

Bulletin

Information bulletin for members of the Association

September 2015

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Version française au verso

30.09.2015 NM/34/1523 EN

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Most of the articles of the Bulletin were written in French. Translation are from Yasmin Sözen, Rosalyn Tanguy and Helen James

Important notices

Bank account for the annual subscriptions:

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Please don't use the Post bank account any more

Changes of address

Many members forget to inform us of their change of postal address. A telephone call to +32 (0)2 475 472 470, or e-mail or note to our secretariat would avoid several weeks' gap in receiving news.

Your Internet address

Please don't forget to let us know your e-mail address. Many SEPS messages are sent by e-mail. The address used is <u>info@sfpe-seps.be</u>

The annual subscription has been increased to minimum €30

Decided at the GM of 13 December 2013

Forthcoming Information Meeting

IEC / CIE – Overijse Dennenboslaan, 54, 3090 Overijse Thursday 15 October 2015

Always according to the traditional pattern of 11:00 a.m. to 4:00 p.m.

- 10.15 a.m. sharp. Departure of the bus to Overijse
- 10:45 a.m. Arrival of the bus coming from Brussels
- Information relating to the SEPS-SFPE
- Taxes and inheritance
- Lunch (buffet) at Villa CIE Overijse
- Health insurance system information Relations with the PMO
- Help to retirees. New Meeting of volunteers
- Problems encountered by members
- Questions
- 4:15 p.m. Bus departure for Brussels

The starting point of the bus Eurobussing (metro Schuman exit Berlaymont → building Charlemagne / rue de Taciturne) will be confirmed (Email or tel.) to those who have reserved transport Brussels - Overijse and back. (It takes into account the roadwork of rue de la LOI)

Don't forget to contact the secretariat

- To reserve your lunch (€25)
- To reserve your transportation (€10)
- To indicate the number of accompaniying persons as well as their name, nationality and identity card / passport number.

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Payment for the lunch and the bus can be made in situ or to the SEPS-SFPE (see page 2)

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I. Letter from the editor

Back to Overijse! That is the decision taken by the Administrative Board for the information meeting of 15 October 2015. Holding this meeting at Van Maerlant was no longer possible². This decision has pleased several members but has also displeased others! If the organisation of this meeting proves satisfactory it is highly probable that the General Assemblies and the information meetings will in future be held at the European Inter-institutional Centre in Overijse, where the "Villa" has been totally refurbished. The complete renovation of the EIC will be terminated by the end of 2015.

It appears important to respond to the questions and proposals from several members relative to the possibility of an attestation of membership to JSIS, an insurance card desired by many, recognition of JSIS by the Member States, etc. The conclusions of the discussions with members of PMO/JSIS will not satisfy anyone, whether retired or active.

The survey on the degree of satisfaction of SEPS-SFPE members has not elicited much interest: only 6% of members concerned have replied. A very prudent statistical analysis

¹ Newslettr n° 15 of PMO – June 2015

has nonetheless been possible, despite the wide distribution of certain results. A summary is provided in this Bulletin but a more extensive report will be drafted separately.

The summer period has been noteworthy for the entry into force of a new European regulation concerning Inheritance matters and for important considerations concerning French taxes, which several of our members are required to pay. Herein Hendrik Smets offers you articles on these subjects.

Serge Crutzen

II. <u>Recognition of the JSIS in the Member</u> <u>States</u> Recognition of JSIS membership

Membership certificate

1. Members' questions

During SEPS-SFPE meetings members have asked many times about the recognition of the JSIS by national institutions/medical authorities in the Member States.

The question of assimilating the JSIS to a national health scheme is a recurring one.

In Belgium, some members, disappointed by the service provided by PMO, wonder why not join the national system (INAMI) by enrolling in one of the available mutuelles. In Spain, it is often easier to rely on the national system.

Members of the SEPS Committee propose setting up a relay sector with national institutions.

Numerous members wonder why the PMO cannot deliver a JSIS membership card like the national ones that are available (e.g. DKV, Inter-Partner,). Some pensioners still have their blue medical passport which was delivered in the 1990s and which certifies, in several languages, that the official in question is covered by the JSIS, and giving the various points of contact.

Following the same line of thought, why not add the notion of coverage and our personal details into the chip in our identity card (which has replaced the SIS card in Belgium).

