



EUROPEAN CENTRAL BANK

EUROSYSTEM

DECISION OF THE EUROPEAN CENTRAL BANK**of 24 August 2012****amending the European Central Bank Staff Rules as regards non-convertible contracts for a definite period of more than one year****(ECB/2012/NP16)**

THE EXECUTIVE BOARD OF THE EUROPEAN CENTRAL BANK,

Having regard to the Rules of Procedure of the European Central Bank (ECB), and in particular Articles 21.1, 21.3 and 21.4 thereof,

Having regard to the Conditions of Employment for Staff of the European Central Bank (hereinafter the 'Conditions of Employment'), and in particular Article 10(d) thereof,

Having regard to the opinion of the Staff Committee,

Whereas:

- (1) The Staff Rules need to implement the scope and limitations of ECB employment contracts for a definite period of more than one year which are issued against non-permanent posts, or which are issued against permanent but non-vacant posts.
- (2) Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP¹ requires the adoption of rules specifying the objective reasons justifying the renewal of fixed-term employment contracts and establishing a maximum total duration of successive fixed-term employment contracts or a total number of renewals beyond which the employment contracts are deemed to be of indefinite duration. The purpose of this Directive is to prevent the abuse of successive fixed-term employment contracts.
- (3) The Staff Rules need to implement the necessary cooling-off periods for successive contracts of employment with the ECB,

HAS ADOPTED THIS DECISION:

¹ OJ L 175, 10.7.1999, p. 43.

Article 1

Amendments to the European Central Bank Staff Rules

The following Article 2.0a is added:

‘2.0a Conditions for non-convertible fixed-term contracts and successive contracts

The provisions of Article 10(d) of the Conditions of Employment are applied as follows:

1. Non-convertible fixed-term contracts may be issued in the following cases:
 - (a) against a non-vacant permanent post to replace a member of staff, in particular, but not exclusively, who is absent on maternity, parental or unpaid leave or due to part-time work. The maximum duration of these contracts shall be six years, with the possibility of extension for up to ten years for the same replacement;
 - (b) against a vacant non-permanent post which meets one of the following conditions:
 - (i) it has been created to address specific time-limited organisational needs. The maximum duration of these contracts shall be six years, with the possibility of extension for up to ten years if justified by the continuation of the specific organisational need;
 - (ii) it relates to the performance of specific time-limited tasks linked to an extraordinary increase of workload related to exceptional circumstances affecting an area of work and which cause a justifiable need for specific skills during a limited period of time. The maximum duration of these contracts shall be six years;
 - (iii) it requires on a recurrent basis up-to-date specialised knowledge in a specific field that is needed to perform specific tasks for a limited period of time and is not available internally within the ECB. The maximum duration of these contracts shall be six years.

2. The following restriction shall apply to the issue of non-convertible fixed-term contracts:

The ECB may not conclude a non-convertible fixed-term contract with persons:

- (a) who have previously been or are employed with the ECB under the conditions of Article 2.0a.1(a) or 2.0a.1.(b)(i) for a period of up to 10 consecutive years, whether under one non-convertible fixed-term contract or under a succession of consecutive short-term and non-convertible fixed-term contracts; or
- (b) who have previously been or are employed with the ECB under the conditions of Article 2.0a.1(b)(ii) or (iii) for a period of up to six consecutive years, whether under one non-convertible fixed-term contract or under a succession of consecutive short-term and non-convertible fixed-term contracts;

unless the person has not been in an employment relationship with the ECB (hereinafter the ‘cooling-off period’) for at least one third of the total duration of the preceding contract, including any extensions.

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For the purposes of this provision, fixed and short-term employment contracts shall not be considered consecutive following a cooling-off period where there has been no employment relationship with the ECB for a period of at least one third of the duration of the preceding employment contract.’

Article 2

Entry into force

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

Done at Frankfurt am Main, 24 August 2012.

[signed]

The President of the ECB

Mario DRAGHI