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► **B ADMINISTRATIVE CIRCULAR 10/2003**
ELECTION RULES FOR ELECTED COMMITTEES

Amended by:

► **M1** 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.

▼ **B**

1. Introduction

This Administrative Circular gives further details to the general rules laid down in the Conditions of Employment¹ for organising elections for representatives/members to the following committees: Staff Committee, Investment Committees (Core Benefit Investment Committee and Flexible Benefit Investment Committee) and Oversight Committee. It ensures common rules for the Election Committees in running elections and handling complaints.

For the purpose of this Administrative Circular, the Investment Committees and the Oversight Committee are hereinafter referred to as Pension Committees.

2. Election Committee

Elections with regard to the aforementioned Committees shall be organised by an Election Committee. Members of the Election Committee shall be ineligible as candidates for elections they organise.

M1 ► The Chief Services Officer, who shall act on behalf of the Executive Board², ◀ shall appoint

¹ Article 45 CoE, and Article 2.2 (ii) and Article 4.2 of Annex III to the CoE, respectively.

² In accordance with Article 6 of Decision ECB/2016/NP4 the Chief Services Officer must keep a record of any delegated decisions taken in accordance with that Decision and keep the Executive Board informed on a quarterly basis. In addition, the Chief Services Officer must submit a quarterly report to the Executive Board in relation to individual decisions in the context of the application of this Administrative Circular.

members of the Election Committee on recommendation by the relevant committee. **M1** ►The Chief Services Officer◀ shall decide within three working days from the day of receipt of the recommendation or, should there be no recommendation, within nine weeks prior to the expiry of the term of office of the relevant committee in the case of general elections and within three working days after expiry of the three weeks' deadline in case of special elections (see point 5).

Members of the Election Committee shall not report to their line managers on duties and functions related to this activity, nor shall they act as representatives of their respective business areas.

Each Election Committee shall consist of five to nine members; one member shall serve as Secretary. Members of the Election Committee may only resign for duly justified reasons to be presented to the Secretary of the Election Committee in writing. Once appointed, members of an Election Committee are ineligible for that particular election, even if they would resign from the Committee. As long as the number of Committee members does not fall under five, the resigning member does not need to be replaced. In the event that the Secretary decides to resign, they shall present their duly justified reasons to the oldest member in age of the Election Committee. In this event, or in the event that the Secretary cannot perform their task, the remaining members shall elect a Secretary from amongst themselves.

The Election Committee shall be dissolved as soon as the time limit for lodging an objection has expired and no objection has been lodged. In the event of an objection, the Election Committee shall only be dissolved once it has delivered its opinion.

The Election Committee shall set up an electoral roll containing all eligible electors.

3. Eligibility to vote

Eligibility to vote shall be defined in the Staff Rules for the Staff Committee and in the Terms of Reference of the Pension Committees. Each person eligible to vote shall have the right to cast as many votes as there are staff representatives or members of the Pension Committees to be elected.

4. Right to stand for election

The right to stand for election shall be defined in the Staff Rules for the Staff Committee and in the Terms of Reference of the Pension Committees.

5. General elections, special elections and reserve lists

General elections shall be held to elect staff representatives or members of the Pension Committees when the term of office of the current Committee is coming to an end. The election shall be held on one day.

Un-elected candidates having received at least 10% of the votes of the total population eligible to vote shall be put on a reserve list. Such list shall be applicable from the day of the election until General elections are held, subject to continued eligibility.

In order to replace individual staff representatives or members of the Pension Committees whose term of office has expired³, the first candidate on the reserve list shall be deemed elected, subject to agreement

³ In accordance with Article 9.1.2 of the Staff Rules (in the case of Staff Committee), Article 12 of the Terms of Reference of the Oversight Committee or Article 15 of the Terms of Reference of the Investment Committees.

of the candidate.

Where there are no candidates left on the reserve list special elections shall be held. The election shall take place on one day. In this case, the Election Committee and its Secretary shall be appointed within three weeks of resignation from the Committee.