In the absence of any of the above, without introducing new documents, why not ask PMO to periodically and systematically deliver a certificate of JSIS coverage to all pensioners, at the same time as other documents which are sent by post, for example, with the biennial letter or the monthly pension slip.

These are recurring questions. It needs to be explained, insofar as it is possible to do so, why they remain unanswered by PMO and to insist on certain solutions being implemented, which seem feasible.

2. Recognition of the JSIS on a parity with national schemes

Let's note the hopes of the CGAM as expressed in the 2013 Annual Report: The CGAM recommends taking all possible measures to eliminate inequality of treatment for JSIS members, as compared to members of national health schemes, by, in the first instance, obtaining the recognition of the JSIS as a national social security scheme by the various Member States; and secondly, by the adoption of an EU Regulation according the JSIS the status of a public health scheme.

In principle this seems an excellent idea. Member States would like nothing better! They would like to see the JSIS disappear and to force all officials and agents of the Institutions to join the national scheme in their country of work/residence; in fact, if the JSIS was placed on the same footing as national schemes, Member States would ask: in that case why not simply join your national scheme and pay contributions to the public system?

3. Relay sector with national/regional health schemes

Two members of the SEPS Committee suggest that the Association set up a relay sector with the various health schemes/regional representatives in each Member State to whom each pensioner could address themselves to establish his/her contact with the JSIS or the recognition of their sickness insurance status in case of urgent hospitalisation. This "co-operation" could be extended in order to include easier help for JSIS members in the areas of social help, health screening, help in the case of dependency, for the disabled, etc.

The independence of the SEPS and its centralization, as opposed to another organisation divided into national sections, would avoid this approach being seen as an evolution towards a national system.

It is likely that this procedure risks being seen as a tendency to grow closer to national schemes and to end up being converted into one.

The work needed to set this up is far from negligible and would again be based on finding as yet unidentified volunteers. It could however be an aspect of the discussions foreseen for 15 October 2015 (SEPS information meeting - Overijse - 11h-16h) and at a meeting of volunteers to follow the information meeting.

4. Membership of a national health scheme

It seems that for the past two years, many pensioners, unhappy with the service provided by PMO, would be in favour of joining a national system and abandoning the JSIS or only relying on it for complementary cover. The reasons for wishing such a change are the ease of access to national systems, the non-evolution of JSIS levels of reimbursement in the face of rising medical costs, the difficulty in obtaining recognition/renewal of serious illnesses, the strictness in the application of the rules, the difficulties encountered in trying to contact the

PMO for those living outside Brussels or Luxembourg, absence of support when incapacitated.

Every pensioner who has the possibility to do so is in principle entitled to join their national health scheme, but with the risk of perhaps finding themselves not as well covered, or in some circumstances, without any reimbursement at all for certain items. However it is not possible to cancel one's JSIS membership (obligatory under the Staff Regulations) even if one relies totally on the national health scheme.

In countries where medicine is free (e.g. Italy, UK....), the JSIS appears as being very much more comfortable! In other countries, in order to join a well-performing health scheme, one would need to pay a relatively high contribution (not to mention go through an initial waiting period).

This attitude towards a change of régime should not be supported. We would all lose out.

5. JSIS membership card or the use of the chip in our identity cards.

The paper card, in bank card format, containing just our names and PMO's contact details, issued a few years ago, satisfied nobody and is not well viewed by the national medical authorities.

The suggestion of a real electronic-type membership card has been made several times to PMO. There has been no progress. Various responses include the cost of the operation: in the current situation PMO has to use all available resources for the management of the scheme and to keep reimbursement times within reasonable limits. It is not necessarily certain that the Member States would even recognise such a plastic card in any case.

Once again, a general acceptance could be considered as evidence of an implicit equivalence of the JSIS to a national system.

On the Belgian level, any suggestion of including our JSIS membership in our identity card chip would have to be agreed with the competent national authority in charge of identity cards.

Again, whether it concerns an electronic membership card or the chip on our ID cards, each is linked to a national billing system in accordance with INAMI rules in Belgium. PMO/JSIS would have to adapt their procedures. It is not in a position, for the moment at least, to free up the necessary resources to develop such a new system.

In addition, as already pointed out above, INAMI imposes its own views and organisation which are not necessarily compatible with those of the JSIS and the GIP.

