



EUROPEAN CENTRAL BANK

**MEMORANDUM OF UNDERSTANDING ON RELATIONS
BETWEEN EXECUTIVE BOARD AND THE STAFF COMMITTEE OF THE ECB**

THE EXECUTIVE BOARD OF THE ECB AND THE STAFF COMMITTEE OF THE ECB

HAVE AGREED AS FOLLOWS:

Both the Executive Board and the Staff Committee are committed to working together in good faith, with mutual respect, and amicably for the benefit of both the staff members and the ECB.

Both parties recognise that particularly the dialogue between employers and employees is essential for the motivation of staff and the creation of harmonious labour relations, and that an effective dialogue will only be possible if complete information is provided and the necessary time is given to the parties involved. By complete information is understood a level of information, which allows the other party to acquaint with the subject matter and to examine it. Therefore, efforts shall be made to provide all available relevant information and to initiate a dialogue at the earliest possible time in so far as there are no overriding reasons for not doing so.

This Memorandum does not preclude or curtail any rights for staff or staff representatives to establish relations with the Executive Board under the principles of European Union labour law or on any other basis that may provide for such rights.

In this Memorandum the parties aim to jointly establish principles for dialogue between the Executive Board and the Staff Committee, this in no way prejudices the parties' future positions in such dialogue.

The Executive Board and the Staff Committee intend to establish by common understanding some principles governing information, consultation and initiative within the scope of the tasks of the Staff Committee as laid down in Article 21.4 of the Rules of Procedure of the ECB as amended on 22 April 1999¹ and Articles 45 and 46 of the Conditions of Employment, and as implemented in Part 9 of the Staff Rules² (hereinafter referred to as 'the scope of the Staff Committee's tasks').

¹ OJ L 125, 19.5.1999, p. 34.

² OJ C 236, 22.8.2001, p. 13.

Chapter I. General Provisions

1. **Representation of the Executive Board:** In relations between the Staff Committee and the Executive Board, the Executive Board is represented by the President or his/her representative.
2. **Obligation of discretion and confidentiality:** As representatives of the ECB staff, the members of the Staff Committee may receive information of a sensitive nature concerning the ECB or individual members of staff. Members of the Staff Committee shall be bound by an obligation of discretion with regard to information of a confidential nature, which is qualified as such by the President or his/her representative or by the Directorate Human Resources. In addition, the general provisions of professional conduct and professional secrecy shall be respected.
3. **Meetings:** Regular meetings between the President or his/her representative and the Staff Committee are seen as contributing towards both substantial and constructive dialogue within the consultation procedure and the early information and involvement of the Staff Committee on matters falling within the scope of the Staff Committee's tasks. Such meetings may be categorised as follows:
 - 3.1 **Technical meetings with the Directorate Human Resources:** Either party may propose a technical meeting for an initial exchange of information and/or discussion of one or more specific matters within the scope of the Staff Committee's tasks. If both parties agree, a technical meeting may also involve an exchange of information and views on one or more specific matters that do not strictly fall within the scope of the Staff Committee's tasks.
 - 3.2 **Formal meetings with the President or his/her representative:** The President or his/her representative shall convene six meetings per year with the Staff Committee, provided that there are matters, within the scope of the Staff Committee's tasks that merit such an exchange of information and/or discussion. Additional meetings may be organised at the request of the Staff Committee or the President or his/her representative as necessary.
 - 3.3 **Formal meeting with the Executive Board:** The Staff Committee shall be received once a year by the Executive Board for a general briefing on matters falling within the scope of the Staff Committee's tasks.
4. **The Staff Committee's General Staff Assembly:** The General Staff Assembly (hereinafter referred to as 'the Assembly') shall consist of the ECB staff, excluding the members of the Executive Board, who, however, shall be invited to the Assembly, be informed of the agenda and be entitled to speak. The Assembly shall be chaired by the spokesperson of the Staff Committee. It is not open to the public. The Staff Committee shall convene at least one Assembly per year and report on the Staff Committee's activities. The Assembly may deal with all matters falling within the scope of the Staff Committee's tasks. The President or his/her representative shall report to the Assembly on the personnel and social matters of the ECB and on the economic development of the ECB.

Exceptionally, at the request of the President or his/her representative or of at least a quarter of the staff, the Staff Committee is entitled to convene an Assembly and to place requested topics falling within the scope of the Staff Committee's tasks on the agenda. The Assembly shall preferably take place on the premises of the ECB – or on adequate premises organised by the ECB – during normal working hours. Participation in the Assembly shall be considered normal working time.