In the event that the proposed number of candidates is equal to or less than the number of staff representatives or members of the committees to be elected, no election shall take place and the proposed candidate(s) is/are deemed elected. When this results in less members being elected than is required, in the case of the Pension Committees, the remaining members shall be appointed as outlined in Articles 15 and 19 of the Terms of Reference of the Oversight Committee and of the Investment Committees, respectively.

6. Candidatures

The Election Committee shall inform all persons eligible to vote by e-mail at least six weeks in advance of the day on which an election is to be held. Persons that are eligible to vote who cannot be contacted by e-mail should provide the Directorate Human Resources with a postal address. The information provided by the Election Committee shall at least contain a call for nominations and reference to the Election Rules.

Candidatures for the vacant positions shall be sent in writing to the Secretary of the Election Committee and must have been received at the latest by 12.00 CET on the working day preceding the two-week period before the election day.

The Election Committee shall publish the list of candidates via internal mail in alphabetical order by close of business on the working day preceding the two-week period before the election day.

Candidates may campaign for the election until 17.30 CET of the penultimate working day preceding the election day. They are entitled to send one e-mail to all ECB staff. Candidates may reserve any available ECB meeting rooms to present their programme. The Election Committee shall arrange for panels to post election material in suitable places, taking into account the different ECB sites. Any other means of communication shall remain at the discretion of the Election Committee.

7. Voting

In order to vote validly a mark shall be placed in the box next to the candidate chosen. Ballot papers bearing any other writing or signature shall be declared void.

All persons eligible to vote shall have the right, at their request, to vote by postal vote. To this end and upon request, such voters shall receive ballot papers from the Secretary of the Election Committee during the two weeks preceding the election day. When sending out the ballot papers the Secretary shall check off the names of these voters on the electoral roll. The Secretary of the Election Committee shall receive the request for postal vote at the latest three working days before the election day. The Secretary of the Election Committee must receive their votes by 17.30 CET on the working day before the election day.

Electors not having expressed their vote by postal vote are entitled to vote on the day of the election. The identity of each voter shall be checked off on the electoral roll upon presentation of identification when the

ballot paper is lodged in the ballot box. The Secretary of the Election Committee shall close and lock the ballot boxes before voting begins.

8. Counting of the votes

The members of the Election Committee shall count the votes. The count shall be accessible to the candidates.

The Election Committee, acting by a majority decision of the members present, shall settle any disputes, which may arise during the election. In case of equal votes on the decision, the Secretary of the Election Committee shall have the casting vote. The Election Committee may exclude candidates in cases of serious infringement of these Election Rules by candidates. The Election Committee may sanction any other behaviour contrary to the Administrative Circular and/or the rules laid down by the Election Committee with a public reprimand.

9. Result of the voting

The candidate(s) receiving the highest number of votes shall be elected. If a candidate turns down election, the candidate receiving the next highest number of votes shall be elected. If an equal number of votes are cast for two candidates, the Election Committee shall draw lots.

An official report of the election proceedings authorised by the Secretary of the Election Committee shall be sent to members of staff and Beneficiaries within three working days of the election day in order to inform them of the results of the election.

10. Objections to the election

Un-elected candidates may dispute the validity of the election during one week following the day on which the results are made public. Any such objection shall be made in writing to the Director General Administration and copied to the Secretary of the Election Committee. No such objection shall suspend the constitution of the elected Committee.

The Election Committee shall submit its majority opinion to the Director General Administration within one month of receipt of the objection. In case of equal votes on the opinion, the Secretary of the Election Committee shall have the casting vote. The Director General Administration shall decide within two weeks of receipt of this opinion.

The complainant may appeal against this decision to **M1** ► the Chief Services Officer, who shall act on behalf of the Executive Board, ◀ within two weeks. **M1** ► The Chief Services Officer ◀ shall decide within two weeks of receipt of the appeal.

The complainant may appeal against the **M1** ► Chief Services Officer's ◀ decision to the Court of First Instance of the European Communities within two months of the date on which they have been notified of the President's decision. No such objection shall suspend the constitution of the elected Committee.

For and on behalf of the Executive Board

[signed]

Jean-Claude TRICHET President

ECB-PUBLIC