

**Agreement on the transfer of pension rights of participants
in the United Nations Joint Staff Pension Fund and of officials in the
Council of Europe**

Whereas, pursuant to the policy of international intergovernmental organizations to facilitate the exchange of personnel, it is desirable to secure continuity of pension rights of staff members transferring between these organizations;

Whereas the Regulations of the United Nations Joint Staff Pension Fund and the Pension Scheme Rules of the Council of Europe authorize the conclusion of such agreements with other international organizations and with the Governments of member States for the transfer and continuity of such rights;

It has been agreed as follows:

**Article 1
Definitions**

1.1 For the purposes of this Agreement:

- (a) "Pension Fund" means the United Nations Joint Staff Pension Fund;
- (b) "Fund participant" means a participant in the United Nations Joint Staff Pension Fund;
- (c) "Council of Europe Scheme" means the Pension Scheme applicable to officials of the Council of Europe;
- (d) "Official" means a staff member of the Council of Europe affiliated to the Council of Europe Scheme.

**Article 2
Transfers from the Pension Fund**

2.1 A former Fund participant who has not received a benefit under the Regulations of the Pension Fund may elect to be covered by the provisions of the present Agreement upon becoming affiliated to the Council of Europe Scheme within six months after participation in the Pension Fund has ceased, by electing within a further period of six months to transfer the accrued entitlements from the Pension Fund to the Council of Europe Scheme.

2.2 Upon such election, the Pension Fund shall pay to the Council of Europe, as soon as possible, an amount equal to the larger of:

- (a) The equivalent actuarial value, calculated in accordance with articles 1, paragraph (a), and 11 of the Regulations of the Pension Fund, of the retirement benefit which the Fund participant had accrued in the Pension Fund based on the contributory service and final average remuneration up to the date participation in the Pension Fund ceased; or
- (b) The withdrawal settlement to which the former Fund participant would have been entitled under article 31 of the Regulations of the Pension Fund, upon separation from the service of a member organization of the Pension Fund.

2.3 On the basis of the amount determined in this way, the former Fund participant shall be credited with reckonable years of service in accordance with article 12, paragraph 1, of the Rules of the Council of Europe Scheme and its relevant implementing Instructions.

2.4 Upon such election, the former Fund participant shall cease to be entitled to any benefit under the Regulations of the Pension Fund.

Article 3

Transfers from the Council of Europe Scheme

3.1 A former official of the Council of Europe who has not received a benefit under the Council of Europe Scheme may elect to be covered by the provisions of the present Agreement upon entering the service of a member organization of the Pension Fund and becoming a Fund participant within six months after separation from the service of the Council of Europe, by electing within a further period of six months to transfer the accrued entitlements from the Council of Europe Scheme to the Pension Fund.

3.2 Upon such election, the Council of Europe shall pay to the Pension Fund, as soon possible, an amount equal to:

- (a) The actuarial equivalent of the pension rights acquired by the former official in the Council of Europe Scheme, established in accordance with article 12, paragraph 2, of the Rules of the Council of Europe Scheme and its relevant implementing Instructions; or
- (b) The total amount of the entitlement, under article 11 of the Rules of the Council of Europe Scheme, at the date the official left the service of the organization,

whichever is applicable.

3.3 On the basis of the amount determined in this way, the former official shall be credited for purposes of the Pension Fund with contributory service equal to such period as the actuarial advisers to the Pension Fund shall determine as of the date of the election and in accordance with articles 1, paragraph (a), and 11 of the Regulations of the Pension Fund to be equal in value to the amount paid to the Pension Fund by the Council of Europe.

3.4 Upon such election, the former official shall cease to be entitled to any benefit under the Council of Europe Scheme.

Article 4

Transitional provisions

4.1 Fund participants or officials of the Council of Europe at the date of entry into force of the present Agreement, who had been affiliated to the Council of Europe Scheme or Fund participants and who are not in receipt of any benefit from one of these schemes, may, on the same conditions and within twelve months of the date of entry into force of the Agreement, elect to avail themselves of the provisions of this Agreement.

Article 5

Implementation of the Agreement

5.1 In order to implement the provisions of the present Agreement, the Parties shall keep each other informed of the precise modalities to effect transfers, and of any change in the applicable procedures.

Article 6
Consultations and settlement of disputes

6.1 The Parties shall consult on any matter arising out of the present Agreement. The Parties shall use their best efforts to resolve any issue concerning the interpretation or implementation of the terms of this Agreement.

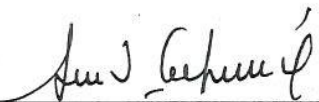
6.2 Each Party shall report to the appropriate supervising authority or authorities on the operation of the present Agreement.

