



**COUNCIL OF
THE EUROPEAN UNION**

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"I/A" ITEM NOTE

From : General Secretariat of the Council
To : Permanent Representatives Committee (Part I)/Council
Subject : Proposal for a COUNCIL REGULATION adjusting, from 1 July 2011, 1 July 2012 and 1 July 2013, the rate of contribution to the pension scheme of officials and other servants of the European Union
- Adoption

1. On 16 July 2014, the Commission submitted to the Council a proposal for a Council Regulation adjusting, from 1 July 2011, 1 July 2012 and 1 July 2013, the rate of contribution to the pension scheme of officials and other servants of the European Union¹. The proposal aimed to settle, in a form of a package, the outstanding issue regarding the adjustment of the rate of contribution for 2011, with a view to bringing an end to a pending case before the European Court of Justice (C-453/12) and avoiding further litigation on this matter as regards the 2012 pension contribution rate. For this purpose, the proposal was based on a transitional provision set out in the new Staff Regulations², enabling the settlement of such litigations in conjunction with Article 83a thereof and Annex XII thereto.

¹ ST 11970/14 STAT 18 FIN 489 + ADD1 ADD2 ADD3 ADD4.

² Article 19 of Annex XIII to the Staff Regulations set out in Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013 amending the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union (OJ L 287, 29.10.2013, p. 15).

2. The Commission proposal was also required to re-adjust the rate of contribution to the pension scheme from 1 July 2013, as requested by the Council last year when it adopted Regulation (EU) No 1415/2013 of 17 December 2013³ adjusting, from 1 July 2013, the rate of contribution to the pension scheme of officials and other servants of the European Union, as a result of the subsequent update, from 1 July 2012, of the remuneration of officials and other servants of the European Union pursuant to Regulation (EU) No 423/2014 of the European Parliament and of the Council of 16 April 2014⁴.
3. The Working Party on Staff Regulations examined the proposed Council Regulation at its meetings on 18 July, 22 September and 13 October 2014. The Council Legal Service had presented its position on the legal basis of the Commission proposal and on the choice of the moving average for the assessment of the 2013 pension contribution rate in an Opinion issued on 9 October 2014⁵. The final Council position follows the Commission proposal as regards the adjusted rates for 2011 and 2012 and respects Article 4(6) of Annex XII to the Staff Regulations, before its amendment by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013, in defining the moving average rate for the 2013 update. The overall adjustments ensure the actuarial balance of the pension scheme of officials and other servants of the European Union in full respect of the requirements set out in Article 83a of the Staff Regulations and in Annex XII thereto.
4. Following the consultation with all delegations a qualified majority was reached. The UK signalled its intention to vote against the compromise, while NL and DK expressed their intention to abstain. The Commission has indicated that it will not oppose the agreement reached in the Council.
5. The Permanent Representatives Committee could therefore suggest that the Council approve, as an "A" item at a forthcoming meeting, the Council Regulation adjusting, from 1 July 2011, 1 July 2012 and 1 July 2013, the rate of contribution to the pension scheme of officials and other servants of the European Union, to be finalised by the legal/linguistic experts under ST 14260/14 STAT 23 FIN 739.

³ OJ L 353, 28.12.2013, p.23.

⁴ OJ L 129, 30.4.2014, p. 12.

⁵ ST 14108/14 JUR 714 STAT 22 FIN 731.