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**COMMISSION DECISION**

**of 18.12.2017**

**setting up a High-level group of experts on pensions**

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### setting up a High-level group of experts on pensions

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Whereas:

- (1) Article 153 of the Treaty assigned the Union the task of supporting and complementing the activities of the Member States in the field of the modernisation of social protection systems.
- (2) In accordance with the principle of subsidiarity, Member States should retain full responsibility for the organisation of their pension systems as well as for the decision on the role of the public and supplementary (occupational and personal) pillars in the pension system of individual Member States. Social partners have an important role in building up occupational pension provision, according to national practices.
- (3) Directive 2016/2341/EU of the European Parliament and of the Council<sup>1</sup> notes that a genuine internal market for occupational retirement provision is crucial for economic growth and job creation in the Union and for tackling the challenge of an ageing society. The Directive calls for appropriate action to further improve retirement savings such as occupational pension schemes which play an important role in the long-term financing of the Union's economy and in the provision of secure retirement benefits. The Directive calls on the Commission to take steps and gather stakeholders in order to promote occupational pensions, in particular on a cross-border basis.
- (4) Directive 2014/50/EU of the European Parliament and of the Council<sup>2</sup> notes that supplementary retirement provision is becoming increasingly important in many Member States as a means to secure people's standard of living in old age. The 2015 Pension Adequacy Report concluded that increased entitlements from supplementary retirement savings can, amongst other measures, offset or mitigate the impact of lower pensions from public schemes in some Member States.
- (5) The Council Conclusions on 'Adequate retirement incomes in the context of ageing societies' of 5 October 2015 state that declining income replacement rates from public pension schemes over the next 40 years will mean that for some Member States income maintenance after retirement will increasingly depend on supplementary pension provisions and savings.

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<sup>1</sup> Directive (EU) 2016/2341 of the European Parliament and of the Council of 14 December 2016 on the activities and supervision of institutions for occupational retirement provision (IORPs)

<sup>2</sup> Directive 2014/50/EU of the European Parliament and of the Council of 16 April 2014 on minimum requirements for enhancing worker mobility between Member States by improving the acquisition and preservation of supplementary pension rights

- (6) The 2018 Annual Growth Survey states that broad coverage of supplementary pensions can play a key role in retirement income provision, and should be promoted by appropriate means, depending on the national context.
- (7) Principle 15 of the European Pillar of Social Rights<sup>3</sup>, jointly proclaimed by the European Parliament, the Council and the Commission on 17 November 2017, states that workers and self-employed in retirement have the right to a pension commensurate to their contributions and ensuring an adequate income. Women and men shall have equal opportunities to acquire pension rights. Everyone in old age has the right to resources that ensure living in dignity.
- (8) The pensions forum set up by Commission Decision 2001/548/EC with the participation of social partners and stakeholders has served as a broad platform to discuss issues affecting supplementary pensions. The need to enhance the contribution of supplementary pensions to adequate old age incomes and to facilitate cross-border activities and transfers calls for a refocused debate.
- (9) It is therefore necessary to set up a High-level group of experts on pensions and to define its tasks and its structure.
- (10) Rules on disclosure of information by members of the group should be laid down.
- (11) Personal data should be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council<sup>4</sup>.
- (12) Decision 2001/548/EC<sup>5</sup> should be repealed.
- (13) It is appropriate to fix a period for the application of this Decision. The Commission will in due time consider the advisability of an extension.

HAS DECIDED AS FOLLOWS:

#### *Article 1*

##### *Subject matter*

A high-level group of experts on pensions, (“the group”), is hereby established.

#### *Article 2*

##### *Mission and tasks*

The mission of the group shall be to provide policy advice to the Commission on matters related to ways of improving the provision, safety through prudential rules, intergenerational balance, adequacy and sustainability of supplementary (occupational and personal) pensions in light of the challenges in the Union and the Member States affecting the adequacy of old age incomes and the development of the Union's pension market.

The group's tasks shall be, in particular:

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<sup>3</sup> C(2017) 2600 final

<sup>4</sup> Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data

<sup>5</sup> Commission Decision 2001/548/EC of 9 July 2001 on the setting-up of a committee in the area of supplementary pensions. Official Journal L 196 , 20/07/2001 P. 0026 – 0027.