Article 7
Date of the Agreement

7.1 The present Agreement shall enter into force on 1 January 2007.


7.2 The present Agreement shall continue in effect until modified or terminated by the mutual consent in writing of the Parties hereto, or terminated unilaterally upon not less than one year's prior notice given in writing by either of them.

For the United Nations Joint Staff
Pension Fund



Bernard Cochemé
Chief Executive Officer

Date: 19 July 2007
New York, USA

For the Council of Europe


Mario Martins
Director General of Administration
and Logistics

Date: 31.5.07
Strasbourg, France



**Accord de transfert entre
la Caisse Commune des Pensions du personnel des Nations-Unies
et le Conseil de l'Europe**

Considérant qu'en application de la politique des organisations internationales intergouvernementales visant à faciliter les échanges de personnel, il est souhaitable d'assurer la continuité des droits à pension des agents transférés entre ces organisations ;

Considérant que les Statuts de la Caisse Commune des Pensions du personnel des Nations-Unies et le Règlement des Régimes de pensions du Conseil de l'Europe permettent de souscrire de tels accords avec d'autres organisations internationales et avec les gouvernements des pays membres en vue d'assurer le transfert et la continuité de ces droits ;

Il est convenu ce qui suit :

Article 1

Définitions

1.1 Au sens du présent accord* :

- a) l'expression « Caisse des pensions » vise la Caisse Commune des Pensions du personnel des Nations-Unies ;
- b) le terme « participant à la Caisse » désigne un participant à la Caisse Commune des Pensions du personnel des Nations-Unies ;
- c) l'expression « Régime du Conseil de l'Europe » vise le Régime de pensions applicable à l'agent du Conseil de l'Europe ;
- d) le terme « agent » désigne le membre du personnel du Conseil de l'Europe, affilié au Régime du Conseil de l'Europe.

Article 2

Transfert depuis la Caisse des Pensions

2.1 Un ancien participant à la Caisse, auquel il n'a pas été versé de prestation en vertu des Statuts de la Caisse des pensions, peut se prévaloir des dispositions du présent Accord s'il devient affilié au Régime du Conseil de l'Europe dans les six mois qui suivent la date à laquelle sa participation à la Caisse des pensions a pris fin, et s'il opte, avant l'expiration d'un délai supplémentaire de six mois, pour le transfert de ses droits de la Caisse des pensions au Régime du Conseil de l'Europe.

2.2 Lorsque l'intéressé exerce cette option, la Caisse des pensions verse au Conseil de l'Europe, aussi tôt que possible, un montant égal à la plus élevée des deux sommes ci-après :

- a) l'équivalent actuariel de la prestation de retraite accumulée par le participant à la Caisse, calculé conformément à l'alinéa a) de l'article premier et à l'article 11 des Statuts de la Caisse des pensions, sur la base de sa période

* Dans la version française du présent accord, le masculin vise également les personnes de sexe féminin, sauf incompatibilité manifeste avec le contexte.

- d'affiliation et de son traitement moyen final à la date à laquelle sa participation à la Caisse a pris fin ; ou
- b) le versement de départ au titre de la liquidation des droits auquel l'ancien participant à la Caisse aurait pu prétendre en vertu de l'article 31 des Statuts de la Caisse des pensions, à sa cessation de service dans une organisation affiliée à la Caisse des pensions.
- 2.3 Sur la base de la somme ainsi déterminée, l'ancien participant à la Caisse est crédité d'annuités, calculées conformément à l'article 12, paragraphe 1 du Règlement du Régime du Conseil de l'Europe et des Instructions d'application pertinentes.
- 2.4 Lorsque l'intéressé exerce cette option, l'ancien participant à la Caisse perd tout droit à prestations au titre des Statuts de la Caisse des pensions.

