



EUROPEAN CENTRAL BANK

EUROSYSTEM

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ECB-RESTRICTED

**DECISION OF THE EUROPEAN CENTRAL BANK**

**of 23 July 2019**

**amending the Staff Rules as regards basic salary and allowances**

**(ECB/2019/NP22)**

THE EXECUTIVE BOARD OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 36.1 thereof,

Having regard to Decision ECB/2004/2 of the European Central Bank of 19 February 2004 adopting the Rules of Procedure of the European Central Bank<sup>1</sup>, and in particular Article 21.3 thereof,

Having regard to the opinion of the Staff Committee,

Whereas:

- (1) A number of the provisions of the European Central Bank Staff Rules (hereinafter the 'Staff Rules') relating to basic salary and allowances would benefit from being simplified and streamlined.
- (2) Under Article 3.4.1 of the Staff Rules, the ECB recognises a non-marital partnership if the conditions set out in that Article are fulfilled. The current wording of the Staff Rules could imply that these conditions, together with the respective supporting documents, are equivalent to completing a partnership declaration, which requires the submission of evidence that the couple has cohabited for the last two years. In this respect, the Staff Rules should be clarified to ensure that completing a partnership declaration is not independent from the other requirements.
- (3) The definition of gross annual income of the spouse or recognised partner in Article 3.5.1 of the Staff Rules is linked to the payment of the household allowance. A recent amendment to this definition introduced a change that could imply that income from a pension should be excluded from the definition of income, which is not the case. Therefore, the definition should be amended to clarify that income from a pension is included in the definition of income.
- (4) Article 3.6.3 of the Staff Rules regarding child allowance refers to the interruption of full-time education linked to military or alternative service. However, under the current rules the granting of the child allowance is linked to the dependent child definition and is no longer linked to education.

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<sup>1</sup> OJ L 80, 18.3.2004, p. 33.

Therefore, the reference to full-time education in relation to extending the age limit of a dependent child in Article 3.6.3 should be deleted.

- (5) Article 18.2.2 of Annex III to the Staff Rules refers to Macedonia. In order to reflect the recent change in this country's name to the Republic of North Macedonia, it is proposed to amend the relevant provision.
- (6) Therefore, the Staff Rules should be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

**Amendments**

The Staff Rules are amended as follows:

1. in Article 3.4.1, paragraphs (c) and (d) are replaced by the following:

'(c) The couple:

- produces a legal document recognised as such by a Member State of the European Union or one of the accession countries acknowledging their status as non-marital partners; or
- provides evidence that they are recognised as non-marital partners for the purposes of taxation and/or social security in a Member State of the European Union or one of the accession countries; or
- provides evidence that they are recognised as non-marital partners by the national central bank or the national competent authority of a Member State of the European Union, or the national central bank or national competent authority of one of the accession countries from which one or both partners is/are seconded; or
- produces documentation showing to the satisfaction of the ECB that:
  - (i) they have cohabited and formed a household for at least the last two years; and
  - (ii) they currently cohabit and form a household.

(d) The couple shall complete a non-marital partnership request form provided by the Directorate General Human Resources. This form must be submitted to the Directorate General Human Resources, together with the supporting documentation indicated under point (c). The partnership shall be recognised a maximum of three months retroactively from the date of the submission of the complete documentation.');

2. Article 3.5.1 is replaced by the following:

'3.5.1 For the purpose of the income threshold laid down in Article 15 of the Conditions of Employment, "gross annual income" means income originating, in the calendar year

preceding that in respect of which eligibility is assessed, from employment or self-employment, from income replacement (e.g. maternity allowance, parental allowance, social security benefits and unemployment allowance, but not payments representing reimbursement of expenses) or from a pension, before tax and before the deduction of social security contributions. In this context, investment income or income from capital gains is not considered income.’;

3. Article 3.6.3 is replaced by the following:

‘3.6.3 When a dependent child must attend compulsory military or alternative service before the child reaches the age of 26, the age limit referred to in point (i) of Article 3.6.1 shall be extended by the duration of the military or alternative service.’;

4. In Annex III, Article 18.2.2 is replaced by the following:

‘18.2.2 The other countries specified in this paragraph are: Albania, Andorra, Belarus, Bosnia-Herzegovina, Kosovo, North Macedonia, Moldova, Monaco, Montenegro, San Marino, Serbia, Switzerland, Ukraine, United Kingdom and Vatican City.’.

*Article 2*

**Entry into force**

This Decision shall enter into force on 1 August 2019.

Done at Frankfurt am Main, 23 July 2019.



*The President of the ECB*

Mario DRAGHI