

## COLLECTIVE ACTION AGAINST THE 2014 STAFF REGULATIONS THE FIRST SUCCESS: Recalculating transferred pension rights

Following the adoption of the 2014 Staff Regulations, trade unions from all institutions decided to work together to take concerted legal action before the Civil Service Tribunal (CST) against the illegal elements of the changes to the Regulations (that is, the reduction or elimination of annual payment for travel to the place of origin, and of the travelling time granted for that purpose, the reduction in the leave entitlement for staff posted outside the EU, blockages to AST and AD careers, the application of a so-called 'solidarity' levy while salaries were frozen, and certain issues related to the increase to the pensionable age) and also against the arbitrary reductions to the salary adjustments for 2011 and 2012.

In most of these cases the proceedings were stayed pending rulings on two actions that trade unions introduced directly before the General Court, cases [T-17/14](#) and [T-75/14](#).

However, one of the cases before the CST concerns an issue which the cases pending before the General Court do not address: the increase to the pensionable age. Therefore, there was no obstacle for the proceedings in this case to go on. While we had no valid legal arguments against the increase itself, we argued that the fact that colleagues would receive their pension later, and therefore for a shorter time, justified the right to claim:

- a) a reimbursement of part of the pension contribution deducted from our salaries; and
- b) a recalculation of any transfers which had been made into the pension scheme.

This is case [F-3/15](#), on which the CST delivered its ruling on 2 March.

The CST did not uphold our arguments on the first point. However, it considered that Article 26(5) of Annex XIII of the Staff regulation was fully applicable:

*"Article 26*

*5. Officials who agreed to transfer their pension rights pursuant to Article 11(2) of Annex VIII before 1 May 2004 may request recalculation of the bonus already obtained under the Union institutions' pension scheme pursuant to that Article. Recalculation shall be based on the parameters in force at the time when the bonus was obtained, adjusted in accordance with Article 22 of this Annex."*

That means that all colleagues who accepted a transfer before 1 May 2004, and whose pensionable age was modified in 2014, can request a recalculation within a reasonable time. We invite all colleagues concerned to do so, and hope that the institutions will decide to carry out a general recalculation, as they did in 2004.

The provision does *not* apply to colleagues who accepted a transfer on or after 1 May 2004 (but before 1 January 2014) and whose pensionable age was also modified in 2014. However, we advise them to request a recalculation too since, according to our lawyers, there is no objective justification for such a discrimination.

For more information, please contact [your trade union](#).

As regards the pending cases, we will need to remain patient but we hope that this first ruling will have established a precedent.