of staff of their business area for an ASA and forward their proposals to DG/H supported by a detailed justification on the basis of the eligibility criteria established in Article 2. On average, over the years, the number of candidates proposed by an Area Head shall correspond to approximately 1% of the eligible staff of their business area. Where necessary, they shall give priority to candidates with the longest period of outstanding performance over the previous five years and who have not yet received an ASA or whose previous ASA is the least recent, while also taking into account the salary band and gender diversity of the candidates proposed for their business area over the years.'.

Article 2

Entry into force

This Decision shall enter into force on 10 January 2017.

Done at Frankfurt am Main, 10 January 2017.



The President of the ECB

Mario DRAGHI