



EUROJUST  
P.O. Box 16183  
2500 BD The Hague  
THE NETHERLANDS

**Eurojust Decision**  
**on General Implementing Provisions on the early retirement of**  
**Temporary Agents without reduction of pension rights**

EUROJUST,

HAVING REGARD to the Staff Regulations of Officials of the European Union (hereinafter referred to as "the Staff Regulations") and the Conditions of Employment of Other Servants of the European Union (hereinafter referred to as "the CEOS"), laid down by Council Regulation (EEC, EURATOM, ECSC) No 259/68, and in particular Article 9(2) of Annex VIII of the Staff Regulations and Article 39 the CEOS;

HAVING REGARD to Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime, as last amended by Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust, and in particular Article 30 thereof;

HAVING REGARD to the Eurojust Decision of 22 March 2005 on the delegation of powers to the Administrative Director for the approval of the necessary implementing rules to the Staff Regulations;

After consultation of the Staff Committee and in agreement with the European Commission pursuant to Article 110(1) of the Staff Regulations;

WHEREAS:

- (1) The abovementioned provisions of the Staff Regulations and the CEOS establish that the Administrative Director may decide, in the interest of the service and on the basis of objective criteria and transparent procedures, by means of general implementing provisions, not to apply the reduction of pension rights;
- (2) These provisions stipulate that the possibilities of early retirement without reduction of pension rights each year shall not exceed 10% of the total number of Officials in all Institutions who retired the previous year; this annual percentage may vary from 8% and 12%, subject to a total of 20% over two years and budgetary neutrality;

- (3) The number of Temporary Agents of Eurojust who can benefit from this scheme shall be decided each year after consultation firstly within the College of Heads of Administration and subsequently between all Agencies.

HAS DECIDED AS FOLLOWS:

*Article 1*

*Scope*

1. These rules shall apply to Temporary Agents at Eurojust.
2. For the purpose of this decision, "Temporary Agent" means the staff referred to in Article 2(a) and (b) of the CEOS.

*Article 2*

*Calculation of the number of possibilities*

1. The number of possibilities each year for all the Institutions shall be calculated on the basis of the total number of Officials and former Officials having begun to receive payment of the retirement pension in the previous year.
2. The number of Officials and Temporary Agents in each Institution who can benefit from the present provisions is fixed by way of consultation between the Institutions, within the College of Heads of Administration and between the Agencies<sup>1</sup>.

*Article 3*

*Call for applications*

1. The Human Resources Unit shall publish on the Intranet a call for applications for early retirement without reduction of pension rights taking place in the calendar year specified in the call for applications. This call for applications shall specify:
  - a) The deadline for applications and the form in which they are to be made;
  - b) The conditions of eligibility;
  - c) The year when retirement can take place;
  - d) The criteria as defined in Article 5 of this Decision
2. Applications shall be lodged in conformity with the call for applications. Applications may only be submitted with a view to retirement in the year specified in the call for applications. Applicants who are unsuccessful are not obliged to retire and may reapply in successive years.

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<sup>1</sup> See Annex I for the rules and criteria that apply to the consultation between the agencies.



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3. The submission of an application may not be taken into consideration for any other purposes relating to the candidate's career.

#### *Article 4* *Eligibility*

1. To be eligible, the Temporary Agent must fulfil, on the date specified in the call for applications, the criteria set out in paragraphs 2, 3, 4 and 5.
2. The candidate must be in active employment or on parental or family leave.
3. The candidate must be at least 55 years old on the date specified in the call for applications and not be able to retire without reduction of pension rights in the course of the year specified in the call for applications.
4. The candidate must fulfil the requirements of Article 77 SR as a Temporary Agent in one of the Institutions and/or European Union Agencies, within the meaning of Articles 1a and 1b of the Staff Regulations on the date specified in the call for applications.
5. For the purposes of determining the period of service referred to in paragraph 4, only the following periods of service shall be taken into consideration:
  - a) Periods of service mentioned in paragraph 2;
  - b) Periods of service as an Official:
    - i. In active employment, on leave for military service or on parental or family leave within the meaning of Article 35 SR; or
    - ii. Seconded in the interest of the service within the meaning of Article 37(a) SR.
6. The Human Resources Unit will then inform the Agency that is coordinating the retirement procedures that one or more candidates working for Eurojust are eligible.