Another negative argument put forward by the PMO is that a large number of JSIS members have short-term contracts. However, this argument does not concern pensioners, the vast majority of whom remain covered by the JSIS for life.

Several Board members insist however that a firm request for a membership card be made again to PMO, or that everything should be done to include JSIS membership details in the chip on our ID cards.

6. Membership certificate

While waiting for a more satisfactory outcome, would it not be possible to systematically send a membership certificate, say once a year, or every 2 years, to each pensioner in the language of their country of residence, as PMO does for the protocol extract, the biennial letter or the monthly pension slip?

Such a certificate would need to be accompanied by an explanatory note.

During discussions with the Head of the Settlements Office, this idea was considered to be feasible. Its realisation would however require the availability of the necessary resources in PMO.3 in order to give the "prepared" documents to PMO.4 for distributing.

We should however continue to insist. This solution could be valuable while we wait for a proper JSIS membership card for pensioners.

7. Conclusion

There is not much likelihood of obtaining recognition of our scheme by Member States. Insisting too much on this recognition, either directly or indirectly, could backfire and there is a risk of alienating the Member States as regards our health scheme. It should be noted that during meetings organised by DG EMPLOI, the request to recognise the JSIS membership certificate was met with considerable aggression on the part of the Member States towards the JSIS!

The SEPS must continue discussions with the PMO. As pensioners, we can perhaps hope to systematically receive a membership document - either a card or a document. But we have to accept that whatever we receive is unlikely to be known or recognised all over the EU!

III. Your level of satisfaction with the services offered by PMO

Results of our survey of June 2015

A survey was launched by DG HR&S among active staff. This survey is intended to assess the level of satisfaction with the services offered by the Administrative offices of the Commission (OIB, OIL, PMO). The replies from the active staff should enable these services to improve the quality of their operations.

SEPS-SFPE feels that one part of this survey, the one concerning PMO, should also be addressed to pensioners. It is evident that pensioners are major users of the services of PMO/JSIS.

This part of the survey, adapted for the benefit of pensioners, was published in the June 2015 Bulletin.

Only 6% of members have replied to this survey, but the statistical results of several responses to specific questions are significant. However, the value of these results is limited.

General considerations

A first remark concerns the distribution of the replies. Every one responds as a function of his/her personal experiences and whoever has never had to be hospitalised is not able to make a judgement about the direct payment procedure. For some questions it is therefore possible to have 3 or 4 different levels of replies.

There is balance between the sexes. The majority of the replies are given by pensioners between the ages of 60-79. However 15% of the replies have been provided by pensioners over the age of 80.

70% of the replies concern the Reimbursement service in Brussels, 20% concern that of Ispra, and 10% that of Luxemburg.

Generally speaking, 20% of the participants did not respond to one or the other of the general questions.

Overall evaluation of all the PMO services

- Although this overall evaluation is not very representative, it is interesting to note that, given the different experiences of participants, there is a wide variety of appreciation.
- Pensioners have been much more critical about PMO-JSIS than about other PMO services. There are however many colleagues who did not respond to the questions on the other services of PMO (pensions, allowances), which results in a biased comparison.

PMO Contact

- 10% of our colleagues are not familiar with PMO Contact and 20% have never made use of it.
- Those who do use PMO Contact have done it or have attempted to do so via telephone, or by internet in equal proportion. Some have tried to use it by post, but without success.

- In the majority the contacts undertaken concerned reimbursement of medical expenses.
- 30% of colleagues say they are discontent/disappointed with this service. 40% are satisfied. The major criticism concerns the long response times.

PMO Pensions – Allowances

- The majority of pensioners are not concerned by allowances. Generally speaking, the section relating to pensions causes few problems. As a result, the majority of responses state 'no reply' to a good number of the sub-questions in this section.
- One can however say that there is true satisfaction with the pensions slip and with the contacts with the person indicated as responsible for one's pension.

PMO JSIS

Pensioners replied massively to the majority of questions relating to JSIS.

- Concerning the level of information provided by PMO-JSIS there are 33% who are satisfied, 33% are dissatisfied and 33% are indifferent.
- However, there are 70% who are dissatisfied with the level of explanation provided when a medical expenses claim is refused and only 10% are satisfied.
- 60% of pensioners are satisfied with the procedure for obtaining prior authorisation, whereas 25% are dissatisfied with it. However the results are different on the issue of the speed with which this authorisation is granted: 45% are dissatisfied against only 25% who are satisfied (and 30% are 'indifferent').
- As far as the speed of reimbursement of medical expenses is concerned, 35% are dissatisfied, 40% are satisfied and 25% are indifferent.

