



**EUROPEAN CENTRAL BANK**  
**EUROSYSTEM**

Mario DRAGHI

President

Mr Jonás Fernández  
Member of the European Parliament  
European Parliament  
60, rue Wiertz  
B-1047 Brussels

Frankfurt, 15 May 2015

L/MD/15/333

**Re: Your letter (QZ-73)**

Honourable Member of the European Parliament, dear Mr Fernández,

Thank you for your letter, which was passed on to me by Mr Roberto Gualtieri, Chairman of the Committee on Economic and Monetary Affairs, accompanied by a cover letter dated 9 April 2015.

In accordance with public procurement procedures, the European Central Bank (ECB) has concluded various contracts with temporary work agencies for the provision of temporary workers. On the basis of such contracts, temporary workers employed with the said agencies are assigned to work under the supervision and direction of the ECB for a limited period of time ("assignment"). These temporary workers remain employees of the temporary work agencies throughout their assignment and an employment relationship with the ECB does not arise.

As these temporary workers are employees of temporary work agencies operating in Germany, they are fully subject to German employment law, including the provisions of the Arbeitnehmerüberlassungsgesetz (AÜG) transposing Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work. This occurs not only automatically by application of German law as indicated, but also as a matter of private contract law: the contracts concluded between the ECB and the temporary work agencies are subject to German legislation and the service of providing temporary labour by such temporary work agencies has to comply with the AÜG.

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Although orders relating to specific temporary work assignments are necessarily of a limited duration, they may be renewed in accordance with business needs and the applicable contractual framework concluded with the respective temporary work agencies. As a consequence, the same temporary agency worker may be accepted for several assignments at the ECB. However this does not, in any way, imply a breach of Directive 2008/104/EC or of the provisions of the AÜG.

Yours sincerely,

[signed]

Mario Draghi

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