- (a) to prepare an independent report providing analysis and policy advice relating to the role of supplementary pensions in contributing to adequacy of old age incomes and the development of their market in the Union. This task shall be carried out in two stages, as follows:
  - (1) the group shall identify and assess the main challenges related to the provision, adequacy and sustainability of supplementary (occupational and personal) pensions. It shall submit to the Commission an interim report no later than one year after the setting-up of the group;
  - (2) the group shall develop policy recommendations at Union level and a potential roadmap for implementation in light of the challenges identified in the interim report. It shall submit to the Commission a final report no later than 18 months after the setting-up of the group.
- (b) to promote exchange of best practices and mutual learning in Member States in relation to the promotion of supplementary pensions, in particular on a cross-border basis;
- (c) to contribute to the public debate on pensions, at the request of the Commission's Directorates General for Employment, Social Affairs and Inclusion ('DG EMPL') and for Financial Stability, Financial Services and Capital Markets Union ('DG FISMA').

### *Article 3*

#### ***Membership***

1. The group shall be composed of up to ten members with expertise in the policy areas referred to in Article 2, as follows:
  - (a) up to four individuals appointed in a personal capacity from among high-level academic experts;
  - (b) up to three individuals appointed to represent a common interest shared by stakeholders, in particular beneficiaries and pension institutions or their associations at the Member State or Union level.
  - (c) cross-industry social partners at Union level, representing both sides of the industry;
  - (d) the European Insurance and Occupational Pensions Authority (EIOPA).
2. Members appointed in a personal capacity shall act independently and in the public interest. Members appointed to represent a common interest shall not represent an individual stakeholder, but a policy orientation common to different stakeholder organisations.
3. EIOPA and the social partners at Union level shall nominate their representatives as follows and shall be responsible for ensuring that their representatives provide a high level of expertise:
  - (a) one representative of EIOPA;
  - (b) two representatives of cross-industry social partners at Union level, one representing each side of the industry.

4. Members who are no longer capable of contributing effectively to the expert group's deliberations, or who, in the opinion of the Commission department concerned, do not comply with the conditions set out in Article 339 of the Treaty on the Functioning of the European Union or who resign, shall no longer be invited to participate in any meetings of the group and may be replaced for the remainder of their term of office.

#### *Article 4*

##### *Selection process*

1. The selection of the group's members referred to in article 3.1 (a) and (b) shall be carried out *via* a public call for applications, to be published on the Register of Commission expert groups and other similar entities ('the Register of expert groups'). The call for applications shall clearly outline the selection criteria, including the required expertise and the interests to be represented in relation to the work to be performed. The minimum deadline for applications shall be four weeks.
2. Individuals applying to be appointed as members of the group in a personal capacity shall disclose any circumstances that could give rise to a conflict of interest. In particular, the Commission shall require those individuals to submit a declaration of interests ('DOI') form on the basis of the standard DOI form for expert groups, as set out in the Commission's horizontal rules on expert groups ('the horizontal rules')<sup>6</sup>, together with an updated *curriculum vitae* (CV), as part of their application. Submission of a duly completed DOI form shall be necessary in order to be eligible to be appointed as a member in a personal capacity. The conflict of interest assessment shall be performed in compliance with the horizontal rules.
3. Registration in the Transparency Register is required in order for individuals representing a common interest and for the social partners to be appointed.
4. The members of the group shall be appointed by the Commission's Directors General for Employment, Social Affairs and Inclusion and for Financial Stability, Financial Services and Capital Markets Union from specialists with competence in the areas referred to in Article 2. Members shall be appointed for 18 months. They shall remain in office until the end of their term of office. Their term of office may be renewed, shall the Commission decide an extension of the duration of the group set up by this Decision.
5. When defining the composition of the group, DG EMPL and DG FISMA shall aim at ensuring, as far as possible, a high level of expertise, as well as a balanced representation of relevant know how and areas of interest, while taking into account the specific tasks of the group, the type of expertise required, as well as the relevance of the applications received. Where individual experts are appointed, either in their personal capacity or to represent a common interest, DG EMPL and DG FISMA shall seek a geographical and a gender balance.

