



EUROPEAN CENTRAL BANK

EUROSYSTEM

**DECISION OF THE EUROPEAN CENTRAL BANK****of 24 August 2012****amending the European Central Bank Rules for Short-Term Employment as regards contracts for a definite period of less than one year and successive contracts of employment****(ECB/2012/NP17)**

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 Short-Term Employment, and in particular Article 1 thereof,

Having regard to the opinion of the Staff Committee,

Whereas:

- (1) The Rules for Short-Term Employment need to implement the scope and limitations of ECB employment contracts for a definite period of less 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 CEEP<sup>1</sup> requires the adoption of rules specifying the objective reasons justifying the renewal of employment fixed-term contracts and establishing a maximum total duration of successive fixed-term employment contracts or a total number of renewals beyond which the employment contract 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 Rules for Short-Term Employment need to implement the necessary cooling-off periods for successive contracts of employment with the ECB,

HAS ADOPTED THIS DECISION:

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<sup>1</sup> OJ L 175, 10.7.1999, p. 43.

*Article 1*

**Amendments to the Rules for Short-Term Employment**

The following Article 2.0 is added:

**‘2.0 Conditions for short-term contracts and successive contracts**

The provisions of Article 1(a) of the Conditions of Short-Term Employment are applied as follows:

1. Short-term contracts on the basis of Article 1(a) of the Conditions of Short-Term Employment 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;
  - (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;
    - (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;
    - (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.
2. The following restriction shall apply to the issue of short-term contracts:

The ECB may not conclude a short-term contract with persons:

- (a) who have previously been or are employed with the ECB under Article 1(a) of the Conditions of Short-Term Employment for a period of up to 12 consecutive months;  
or
- (b) who have previously been or are employed with the ECB under Article 1(b) of the Conditions of Short-Term Employment for a period of up to 24 consecutive months;  
or
- (c) who have previously been or are employed with the ECB for an indefinite period or for a definite period of more than one year;

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 and in its case, any consecutive short-term contract.

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

ECB-PUBLIC