

DECISION OF THE EUROPEAN CENTRAL BANK
of 25 May 2007
amending the European Central Bank Staff Rules
(ECB/2007/NP5)

THE EXECUTIVE BOARD OF THE EUROPEAN CENTRAL BANK,

Having regard to the Rules of Procedure of the European Central Bank, and in particular Article 21.1 and 21.3 thereof,

Having regard to the Conditions of Employment for Staff of the European Central Bank (hereinafter the 'Conditions of Employment')¹,

Having regard to the opinion of the Staff Committee,

Whereas:

- (1) Practical experience has shown that it is necessary to simplify the administration of the subsistence allowance, particularly its settlement procedure.
- (2) At the same time, compliance needs to be ensured with the Community case-law.
- (3) The subsistence allowance structure needs to be revised so that it provides for an upfront provisional payment of the standard subsistence allowance if the member of staff is able to demonstrate that they incur costs and inconvenience due to the maintenance of two households on a temporary basis during a period of uncertainty deemed to consist of the first three months of employment at the ECB.
- (4) If during the period of uncertainty the abovementioned factual circumstances change, it is necessary to require the staff member to reimburse the undue part of the subsistence allowance paid by the ECB. Accordingly, it is also appropriate to incorporate a pay-back clause applicable in the event of resignation and termination for disciplinary reasons during the period of entitlement.
- (5) Finally, the need has arisen to align the installation allowance with the revised subsistence allowance structure by amending the procedure for claiming the installation allowance and its pay-back clause,

HAS DECIDED AS FOLLOWS:

¹ Decision as last amended by Decision ECB/2007/NP4 of 24 May 2007.

Article 1

Subsistence and installation allowance

1. Article 4.5 of the Staff Rules is replaced by the following:

‘4.5 Subsistence allowance

The provisions of Article 22(ii) of the Conditions of Employment shall be applied as follows:

4.5.1 Members of staff shall be entitled to a subsistence allowance if they provide evidence that they have moved into temporary residence at the place of employment whilst maintaining temporarily also their previous residence either at the place of recruitment, previous employment or in their country of origin.

Members of staff shall be refutably presumed having issued such evidence provided they have completed and submitted the declaration of honour as received from the ECB.

The maximum period of entitlement to the subsistence allowance, which accrues on a daily basis, shall be three months.

4.5.2 In case of entitlement to a subsistence allowance for the entire period referred to in Article 4.5.1, members of staff shall be entitled to a subsistence allowance of EUR 9 270 (hereinafter the ‘standard subsistence allowance’). This allowance shall be increased by a maximum supplement of EUR 2 070 for any spouse/recognised partner and dependent child accompanying them.

4.5.3 Subject to Article 4.5.1, a provisional payment equal to the standard subsistence allowance shall be paid as a lump sum with the second monthly salary. The supplement shall be paid following completion of the period referred to in Article 4.5.1.

4.5.4 Members of staff who have received the provisional payment and before the completion of the period referred to in Article 4.5.1(i) settled at their permanent place of residence; or (ii) resign from the service of the ECB; or (iii) whose contract is terminated by the ECB shall refund part of the provisional payment in proportion to the unexpired portion of that three months’ period.

4.5.5 Where a member of staff and their spouse or recognised partner takes up employment with the ECB within a period of one year after each other, only one subsistence allowance shall be paid to the member of staff who first took up employment with the ECB. In case of resignation or termination under Article 4.5.4 of the member of staff who first took up employment with the ECB, the spouse or recognised partner who joined the ECB later and maintains their employment relationship with the ECB shall become entitled to the subsistence allowance.’

2. Article 4.6 of the Staff Rules is replaced by the following:

‘4.6 Installation allowance

The provision of Article 22(iii) of the Conditions of Employment shall be applied as follows:

4.6.1 On completion of the probationary period, members of staff shall be entitled to the installation allowance if they provide evidence that they have settled at the place of employment.

Members of staff shall be refutably presumed having issued such evidence provided they have completed the declaration of honour as received from the ECB.

4.6.2 A provisional payment equal to the installation allowance shall be paid automatically with the first monthly salary following the completion of three months’ service.

4.6.3 Subject to Article 4.6.1, members of staff who are in receipt of the installation allowance and (i) resign from the service of the ECB; or (ii) whose contract is terminated by the ECB for disciplinary reasons pursuant to Article 11 of the Conditions of Employment within one year from the date of appointment shall, on leaving the ECB, refund part of the allowance, in proportion to the unexpired portion of that one year period.

4.6.4 Where a member of staff and their spouse or recognised partner take up employment with the ECB within a period of one year of each other, only one installation allowance shall be paid based on the higher salary. Where necessary, the difference shall be settled with the first salary of whichever member of staff joined the ECB the most recently. In case of resignation or termination under Article 4.6.3, the spouse or recognised partner maintaining their employment relationship with the ECB shall retain or acquire the right to the installation allowance in line with Article 4.6.1.’

Article 2

Entry into force

This Decision shall enter into force on the first day of the month following its communication to staff.

Article 1 shall apply from 1 June 2007.

Done at Frankfurt am Main, 25 May 2007.

[signed]

The President of the ECB

Jean-Claude TRICHET