



## ENTRY INTO SERVICE – FORM 2 RIGHTS

### I) DETERMINATION OF PLACE OF ORIGIN

The place of origin, mentioned in Article 7, point 3, paragraph 1 of Annex VII to the Staff Regulations, is used to determine certain individual rights of an official (annual travel expenses, travel time, travel and removal expenses on termination of employment).

More information can be found on the intranet site: (Intracomm – The Administration and me – Personnel and Administration – Pay & Pension – Fixing rights: arrival/departure” or [http://www.cc.cec/pers\\_admin/rights/arr\\_dep/index\\_fr.html](http://www.cc.cec/pers_admin/rights/arr_dep/index_fr.html)).

The criteria for determining your centre of interests are set out in the following extract from the relevant general implementing provisions for **Article 7, point 3 of Annex VII to the Staff Regulations**:

1. When an official takes up his appointment, his place of origin shall be assumed to be the place where he was recruited. If the official so requests within one year after he takes up his appointment and on production of the appropriate documentary evidence, his centre of interests shall be determined as his place of origin, if his centre of interests is not the same as his place of recruitment.

2. For the purpose of this decision:

- **“place of recruitment”** means the place where the official was habitually resident at the time of recruitment. Places of temporary residence, e.g. for the purpose of study, military service, training periods or holidays shall not be regarded as places of habitual residence;

- **“centre of interests”** means the place where an official **retains**:

a) his main family ties which, barring duly substantiated exceptions, and at the choice of the official, means:

1. - mother and father or either parent; failing that grandparents, or one grandparent; failing that parents-in-law or one of them; failing that brothers and sisters; or

- children, or one or more of them; or

2. - the marital home, on two conditions:

• that it has been their joint permanent residence prior to the entry into service into a Community institution of the first of the two spouses, as an official or temporary agent, and

• that it constitutes an immovable property to which they have, or one of them has, ownership;

b) heritable interests constituted by immovable property in the form of buildings or parts thereof;

c) essential civic interests, both active and passive.

If all three criteria referred to in a), b) and c) are not fulfilled by the same place, the official's centre of interests shall be taken as the place where at least two of the three criteria are met or failing that the place where the official retains his main family ties, confined in this instance to the official's father, mother or children.

3. If an official's centre of interests cannot be established by means of the criteria listed in the second indent of paragraph 2, his place of recruitment shall be determined as his place of origin.

4. If an official moves from one Community institution to another, his place of origin shall continue to be that determined by the former institution.

Please note that the **supporting documents required to change the place of origin** in accordance with the criteria mentioned above under point 2 are:

Ad a)

1. Certificate of residence (for UK and Ireland a letter from a bank or similar institution confirming the address will suffice), + a copy of a recent utility bill, e.g. electricity (Both documents should be in parents' name or, failing that, grandparents' name, etc.)

2. Certificate of joint residence + copy of notary deed + bill relating to immovable property.

Ad b)

Copy of land registry certificate or notary deed + recent bill relating to immovable property in the form of buildings or parts thereof (both in official's name);

Ad c)

Copy of official's election card or the electoral register confirming registration to vote.

## **II) TRANSFER OF PENSION RIGHTS**

### **1. For officials, temporary agents (under Article 2a, 2c, or 2d of the CEOS) and contract staff :**

Under Article 11(2) of Annex VIII to the Staff Regulations reproduced below, it is possible to have certain pension rights transferred from national, public or private pension schemes or from international organizations to the European Community scheme.

Your attention is drawn to the requirement that an application to make a transfer must be submitted, in writing, **within ten years** of the date of establishment and- at the latest- before becoming eligible for payment of a retirement pension, if this date falls within the aforementioned ten year limit.

Further information concerning the transfer possibilities and the transfer procedures can be obtained from the intranet: (Intracomm – The Administration and me – Personnel and Administration – Pension – Transfer” or [http://www.cc.cec/pers\\_admin/pension/transf/index\\_fr.html](http://www.cc.cec/pers_admin/pension/transf/index_fr.html)).

#### **Article 11 § 2 of Annex VIII to the Staff Regulations**

An official who enters the service of the Communities after:

- leaving the service of a government administration or of a national or international organization;

or

- pursuing an activity in an employed or self-employed capacity;

shall be entitled, after establishment but before becoming eligible for payment of a retirement pension within the meaning of Article 77 of the Staff Regulations, to have paid to the Communities the capital value, updated to the date of the actual transfer, of pension rights acquired by virtue of such service or activities.

In such case the institution in which the official serves shall, taking into account the official's basic salary, age and exchange rate at the date of application for a transfer, determine by means of general implementing provisions the number of years of pensionable service with which he shall be credited under the Community pension scheme in respect of the former period of service, on the basis of the

capital transferred, after deducting an amount representing capital appreciation between the date of the application for a transfer and the actual date of the transfer.

Officials may make use of this arrangement once only for each Member State and pension fund concerned.

### **Article 11 § 3 of Annex VIII to the Staff Regulations**

Paragraph 2 shall also apply to an official who is reinstated after a period of secondment under the second indent of Article 37 (1)(b) of the Staff Regulations and to an official who is reinstated following expiry of a period of leave on personal grounds under Article 40 of the Staff Regulations.

### **2. For temporary agents only :**

Article 42 of the Conditions of Employment of Other Servants (CEOS) reproduced below entitles temporary staff to constitute or maintain pension rights under a national scheme. For further information contact the “Salaries, mission expenses, experts’ expenses” unit of the Office for Administration and Settlement of Individual Entitlements (PMO.2) or consult the intranet: (Intracomm – The Administration and me – Personnel and Administration – Pay & Pension – Fixing rights: arrival/departure” or [http://www.cc.cec/pers\\_admin/pension/transf/index\\_fr.html](http://www.cc.cec/pers_admin/pension/transf/index_fr.html)).

#### **Article 42 of the CEOS**

In accordance with conditions to be laid down by the institution, a servant may request the institutions to effect any payments which he is required to make in order to constitute or maintain pension rights in his country of origin.

Such payments shall not exceed twice the rate provided for in Article 83(2) of the Staff Regulations and shall be charged to the budget of the Communities.

### **3. For contract staff only :**

#### **Article 112 of the CEOS**

In accordance with conditions to be laid down by the institution, a member of the contract staff may request the institution to effect any payments which he is required to make in order to constitute or maintain pension rights, unemployment insurance, invalidity insurance, life insurance and sickness insurance in the country where he has last been covered by such schemes. During the period of these contributions, the contract staff member shall not benefit from the Community sickness insurance scheme. Moreover, for the period corresponding to these contributions, the contract staff member shall not be covered by the Community life assurance and invalidity schemes and shall not acquire rights under the Community unemployment insurance and pension schemes.

The actual period of such payments for any contract staff member shall not exceed 6 months. However, the institution may decide to extend this period to one year. The payments shall be charged to the budget of the Communities. Payments to constitute or maintain pension rights shall not exceed twice the rate provided for in Article 83(2) of the Staff Regulations.

# ACKNOWLEDGMENT OF RECEIPT

I, the undersigned, declare that I have taken note of the provisions relating to the **RIGHTS** of a European official/agent.

Name and first name : .....

Staff number : .....

Date: ..... Signature: .....