Article 3

Transfert depuis le Régime du Conseil de l'Europe

- 3.1 Un ancien agent du Conseil de l'Europe, qui n'a pas reçu de prestation au titre du Régime du Conseil de l'Europe, peut se prévaloir des dispositions du présent Accord s'il entre au service d'une organisation affiliée à la Caisse des pensions et acquiert le statut de participant à la Caisse dans les six mois qui suivent la date à laquelle il a cessé ses services auprès du Conseil de l'Europe et s'il opte, avant un délai supplémentaire de six mois, pour le transfert de ses droits à pension du Régime du Conseil de l'Europe à la Caisse des pensions.
- 3.2 Lorsque l'intéressé exerce cette option, le Conseil de l'Europe verse aussi tôt que possible à la Caisse des pensions un montant égal :
- a) à l'équivalent actuariel des droits à pension d'ancienneté acquis par l'ancien agent dans le Régime du Conseil de l'Europe, établi en application de l'Article 12, paragraphe 2 du Règlement du Régime du Conseil de l'Europe et des Instructions d'application pertinentes ; ou,
- b) au montant total auquel il a droit, en vertu de l'article 11 du Règlement du Régime du Conseil de l'Europe, à la date de cessation de ses services auprès de l'Organisation,
- selon les cas.
- 3.3 Sur la base de la somme ainsi déterminée, l'ancien agent sera crédité, aux fins de la Caisse des pensions, d'une période d'affiliation égale à la période qui, de l'avis des actuaires-conseils de la Caisse des pensions, représente, à la date à laquelle il a opté pour le transfert de ses droits et conformément à l'alinéa a) de l'article premier et à l'article 11 des Statuts de la Caisse des pensions, une valeur équivalant au montant versé par le Conseil de l'Europe à la Caisse des pensions.
- 3.4 Lorsque l'intéressé exerce cette option, l'ancien agent perd tout droit à prestations au titre du Régime du Conseil de l'Europe.

Article 4

Dispositions transitoires

- 4.1 Les participants à la Caisse des pensions ou agents du Conseil de l'Europe à la date d'entrée en vigueur du présent accord et qui étaient, auparavant, respectivement affiliés au

Régime du Conseil de l'Europe ou participants à la Caisse des pensions, et qui ne reçoivent aucune prestation au titre d'un de ces régimes, peuvent se prévaloir des dispositions du présent Accord, aux mêmes conditions et dans un délai de douze mois à compter de la date de son entrée en vigueur.

Article 5 Exécution de l'Accord

5.1 Aux fins d'exécution du présent Accord, les Parties se tiendront informées des modalités précises d'exécution des transferts, ainsi que de tout amendement dans les procédures applicables.

Article 6 Consultations et Règlement des différends

- 6.1 Les Parties se consulteront sur toute question découlant du présent Accord. Les Parties mettront tout en œuvre pour résoudre tout différend se rapportant à l'interprétation ou à l'exécution des dispositions du présent Accord.
- 6.2 Chaque Partie rendra compte aux autorités compétentes de la mise en œuvre du présent Accord.

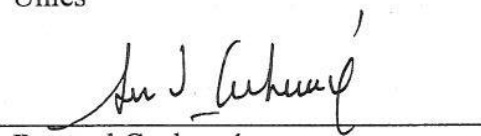
Article 7 Date de l'Accord

- 7.1 Le présent Accord entrera en vigueur le 1^{er} janvier 2007.
- 7.2 Le présent Accord demeurera en vigueur jusqu'à ce qu'il soit modifié ou qu'il y soit mis fin, par écrit, par consentement mutuel des Parties audit accord, ou qu'il y soit mis fin unilatéralement à l'expiration d'un préavis ne pouvant être inférieur à une année, donné par écrit par l'une ou l'autre des Parties.

EN FOI DE QUOI, le présent accord a été signé

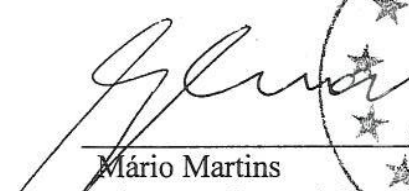
À New-York, États-Unis
le 19 juillet 2007

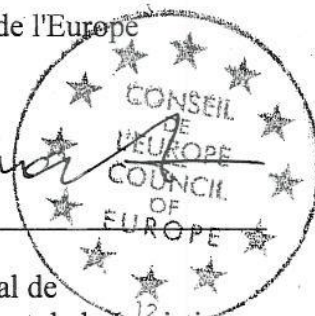
Pour la Caisse Commune des
Pensions du personnel des Nations-
Unies


Bernard Cochemé
Administrateur

À Strasbourg, France
le 31 mai 2007

Pour le Conseil de l'Europe


Mário Martins
Directeur Général de
l'Administration et de la Logistique





Ms Janice Dunn Lee
Acting Chief Executive Officer
United Nations Joint Staff Pension Fund

Strasbourg, 2 April 2019

Dear Ms Dunn Lee,

An agreement allowing the transfer of pension rights between the pension scheme of the Council of Europe and the United Nations Joint Staff Pension Fund entered into force on January, 1st 2007.

Contrary to the model agreement approved by the United Nations Pension Board in 2011, this transfer agreement does not cover officials on leave without pay, who are consequently excluded from the scope of the agreement and cannot benefit from a transfer of pension rights upon the end of their period of leave without pay.

