



**Union
Syndicale
Bruxelles**

European Civil Service Public Européen
Membre de l'Union Syndicale Fédérale
Affiliée à l'ISP et à la FSESP



Union Syndicale EUROCONTROL France
Membre de l'Union Syndicale Fédérale

To: Heads of Member State Delegations to the Provisional Council

Copies: Director General of EUROCONTROL, DG Office, Director CFI, Head of Division of Human Resources and Services, Union Syndicale Fédérale, USB Executive Committee and USEF Board.

Brussels, 15/11/19

Subject: Transfer of national pension rights to EUROCONTROL pension scheme

Dear Sir/Madam,

Most European Member States are parties to the EUROCONTROL International Convention relating to Cooperation for the Safety of Air Navigation of 13 December 1960 both in their own right and as Members States of the European Union, which has also acceded to the Convention.

As EU Member States, those members have committed themselves, sometimes for decades, to sharing common values and principles, such as those considered in EU treaties and regulations as fundamental rights.

Among the different European sources of law through which social rights are established, defended and protected, European citizens rely on the commitments made by the Parties that have signed and ratified the European Social Charter. Moreover, they also share legitimate expectations to be afforded stronger protection of their social rights when their state of origin/residence is also an EU Member State which has signed the European treaties.

The European Union promotes values such as unicity, equality, absence of discrimination, etc.

Enjoyment of the rights set forth in the Charter must be secured without discrimination on any ground such as race, color, sex, language, religion, political or other opinion, national extraction or social origin, health, association with a national minority, birth or other status.

Indeed, the provisions of this Charter may not prejudice the provisions of domestic law or of any bilateral or multilateral treaties, conventions or agreements which are already in force, or may come into force, under which more favorable treatment would be accorded to the persons protected.

On the basis of the current provisions of Article 12 of Annex IV to the Staff Regulations Governing Officials of the EUROCONTROL Agency, it is true that Member States have no mandatory obligation to allow the transfer of national pension rights accumulated in a national pension scheme to the EUROCONTROL pension scheme.

Nevertheless, the law is not immutable and must evolve, based on experience and new developments. As a trade union, we are witness to increasing incomprehension and frustration on the part of our colleagues, who cannot understand why, as staff members in an international organisation with a European culture, the provisions of the service regulations cannot be implemented in the same way for all European citizens. Furthermore, some Member States which are not part of the EU have already agreed to the transfer of national pension rights to the EUROCONTROL pension scheme. Those Member States took a decision which is in line with the EU treaties and regulations.

We are aware of the financial and fiscal difficulties involved in the implementation of Article 12 and of procedures for the transfer of national pension rights. Nevertheless, in view of the growing commitments of the Member States of the European Union and the very small number of national citizens who could make such a request (in comparison to the high number of nationals covered by the EU pension scheme for which your country has already agreed to be subject to the same article 12), we urge you to take the appropriate measures to accept the transfer of national pension rights to the EUROCONTROL pension scheme. This will avoid any discrimination in the future for all staff in terms of social rights.

We remain at your disposal for any further information.


Yours sincerely,

On behalf of the USB Executive Committee,



Georges Tsolos
Vice-President

On behalf of the USEF Board,



Maria Aguilera
President