

DECISION No 18/2020

**OF THE ADMINISTRATIVE BOARD OF THE EUROPEAN UNION AGENCY FOR
THE COOPERATION OF ENERGY REGULATORS**

of 10 December 2020

**on the adoption by analogy of Commission Decision C(2020)4818 of 20 July 2020 on the
general implementing provisions for Articles 11 and 12 of Annex VIII to the Staff
Regulations on the transfer of pension rights**

THE ADMINISTRATIVE BOARD OF THE EUROPEAN UNION AGENCY FOR THE
COOPERATION OF ENERGY REGULATORS,

Having regard to Regulation (EU) 2019/942 of the European Parliament and of the Council of
5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators,¹

Having regard to the Staff Regulations of Officials ('Staff Regulations') and the Conditions of
Employment of Other Servants ('CEOS') of the European Union, laid down by Council
Regulation (EEC, Euratom, ECSC) No 259/68², and in particular Article 110(2) of the Staff
Regulations,

Having regard to Commission Decision C(2020)4818 of 20 July 2020 amending Commission
Decision C(2011)1278 of 3 March 2011 on the general implementing provisions for Articles
11 and 12 of Annex VIII to the Staff Regulations on the transfer of pension rights,

Having regard to Decision No 07/2020 of 17 June 2010 on the adoption of the Rules of
Procedure of the Administrative Board of the European Union Agency for the Cooperation of
Energy Regulators and repealing Decision No 3/2010 of 6 May 2010 on the Rules of Procedure
of the Administrative Board of the Agency for the Cooperation of Energy Regulators, and, in
particular, Article 9 thereof,

After consulting the Staff Committee on 30 November 2020,

Whereas:

- (1) On 29 July 2020 and 5 August 2020, the Commission informed the European Union
Agency for the Cooperation of Energy Regulators (hereinafter referred to as 'the
Agency') that it had adopted its Decision C(2020)4818 of 20 July 2020 amending
Commission Decision C(2011)1278 of 3 March 2011 on the general implementing
provisions for Articles 11 and 12 of Annex VIII to the Staff Regulations on the transfer
of pension rights.

¹ OJ L 158, 14.6.2019, p. 22–53.

² OJ L 56, 4.3.1968, p. 1, as last amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament
and of the Council of 22 October 2013, OJ L 287, 29.10.2013, p. 15.

- (2) In application of Article 110(2) of the Staff Regulations, in absence of derogation from these implementing rules, Commission Decision C(2020)4818 should apply by analogy to the Agency within nine months after the date of notification.

HAS DECIDED AS FOLLOWS:

Article 1

Commission Decision C(2020)4818 of 20 July 2020 amending Commission Decision C(2011)1278 of 3 March 2011 on the general implementing provisions for Articles 11 and 12 of Annex VIII to the Staff Regulations on the transfer of pension rights and Decision C(2011)1278 of 3 March 2011 on the general implementing provisions for Articles 11 and 12 of Annex VIII to the Staff Regulations on the transfer of pension rights, hereby attached, shall apply by analogy.

Article 2

This Decision shall take effect on the day following that of its adoption.

Done at Ljubljana, 10 December 2020.

For the Administrative Board



The Chair

Dr. J. PENKER



Brussels, 20.7.2020
C(2020) 4818 final

COMMISSION DECISION

of 20.7.2020

**amending the Commission Decision C(2011)1278 of 3 March 2011 on the general
implementing provisions for Articles 11 and 12 of Annex VIII to the Staff Regulations
on the transfer of pension rights**

COMMISSION DECISION

of 20.7.2020

amending the Commission Decision C(2011)1278 of 3 March 2011 on the general implementing provisions for Articles 11 and 12 of Annex VIII to the Staff Regulations on the transfer of pension rights

THE EUROPEAN COMMISSION,

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

Having regard to the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union, laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68 of 29 February 1968, and in particular Articles 11 and 12 of Annex VIII thereto¹,

After consulting the Staff Committee,

After consulting the Staff Regulations Committee,

Whereas:

- (1) On the 3 March 2011, the Commission adopted the Decision C(2011)1278 which notably sets the method implemented by the Commission to calculate the years of pensionable service to be credited under Article 11(2) and (3) of Annex VIII to the Staff Regulations.
- (2) The interest rate set out in Article 8 of Annex VIII to the Staff Regulations was updated on 1 January 2019².
- (3) In accordance with Article 9 of the Decision C(2011)1278, the conversion coefficients used for the calculation of the actuarial equivalent that can be transferred in application of Article 11(1) and Article 12 of Annex VIII to the Staff Regulations, on the one hand, and for the calculation of the number of years of pensionable service to be credited in application of Article 11(2) and (3) of Annex VIII to the Staff Regulations, on the other, shall therefore be automatically amended.
- (4) To this end, Eurostat calculated updated conversion coefficients taking into account the evolution of the legal framework and updated actuarial parameters and assumptions used for the five-yearly assessment of the pension scheme provided for under Article 83a(3), such as the new interest rate, mortality and invalidity tables,

HAS ADOPTED THESE GENERAL IMPLEMENTING PROVISIONS:

Article 1

Article 7, paragraph 2 of Commission Decision C(2011) 1278 is replaced by the following:

“The number of years of pensionable service to be taken into account (*PYears*) shall be calculated:

¹ OJ L 56, 4.3.1968.

² OJ C 1, 03.01.2019

– on the basis of the transferred amount (*TrA*), the annual salary (*SAL*) to which the staff member is entitled on the date on which their application is registered, the annual rate of pension-right accumulation (*AnnRights*) and the latest conversion coefficient values (*TrCoeff_x*) laid down in the table in Annex 1, according to the formula:

$$PYears = \frac{TrA}{SAL * AnnRights * TrCoeff_x}$$

”

Article 2

Annexes 1 and 2 to the Commission Decision C(2011)1278 are replaced by the following:

“Annex 1

Following the update of the effective rate for calculation of compound interest in accordance with Article 12 of Annex XII to the Staff Regulations³, the following conversion coefficients (*TrCoeff_x*) shall apply from 1 January 2019

This Annex lists the coefficients (*TrCoeff_x*) for converting outgoing amounts (in euros) or incoming amounts from other pension schemes (*TrA*) for a person aged *x* years into a theoretical retirement pension (*PenTheor*).

$$TrCoeff_x = \frac{TrA}{PenTheor}$$

Given that the theoretical pension (*PenTheor*) is based on the annual salary of the person aged *x* years at the date of the conversion (*SAL*), the number of pensionable years (*PYears*) and the annual rate of pension-right accumulation (*AnnRights*), the above-mentioned formula becomes:

$$TrCoeff_x = \frac{TrA}{SAL * PYears * AnnRights}$$

These coefficients are calculated by age on the basis of the parameters laid down in Annex XII to the Staff Regulations for purposes of calculating the transferable amount of actuarial equivalent under Article 11(1) and Article 12 of Annex VIII to the Staff Regulations and the number of pensionable years to be credited under Article 11(2) and (3) of Annex VIII to the Staff Regulations.

Age at the date of application (<i>x</i>)	Conversion coefficient <i>TrCoeff_x</i>
18	14.676
19	14.701
20	14.725
21	14.749
22	14.774

³ OJ C 1, 03.01.2019

23	14.798
24	14.822
25	14.846
26	14.871
27	14.895
28	14.920
29	14.946
30	14.971
31	14.996
32	15.022
33	15.048
34	15.075
35	15.101
36	15.129
37	15.157
38	15.186
39	15.217
40	15.248
41	15.280
42	15.312
43	15.344
44	15.379
45	15.414
46	15.447
47	15.483
48	15.520
49	15.558
50	15.597
51	15.638
52	15.687
53	15.740
54	15.791
55	15.848
56	15.906
57	15.971
58	16.036
59	16.102
60	16.169
61	16.241
62	16.317
63	16.399
64	16.488
65	16.588
66	16.697

”

Article 3

The present Decision shall take effect on the day following that of its adoption.

Conversion coefficients provided under Annex 1 of the present decision are applicable to requests for a transfer under Article 11 (2) and (3) introduced from the 1st January 2019.

However, in cases where the termination of service took place before 1 January 2019 or, in cases of staff whose request for a transfer under Article 11(2) and (3) of Annex VIII to the

Staff Regulations had been registered before 1 January 2019, the coefficients provided in Annexes 1 and 2 to the Commission Decision C(2011)1278 shall apply.

Done at Brussels, 20.7.2020

For the Commission
Johannes HAHN
Member of the Commission