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<sup>6</sup> Commission Decision C(2016) 3301 of 30.5.2016 establishing horizontal rules on the creation and operation of Commission expert groups, see Article 11 and Annexes 4 and 5.

## *Article 5*

### ***Chair***

The group shall be chaired by a representative of the Commission, at Director level, provided alternatively by DG EMPL and DG FISMA.

## *Article 6*

### ***Operation***

1. The group shall act at the request of DG EMPL and DG FISMA, in compliance with the horizontal rules<sup>7</sup>.
2. Meetings of the group shall be convened by DG EMPL and DG FISMA and, in principle, be held on Commission premises.
3. Secretarial services shall be provided jointly by DG EMPL and DG FISMA. Commission officials from other departments with an interest in the proceedings may attend meetings of the group.
4. In agreement with DG EMPL and DG FISMA the group may, by simple majority of its members, decide that deliberations shall be public.
5. Minutes on the discussion on each point on the agenda and on the opinions delivered by the group shall be meaningful and complete. Minutes shall be drafted by the secretariat under the responsibility of the Chair.
6. The group shall adopt its opinions, recommendations or reports by consensus.

## *Article 7*

### ***Invited experts***

DG EMPL and DG FISMA may invite experts with specific expertise with respect to a subject matter on the agenda to take part in the work of the group as observers on an ad-hoc basis.

## *Article 8*

### ***Rules of procedure***

On a proposal by and in agreement with DG EMPL and DG FISMA, the group shall adopt its rules of procedure by simple majority of its members, on the basis of the standard rules of procedure for expert groups, in compliance with the horizontal rules<sup>8</sup>.

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<sup>7</sup> See Article 13.1 of the horizontal rules.

<sup>8</sup> See Article 17 of the horizontal rules.

## Article 9

### ***Professional secrecy and handling of classified information***

The members of the group and their representatives, as well as invited experts, are subject to the obligation of professional secrecy, which by virtue of the Treaties and the rules implementing them applies to all members of the institutions and their staff, as well as to the Commission's rules on security regarding the protection of Union classified information, laid down in Commission Decisions (EU, Euratom) 2015/443<sup>9</sup> and 2015/444<sup>10</sup>. Should they fail to respect these obligations, the Commission may take all appropriate measures.

## Article 10

### ***Transparency***<sup>11</sup>

1. The group shall be registered in the Register of expert groups.
2. As concerns the group's composition, the following data shall be published on the Register of expert groups:
  - (a) the name of member organisations; the interest represented shall be disclosed.
  - (b) the name of individuals appointed in a personal capacity;
  - (c) the name of individuals appointed to represent a common interest; the interest represented shall be disclosed.
3. All relevant documents, including the agendas, the minutes and the participants' submissions, shall be made available either on the Register of expert groups or via a link from the Register to a dedicated website, where this information can be found. Access to dedicated websites shall not be submitted to user registration or any other restriction. In particular, the agenda and other relevant background documents shall be published in due time ahead of the meeting, followed by timely publication of minutes. Exceptions to publication shall only be foreseen where it is deemed that disclosure of a document would undermine the protection of a public or private interest as defined in Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council<sup>12</sup>.

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<sup>9</sup> Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

<sup>10</sup> Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53).

<sup>11</sup> Individuals who do not wish to have their names disclosed may submit a request to DG EMPL and DG FISMA for a derogation from this rule. A derogation shall be granted where justified on compelling legitimate grounds in relation to the specific situation of the individual, in particular where disclosure of the experts' name could endanger their security or integrity

<sup>12</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

*Article 11*

***Meeting expenses***

1. Participants in the activities of the group shall not be remunerated for the services they offer.
2. Travel and subsistence expenses incurred by participants in the activities of the group shall be reimbursed by the Commission. Reimbursement shall be made in accordance with the provisions in force within the Commission and within the limits of the available appropriations allocated to the Commission departments responsible for ensuring the Secretariat under the annual procedure for the allocation of resources.

*Article 12*

***Repeal***

Decision 2001/548/EC is repealed.

*Article 13*

***Applicability***

This Decision shall apply until 17 December 2019.

The Commission may decide to extend the duration of the group once.

Done at Brussels, 18.12.2017

*For the Commission*

*Marianne THYSSEN*

*Member of the Commission*