

Resolution CM/Res(2019)30 amending the Pension Scheme Rules (Appendix V to the Staff Regulations)

*(Adopted by the Committee of Ministers on 21 November 2019
at the 1361st (Budget) meeting of the Ministers' Deputies)*

The Committee of Ministers, in accordance with Article 16 of the Statute of the Council of Europe,

Having regard to the Pension Scheme Rules (Appendix V to the Staff Regulations);

Considering the 263rd report of the Co-ordinating Committee on Remuneration (CCR);

On a proposal from the Secretary General, the Staff Committee having been consulted in accordance with Article 6, paragraph 1 of the Staff Participation Regulations (Appendix I to the Staff Regulations),

Decides:

Articles 3, 17, 19, 25bis, 33 and 36 of the Pension Scheme Rules (Appendix V to the Staff Regulations) are amended as indicated below:

Article 3 – Definition of salary

Unless otherwise specified, for the purposes of these Rules, salary shall be the monthly basic salary of the staff member, according to the scales in force in the Organisation at the time when the pension is assessed, and updated in accordance with the provisions of Article 36.

Article 17 – Commencement and cessation of entitlement

[...]

2. Subject to application of Article 16, paragraph 2:

- i) the invalidity pension payable under Article 14, paragraph 2, shall be paid for life;
- ii) in other cases, entitlement to an invalidity pension shall terminate:
 - o either at the age limit laid down in the Staff Regulations;
 - o or at the end of the month in which the recipient of such a pension dies.

Where the invalidity pension terminates because the person concerned has reached the age limit laid down in the Staff Regulations, he shall, notwithstanding the ten-year minimum requirement provided for in Article 7, be entitled to a retirement pension calculated as follows:

- reckonable years of service shall be calculated as if he had remained in service until the age limit laid down in the Staff Regulations;
- the reference salary shall be that of his grade and step at the time of his being recognised an invalid, updated in accordance with Article 36.

[...]

Article 19 – Rate of pension

1. The survivor's or reversion pensions shall be 60% of:

- i) the retirement pension that would have been payable to the staff member, had he not died in service, on the basis of his reckonable service credited up to the time of his death, without the need for a minimum of ten years' service under the provisions of Article 7;
- ii) the deferred retirement pension that would have been paid to the former staff member at the age of sixty;
- iii) the invalidity pension, updated in accordance with the provisions of Article 36, that was actually being paid to the staff member at the time of his death, no account being taken of reductions under Article 15;
- iv) the retirement pension, updated in accordance with the provisions of Article 36, that was actually being paid to the staff member at the time of his death, no account being taken of any reductions under Article 8, paragraph 4.

[...]

3. The survivor's or reversion pension shall not be less than 35% of the staff member's last salary; nor shall it be less than the salary for Grade C1, step 1. Said pensions shall be updated in accordance with the provisions of Article 36.

[...]

Article 25 bis – Rate of pension for other dependants

[...]

2. The pension paid to each dependant shall be equal to the lowest of the following amounts:

- i) the amount, as recognised by the Organisation, of the support provided to that person by the staff member or former staff member at the time of his death;
- ii) twice the amount of the dependant's allowance in force in the Organisation when the former staff member's pension was assessed, this amount being updated in accordance with the provisions of Article 36, or, if he was not receiving a retirement or invalidity pension, according to the scale in force at the time of death; or
- iii) where an orphan's pension is paid, the amount of each orphan's share pursuant to Article 25, paragraph 5.

[...]

Article 33 – Basis of calculation

[...]

6. The amount of the pension based on the scale chosen shall be calculated in accordance with Article 36.

[...]

Article 36 – Adjustment of benefits

1. Pensions shall be adjusted annually in accordance with the revaluation coefficients based on the consumer price index for the country of the scale used to calculate each pension.

Pensions shall also be adjusted in the course of the year, for any given country, when prices in that country show an increase of at least 6%.

2. At regular intervals, the Secretary General shall establish a comparison of the difference between increases in salary and increases in pensions, and may, where appropriate, propose to the Committee of Ministers measures to reduce it.

3. When the beneficiary of a pension dies, any reversion, orphan's and/or dependant's pensions that may be due shall be calculated as follows:

i) The pension(s) shall be calculated:

- with reference to the scale in force on 31 December 2019 if the deceased pensioner's entitlement was assessed prior to 1 January 2020;

- with reference to the scale in force at the date on which the deceased former staff member's pension was assessed if such entitlement was assessed from 1 January 2020.

ii) Said scale shall be updated, as from that date, by application of the pensions revaluation coefficients for the country in question.

4. If the beneficiary of an invalidity pension, which was not awarded under Article 14, paragraph 2, reaches the age limit laid down in the Staff Rules and Regulations, his invalidity pension shall be converted, in accordance with Article 17, paragraph 2, to a retirement pension calculated using the following method:

i) The pension shall be calculated:

- with reference to the scale in force on 31 December 2019 if the invalidity pension was assessed prior to 1 January 2020;

- with reference to the scale in force at the date on which the invalidity pension was assessed if such pension was assessed from 1 January 2020.

ii) Said scale shall be updated, as from that date, by application of the pensions revaluation coefficients for the country in question.

5. If the beneficiary of a pension exercises one of the options under Article 33, the following calculation shall be made:

i) The pension shall be recalculated:

- with reference to the scale in force on 31 December 2019 for the country selected if the pension was assessed prior to 1 January 2020;

- with reference to the scale in force at the date of its assessment for the country selected if the pension was assessed from 1 January 2020.

ii) Said scale shall be updated, as from that date, by application of the pensions revaluation coefficients for the country in question.

Article 2

This resolution will enter into force on 1 January 2020.