#### *Article 5* *Assessment of applications*

1. The Human Resources Unit shall verify compliance with the eligibility criteria laid down in Article 4. It shall draw up the list of eligible applicants and forward it to the Appointing Authority. Applicants shall be informed in writing of the result of verification of their eligibility.



2. The Human Resources Unit will assess the interest of the service of applicants which are included on the list of eligible candidates taking into account the criteria set out in paragraphs 3, 4 and 5. On the basis of those criteria, the Human Resources Unit shall draw up a preliminary list of applicants that it proposes should benefit from the scheme for early retirement without reduction of pension rights, listing the applicants in order of priority, irrespective of their category/function group, grade or status.
3. The following criteria concerning the applicant's tasks shall be considered with regard to the interest of the service.
  1. Criteria relating to reorganisation measures:
    - i. Cessation of the applicant's tasks as a result of current reorganisation measures, where no suitable new tasks have been identified and are not likely to be identified in the near future;
    - ii. Current reorganisation or redeployment measures affecting the applicant which make it difficult to find him/her a new assignment due to the nature of his/her skills;
    - iii. Recent reorganisation or redeployment measures affecting the applicant which resulted in being assigned new tasks which have not proved appropriate to his/her skills;
    - iv. Likelihood of reorganisation or redeployment measures affecting the applicant in the near future, in particular where his/her current tasks are likely to be phased out or substantially modified or are likely to be considered as no longer being a priority task for Eurojust, and where identifying a new assignment is likely to prove difficult due to the nature of his/her skills;
    - v. The applicant occupies a sensitive post and would be obliged to change duties in the next 12 months and for which no suitable post has been identified nor is likely to be identified within the 12 months period.
  2. Criteria relating to the applicant's skills: where new job requirements do not correspond to the applicant's aptitudes and skills, and where identifying an appropriate new assignment is likely to prove difficult.
4. For the purposes of the previous paragraph, an applicant shall not be considered as having high priority if the difficulty can be eliminated or substantially reduced by training measures, unless such training measures would require disproportionate time and resources.



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5. In establishing the preliminary list, the Human Resources Unit may also take into account:
  - a) A particular personal situation, put forward by the applicant, requiring his presence at home or at a place other than the place of employment;
  - b) The attribution of high priority to applicants not being able to retire without reduction of their pension rights within the following two years;
  - c) The applicant's length of service with Eurojust and/or the applicant's past positive contribution to the work of Eurojust;
  - d) The attribution of a particular high priority to applicants having 15 years or more of service in the EU Institutions, bodies and agencies.
6. Where for a given applicant, the Human Resource Unit considers that there is no interest of the service, that application may not be selected unless the Human Resources consider that there are exceptional circumstances justifying the selection.
7. Cases where spouses are both in the service of Eurojust and both apply for early retirement shall be considered individually as two independent cases.

*Article 6*  
*Selection procedure*

1. Upon the proposal from the Human Resources Unit and on the basis of the criteria established in Article 5, the Appointing Authority shall draw up a draft list of applicants that it proposes should benefit from the scheme for early retirement without a reduction of pension rights.
2. The draft list shall contain applicants in order of priority, irrespective of their category/function group or grade. The draft list may not exceed the number of possibilities referred to in Article 2 for the year specified in the call for applications. In addition, a reserve list of three eligible names will be established for use, limited to the same year, in case of refusal or withdrawal of the selected Temporary Agents. The draft list and the reserve list will be communicated to the applicants in writing.
3. Any Temporary Agent who has applied pursuant to Article 3 may challenge the draft list by lodging an appeal with the Joint Committee provided for in Article 7 within ten working days following the communication of the draft list. In addition to the reasons given, the applicant shall present any supporting documentation and information in order to enable the Joint Committee to deliver an opinion to the Appointing Authority.



