



**COUNCIL OF
THE EUROPEAN UNION**

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"I" ITEM NOTE

from: General Secretariat
to: COREPER (Part 1)

No. Cion prop.: 15820/13 - COM(2013) 770 final

Subject: Proposal for a Council Regulation adjusting, from 1 July 2013, the rate of contribution to the pension scheme of officials and other servants of the European Union
- Decision to use the written procedure for the adoption

1. On 7 November 2013 the Commission transmitted to the Council the proposal for a Council Regulation adjusting, from 1 July 2013, the rate of contribution to the pension scheme of officials and other servants of the European Union under Article 83a(3) of the Staff Regulations. The proposal was accompanied by a Commission Staff Working Document (Eurostat report) on this assessment determining the rate on the 2013 update on the basis of the 2012 actuarial assessment of the Pension Scheme for European Officials in accordance with Article 13 of Annex XII to the Staff Regulations (five-yearly actuarial assessment). According to this assessment, the rate of contribution required to maintain actuarial balance of the pensions scheme is 10.3% of the official's basic salary.
2. The Working Party on the Staff Regulations examined that proposal at its meeting on 11 November 2013. The Council shall act by a qualified majority on a proposal from the Commission provided for in Article 16(4) and (5) of the Treaty on European Union.

3. Given the link between the rate proposed by the Commission (from 1 July 2013) and the outcome of the pending proceedings before the European Court of Justice with regard to the adjustment of remuneration and pension of officials for the years 2011 and 2012 and concerning the adjustment of the rate of contribution to the pension scheme of officials for 2011, it was agreed that the Council's position will be conditional on the submission of a Commission statement. This should acknowledge that the Commission will submit to the Council all proposals necessary to enable it to further adjust the rates of contribution for the years 2012 and 2013 in accordance with the outcome of the above litigation (Article 266 TFEU). In addition, the Commission proposal was supplemented by an additional recital..

4. Given the urgency of a timely adoption of this Council Regulation, the Permanent Representatives Committee is invited to **endorse the use of the written procedure** for the formal adoption of the draft Council Regulation as set out in the Annex.

Proposal for a

COUNCIL REGULATION

adjusting, from 1 July 2013, the rate of contribution to the pension scheme of officials and other servants of the European Union

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other servants of the European Union laid down by Regulation (EEC, Euratom, ECSC) No 259/68¹, and in particular Article 83a(3) thereof and Annex XII thereto,

Having regard to the proposal from the European Commission,

Whereas:

- (1) In accordance with Article 13 of Annex XII to the Staff Regulations, Eurostat submitted a report on the 2013 five-yearly actuarial assessment of the pension scheme updating the parameters referred to in that Annex. According to this assessment, the rate of contribution required to maintain actuarial balance of the pension scheme is 10,3% of the basic salary.
- (2) In the interests of actuarial balance of the pension scheme of officials and other servants of the European Union, the rate of contribution should therefore be adjusted to 10,3% of the basic salary.

¹ OJ L 56, 4.3.1968, p. 1.

- (3) However, the result of this adjustment may be subject to change depending on the outcome of on-going litigation concerning the adjustment of remuneration and pensions of officials and other servants of the Union for the years 2011 and 2012 and concerning the adjustment of the rate of contribution to the pension scheme of officials and other servants of the Union for the year 2011. These cases may have an impact on the calculation of the rate of contribution for the years 2012 and 2013 and thus require the Council, pursuant to Article 266 TFEU, to re-adjust the said rate of contribution with retroactive effect. Where applicable, this may lead to a recovery of sums overpaid from staff,

HAS ADOPTED THIS REGULATION:

Article 1

With effect from 1 July 2013, the rate of the contribution referred to in Article 83(2) of the Staff Regulations shall be 10,3%.

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council

The President