In order to remedy this issue, and further to the exchanges between UNJSPF and the International Service for Remunerations and Pensions (ISRP) acting on behalf of the Pensions Administrative Committee of the Co-ordinated Organisations, I propose that the following provisions be mutually accepted as an extension of the scope of the transfer agreement between UNSJPF and the Council of Europe:

Leave without pay (LWOP)

Transfers of pension rights cannot be completed until formal separation from service and cessation of participation in the original Pension Scheme. Persons on secondment or loan are not considered separated and accordingly are not covered by the transfer agreement. Leave without pay status has to be terminated before pension rights are transferred.

If a person is on a leave without pay status for more than three consecutive years, during which no concurrent pension contributions are made, pension rights cannot be transferred under the framework stipulated below.

Transfer of pension rights is not permitted under the transfer agreement if the person contributes concurrently to both Pension Schemes during the LWOP period.

UNJSPF participant on LWOP

If a UNJSPF participant becomes affiliated to the pension scheme of the Council of Europe during a period of leave without pay from a UNJSPF member organization (not exceeding three consecutive years) and, upon the termination or expiration of such period, ceases to be affiliated to the pension of the Council of Europe and resumes contributory service in the UNJSPF without any break in participation, no benefit becomes payable but the provisions of Article 3 of the transfer agreement shall apply. However, the Parties acknowledge that the UNJSPF participant's status, rights or obligations as a Participant in either Party's Pension Scheme shall be determined by each Party in accordance with their respective Pension Scheme. Such period shall not count for the UNJSPF participant as contributory service in the UNJSPF under article 22 (b).

The provisions of Article 2 of the transfer agreement shall apply if, upon the termination of LWOP period, the UNJSPF participant ceases to be a UNJSPF participant and continues to be affiliated to the pension scheme of the Council of Europe and the former UNJSPF participant makes an election in writing to that effect within one year of the termination of LWOP period.

Affiliate to the pension scheme of the Council of Europe on LWOP

If an affiliate to the pension scheme of the Council of Europe becomes a UNJSPF participant during a period of leave without pay from the Council of Europe and, upon the termination or expiration of such period ((not exceeding the maximum period for LWOP when no contributions are made) without any break in affiliation, ceases to be a UNJSPF participant and resumes contributory service in the pension scheme of the Council of Europe, no benefit becomes payable but the provisions of Article 2 of the transfer agreement shall apply. However, the Parties acknowledge that the pension scheme of the Council of Europe affiliate status, rights or obligations as a participant in either Party's Pension Scheme shall be determined by each Party in accordance with their respective Pension Scheme. Such period shall not count for the affiliate of the pension scheme of the Council of Europe as periods of service in the pension scheme of the Council of Europe under Article 7 of the Rules governing the pension scheme of the Council of Europe.

The provisions of Article 3 of the transfer agreement shall apply if, upon the termination of LWOP period, the affiliate to the pension scheme of the Council of Europe ceases to be a participant in the pension scheme of the Council of Europe and continues to be a UNJSPF participant and the former affiliate to the pension scheme of the Council of Europe makes an election in writing to that effect within one year of the termination of LWOP period.

Transitional provisions

UNJSPF participants or affiliates to the pension scheme of the Council of Europe who had been on LWOP and later ceased to be UNJSPF participants or affiliates to the pension scheme of the Council of Europe may, on the same conditions and within twelve months of the date of this exchange of letters, elect to avail themselves of the provisions of the transfer agreement.

I would appreciate your confirmation to regard the present exchange of letters as a binding agreement on the interpretation and application of the provisions to which it refers.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Dangel". The signature is written in a cursive style with a large initial "D" and a trailing flourish.

Francis Dangel

Mr. Francis Dangel
Directorate General of Administration
Council of Europe
Avenue de l'Europe
F-67075 Strasbourg Cedex
France

20 February 2020

Subject: Exchange of Letters relating to the Agreement on the transfer of pension rights between Council of Europe and UNJSPF (DGA/(2019)59)

Dear. Mr. Dangel,

I acknowledge receipt of your letter of 2 April 2019 concerning the “*Agreement on the transfer of pension rights of participants in the United Nations Joint Staff Pension Fund and of officials in the Council of Europe*”, which entered into force on 1 January 2007.

I confirm that the provisions set out in your 2 April 2019 letter, which extend the scope of the transfer agreement to include officials on leave without pay, are acceptable to the United Nations Joint Staff Pension Fund.

Your letter of 2 April 2019 and this reply shall constitute a binding agreement on the interpretation and application of the transfer agreement, which comes into effect on this day.

Sincerely yours,



Rosemarie McClean
Chief Executive of Pension Administration