



DECISION

EFSA – European Food Safety Authority	Decision on the adoption by analogy at an earlier date of the Commission Decision C(2020) 4818 of 20 July 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	Decision No.: mb210325-a4
	Effective Date: 26 March 2021	Supersedes: Not applicable.

Approvals	Signature	Name
Originator		Bernhard Url
Management Board	See Decision	Raymond O'Rourke (Chair of the Management Board)

Introduction	<p>On 29 July 2020, the Commission notified EFSA with a new Decision 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.</p> <p>The present Decision makes the Commission Decision applicable to EFSA by analogy and enter into force at a date earlier than nine months after notification of the Decisions to EFSA.</p>
Description	The new Decision updates 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.
References	Regulation (EC) No 178/2002 Staff Regulations of Officials of the European Union and Conditions of Employment of Other Servants of the European Union
Abbreviations	<i>See Decision</i>



**DECISION OF THE EUROPEAN FOOD SAFETY AUTHORITY
ON THE APPLICATION BY ANALOGY AT AN EARLIER DATE OF THE COMMISSION
DECISION 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 MANAGEMENT BOARD OF THE EUROPEAN FOOD SAFETY AUTHORITY,

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

Having regard to the Staff Regulations of Officials of the European Union ('Staff Regulations') and the Conditions of Employment of Other Servants of the European Union ('CEOS') laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68¹, and in particular Article 110(2) of the Staff Regulations,

Having regard to European Parliament and Council Regulation (EC) No 178/2002 of 28 January 2002 establishing the European Food Safety Authority ('EFSA') and laying down procedures in relation to food safety², and in particular Articles 25, 26 and 48,

Having regard to the Decision of the EFSA Management Board of 26 June 2014 concerning the delegation of specific powers to the Executive Director within the context of Article 110 of the Staff Regulations,

Having regard to the rules of procedure of EFSA's Management Board of the European Food Safety Authority³ and in particular Article 8 thereof,

After consulting the Staff Committee,

Whereas:

- (1) According to Article 110 of the Staff Regulations, as a rule, the implementing rules adopted by the Commission to give effect to those Regulations shall apply by analogy to the agencies nine months after the date on which the Commission informed the agencies of their adoption; an agency may also decide that such implementing rules are to enter in force at an earlier date.
- (2) On 5 August 2020, the Commission informed the agencies about the adoption of the Commission Decision C(2020) 4818 of 20 July 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.
- (3) In order to align EFSA legal framework to the most recent one of the Commission as regards the rules on transfer of pension rights, it is appropriate to apply Commission

¹ OJ L 56, 4.3.1968, p. 1.

² OJ L 31, 1.2.2002, p.1, as last amended.

³ mb 27 06 13 – Revised Management Board Rules of Procedure – ADOPTED.



Decision C(2020) 4818 by analogy at a date earlier than nine months after the notification of this Decision to EFSA.

HAS DECIDED AS FOLLOWS:

Sole Article

1. Commission Decision C(2020) 4818 of 20 July 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 shall apply by analogy to EFSA.
2. The present Decisions shall enter into force on the day following the date of its adoption.

Adopted at the Management Board meeting held in virtual modality on 25 March 2021
For EFSA's Management Board

[TO BE SIGNED]

Raymond O'Rourke
Chair of the Management Board

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