Chapter II. Consultation procedure for Executive Board proposals

5. **Obligation to consult:** In accordance with the procedure described below the Executive Board shall consult the Staff Committee on proposals relating to the scope of the latter's tasks as defined in the Articles 45 and 46 of the Conditions of Employment.
6. **Requirements for the consultation request:** When starting a consultation procedure, the President or his/her representative shall submit to the Staff Committee a written consultation request together with complete information, i.e. information, which allows the Staff Committee to acquaint with and to examine the subject matter of the consultation, in so far as there are no overriding reasons for not doing so. The Staff Committee may ask for clarification of the contents of the documentation and/or the scope of the consultation.
7. **Consultation of staff and external parties:** In order to prepare its opinion, the Staff Committee may consult ECB staff. For the same purpose, the Staff Committee may consult external professional parties. The Staff Committee shall provide the Director General Administration with a list of such parties and a declaration on confidentiality, equivalent to Article 5(b) of the Conditions of Employment, signed by each such party. However, disclosure of information to the staff and/or external parties shall be prohibited if so stipulated in the consultation request. This is without prejudice to the right of the Staff Committee to disclose the information to external lawyers within a client confidentiality relationship.
8. **Requirements for the Staff Committee's opinion; period allowed:** The Staff Committee shall adopt a written opinion. The opinion shall be delivered within the period agreed with the President or his/her representative prior to the consultation request. If, within two working days, no agreement can be reached on the consultation period, a minimum period of twenty working days shall apply, unless this is manifestly inappropriate. For reasons of urgency, which must be justified in the consultation request, the President or his/her representative may require a shorter period, which shall not normally be less than ten working days.

The period shall start on the working day following the working day on which the Staff Committee received the complete information as laid down in Article 6. The period may be extended by mutual agreement.

9. **Reply from the President or his/her representative:** The President or his/her representative shall reply in writing to the Staff Committee within a period equal to that granted to the Staff Committee.
10. **Additional Staff Committee opinion:** The Staff Committee may adopt an additional opinion on the written reply from the President or his/her representative within ten working days of receiving it. For reasons of urgency, which must be justified in the reply to the Staff Committee, the President or his/her representative may require a shorter period, which shall not normally be less than five working days.
11. **Discussion of proposals:** At any stage in the course of the consultation, either party may call for a meeting to discuss the proposals. The initial discussion of proposals takes place in the technical meetings between the Staff Committee and the Directorate Human Resources. If the initial discussion does not conclude satisfactorily, either party may request a meeting between the Staff Committee and the President or his/her representative.
12. **Consultation on substantial changes:** Whenever, in the course of the consultation, for reasons not linked to the Staff Committee opinion, changes that effect the qualitative and/or quantitative nature of the matter under consultation are inserted in a proposal, the changes shall be considered to constitute a new proposal on which the President or his/her representative shall consult the Staff Committee again in accordance with the above procedure.
13. **Information for the decision-making bodies:** Before a final decision on the matter is made, the President or his/her representative shall ensure that the consultation procedure documents (Staff Committee opinion, the President or his/her representative's reply and, where applicable, the additional opinion of the Staff Committee) are made available to all those persons and bodies involved in the ECB's decision-making process, in accordance with the Rules of Procedure thereof, before a final decision is taken.
14. **Information about the final decision:** the President or his/her representative shall inform the Staff Committee and the staff about the final decision without delay.
15. **Simplified consultation procedure:** For reasons, which must be justified by one or the other party to the dialogue, a procedure may be agreed upon to reduce the number of exchanges of views on a specific issue. In such cases an ad hoc schedule will be defined and agreed upon by the parties.

Chapter III. Consultation procedure for suggestions by the Staff Committee

16. **Consultation procedures for suggestions by the Staff Committee:** Article 1 and Articles 6, 8, 9, 10 and 14 shall apply mutatis mutandis to suggestions made by the Staff Committee as follows: following submission of the suggestion by the Staff Committee, receipt of the President or his/her representative's opinion and the Staff Committee's reply to this, the President or his/her

representative shall inform the Staff Committee of its additional position on the matter. The Staff Committee may respond to this position in writing within five working days of receiving the President or his/her representative's additional position.


Chapter IV. Final Provisions

17. **Dispute resolution:** In the event of a dispute regarding the rights and obligations set out in this Memorandum, either of the parties involved in the dispute may, having first sought to resolve the issue between themselves, request the other party to agree to a conciliation procedure involving a neutral mediator. The mediator shall provide the parties with a confidential recommendation that aims to reconcile the parties' differences.

This Memorandum of Understanding shall take immediate effect.

Done at Frankfurt am Main on 17 June 2003.

ON BEHALF OF
THE EXECUTIVE BOARD



Willem F. DUISENBERG
The President

ON BEHALF OF
THE STAFF COMMITTEE



M. VAN DE VELDE
The Spokesperson