4. The Appointing Authority shall make the draft list final, drawn up in order of priority, of applicants eligible to benefit from the scheme for early retirement without reduction of pension rights. The list shall be published by the Human Resources Unit and contains those Temporary Agents ranking first in the classification referred to in paragraph 2, the number of whom may not exceed the number of possibilities referred to in Article 2 for the period of the year specified in the call for applications. The Human Resources Unit shall transmit an anonymised copy of the list to the Agency that is coordinating the early retirement procedure.

#### *Article 7* *The Joint Committee*

A Joint Committee shall be established. It shall be composed of a Chair, with the rank of head of unit, appointed by the Appointing Authority, and two other members: one staff member from the function group administrator (AD) from the Human Resources Unit, and one staff representative appointed by the Staff Committee. For each of the committee members, an alternate shall be appointed in the same way as the Chair and the full members. The rules on the operation and procedure of the Joint Instance provided for in Article 8 of the Yearly Performance Appraisal Decision of 24 April 2009 shall apply *mutatis mutandis*.

#### *Article 8* *Implementation of the decision*

1. The Human Resources Unit shall inform each eligible applicant of the result of their application. Non-selected applicants will be provided with the reasons for their non-selection upon request.
2. Applicants whose names appear on the final list as published, referred to in Article 6(4) shall have a period of ten working days from the date of publication during which they may withdraw their request. If a Temporary Agent withdraws his/her application for early retirement, the next highest placed Temporary Agent on the list shall automatically replace him/her. This procedure shall be repeated for each withdrawal.
3. Selected applicants having accepted this possibility of early retirement will be able to retire at a date of their choosing within the period of the year indicated in the call for applications.



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*Article 9*  
*Entry into force*

This decision shall enter into force on 3 October 2013 and shall become moot as of 1 January 2014.

Done in The Hague on 3 October 2013

For Eurojust,

The Administrative Director,

A handwritten signature in blue ink, appearing to read "K. Rackwitz", is written over the word "Repealed".

Klaus Rackwitz

Repealed

## **Annex**

### **EARLY RETIREMENT WITHOUT REDUCTION OF PENSION RIGHTS CRITERIA AND PROCESS FOR THE ASSIGNMENT OF THE YEARLY QUOTA GRANTED TO EU AGENCIES**

At the meeting of the Heads of administration of EU Agencies, held in Lisbon on 22 October 2008, it was discussed and agreed upon to submit for approval to the Heads of Agencies the following system for the assignment of the yearly quota of early retirement without reduction of pension rights granted to EU Agencies. The Heads of Agencies have formally endorsed this approach at their meeting of 23-24 October 2008.

#### **1. Criteria**

The criteria are the following:

- a) Number of years in the EU service on 31 December of the year of the assignment exercise (CCP excluded, part time considered at 100%, pro-rata out of a maximum of 42 – which is the potential maximum number of years of work at the service of the EU before reaching the age to apply for early retirement);
- b) Total number of years of accumulated pension rights on 31 December of the year of the assignment exercise (pro-rata out of a maximum of 10 points for 35 years – which is the maximum number of pension rights that a person could reach in the EU);
- c) Relative benefit (difference between the person going on early retirement with and without penalty, calculated as of 31 December of the year of the assignment exercise in percentage - % - of his/her basic salary, pro-rata out of a maximum of 12.25% - which is the maximum penalty of any retirement with or without penalty).

The above mentioned criteria are to be weighted from 1 to 10 points and are applicable only to Agencies' staffs (official or temporary staff) who meet the following conditions:

- Being eligible for early retirement without reduction of pension rights, in accordance with the conditions stipulated by the Staff Regulations and the relevant implementing rules adopted by the European Commission.<sup>2</sup> This means, on 1 January of the year following the year of the assignment exercise being:

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<sup>2</sup> Cf. Article 9 of Annex VIII of Staff Regulations, Article 39 of the Conditions of employment of other servants and Article 4 of Commission's decision C(2004)1588 on general implementing provisions on the early retirement of officials and temporary staff without reduction of pension rights.





- An Official in active employment, on leave for military service, on parental or family leave or seconded in the interest of the service or temporary staff in active employment or on parental or family leave;
  - At least 55 years old;
  - Not able to retire without reduction in pension rights in the course of the year (e.g. the age giving entitlement to a retirement pension);
  - Having completed at least 10 years of service in the EU Institutions, bodies and agencies (as an official and/or temporary staff in active employment, on leave for military service, on parental or family leave or seconded in the interest of the service);
- Having shown an interest in the possibility of such a retirement following a call for expression of interest launched by the concerned Agency.

An excel calculation sheet (see example below) shall be used as a management tool for the application of the above mentioned criteria. This tool automatically calculates the result once its data fields (columns in yellow) have been completed with the required information.

The possibility(ies) for early retirement without reduction of pension rights, as allocated on a yearly basis to Agencies as a whole, shall be assigned to the Agency(ies) which employs(y) the staff who have obtained the highest score, as a result of the application of the referred criteria.

Pursuant to the relevant provisions of the Staff Regulations, the Appointing Authority of this(these) Agency(ies) will be responsible for the decision on the actual use of the assigned possibility(ies) of early retirement without reduction of pension rights (i.e. who can benefit from this(these) possibility(ies), in the interests of the service on the basis of objective criteria and transparent procedures introduced by means of general implementing provisions.<sup>3</sup>

If the assigned possibility(ies) was(were) not be used by the Agency(ies) who wins(win), it(they) would be assigned to the Agency(ies) which employs(y) the highest placed staff who follow in the list resulting from the application of the above mentioned criteria.

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<sup>3</sup> cf. Article 9 of Annex VIII of Staff Regulations and Article 39 of the Conditions of employment of other servants.



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## **2. Process**

The Coordinating Agency shall be in charge of managing the system for a given year. In order to ensure the full transparency of the exercise, each Agency which receives the possibility(ies) for early retirement without reduction of pension rights shall, upon request from any of the other Agencies, make available documentary evidence to prove the fulfilment of the above mentioned criteria by the winning staff (i.e. the staff who determine the assignment of the possibility(ies) for early retirement without reduction of pension rights). Attention shall be paid to the respect of the data protection rules (explicit permission required, if not, name must be erased from the papers).

Repealed



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## CALCULATION SHEET

### CRITERIA (1 to 10, applied to interested candidates)

- Number of years EU service (excluded CCP, part time counted 100%, pro-rata out of a maximum of 42)
- Total years accumulated pension rights (pro rata out of a maximum of 10 points for 35 years)
- Relative benefit (difference between with and without penalty, calculated as at 31/12/N as % of basic salary, pro-rata out of a maximum of 12.25%)

### GENERAL CONDITIONS

- Allocation to the Agency where the Applicant with higher number of points is employed
- If the possibility is not used by the winner Agency, the possibility will be passed to the Agency where the second best Applicant is employed
- The Coordinating Agency is in charge of managing the system for a given year





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Cand / Agency name	Years EU Service (two decimals)	Years EU Service - Points	Total Years Pension 01/01/12	Total Years points	Date of birth	Age as at 31/12/11	Years pension 31/12/11	Relative Benefit	Relative Benefit Points	Total Points
Cand 1- AGENCY										0
Cand 2- AGENCY										0
Cand 3- AGENCY										0
Cand 4- AGENCY										0
Cand 5- AGENCY										0
Cand 6- AGENCY										0
Cand 7- AGENCY										0
Cand 8- AGENCY										0
Cand 9- AGENCY										0