Overall satisfaction with PMO

The average mark given by pensioners to PMO-JSIS is 5.9 out of 10.

The distribution is however extreme: marks vary from 2/10 to 9/10. These results are essentially due to the varied experiences made by pensioners in as far as the reimbursement of medical expenses is concerned.

Supplementary questions put by SEPS-SFPE

- Of the SEPS-SFPE members who replied, 80% declared that they had had reimbursement requests refused. 85% of those did not consider the explanations provided to be adequately justified.
- 40% have undertaken, or have accepted (sometimes without realising this) a treatment from a clinic without having obtained prior authorisation. 60% declared they had waited for the authorisation before undertaking the treatment.

SEPS-SFPE

- 35% declare that they do not know where to find the information concerning the ceilings applied to medical reimbursements.
- 10% declare that they have not received the practical guide on the reimbursement of medical expenses, although PMO has sent this out to all pensioners by post.
- Only 35% of members who responded to the survey state that they use My Intracomm-Ext for information, but 50% go to My Intracomm to download the forms needed for the various medical requests.
- 65% of members who responded to the survey know that they can obtain the forms from SEPS-SFPE and that they can ask our association to put questions to the administration on their behalf or to send requests via PMO Contact on-line.
- Despite the information transmitted by the SEPS-SFPE bulletins, by the VOX (AIACE) magazine, by the bulletin SENIOR INFO (DG HR C1) and the administrative information N° 45 sent by post to all pensioners, 20% of those who responded to the survey say that they were not aware of the need to submit an official document (fiscal declaration in Belgium) for all reimbursement requests!
- 15% say they are not aware of reimbursement limits in medically expensive countries. 40\$ say they are not aware of the rule on excessive expenses which can be applied, namely in certain clinics in Brussels.
- Only 5% of participants state that their request for an extension to their serious illness had been refused.
- Only 6% of participants state that they have introduced a complaint under Article 90§2 and one participants states that (s)he won her/his case.

Remarks from participants to the survey

Many written remarks have been received. They illustrate the detailed results given above, but also often amplify the discontent or the reasons for the discontent. The most severe cases are briefly summarised hereafter:

- The lack of information relating to decisions taken by the 'Medecin Conseil', which appear to many participants as being unjustified or even arbitrary.
- The difficulty in making contact (especially with the reimbursement office in Ispra)
- The fact that these contacts are often unsatisfactory, even as there is comprehension that those setting the financial limits are not always to blame, as they are simply applying the decisions of the 'Medecin Conseil'.
- The overlong delays for medical reimbursements
- The procedure for the prior authorisation which potentially undermines the reimbursement of an urgent treatment
- The inefficiency and the administrative hurdles for prior authorisation requests and the refusals for reimbursement, which after iterations, often end up being accepted.
- The refusal to reimburse treatment but mainly medication which has however been prescribed by an officially recognised medical practitioner or institution.

Several remarks are directed at SEPS-SFPE to thank for the assistance provided to members who are often lost or overcome by the administrative demands, especially during a weekend when faced with an urgency.

These remarks are interesting. They merit a more detailed analysis in relation to the results of the questionnaire. SEPS-SFPE will undertake a specific report on this subject during the coming months.

IV. In response to certain criticisms of PMO/JSIS

During a meeting between the three settlement offices of Ispra, Luxemburg and Brussels on 9 July 2015, certain responses and affirmations were given by the Director of PMO, which are of interest to the subscribers to JSIS.

"Although the work load has been particularly heavy since several months as a result of the difficulties experienced at the beginning of the year", said our Director Marc Lemaître, "it is noteworthy that several colleagues have given up holidays in order to advance the workload. More particularly, as far as the delays for reimbursement are concerned we have now emerged from a very difficult period thanks to the mobilisation of colleagues of the settlement offices who worked during their Saturdays. In Luxemburg during the month of June all productivity records were broken. This is testimony, on the one hand, of the dedication of colleagues and on the other of the instrument ASSMAL2, which has proved to be very effective."

The Director also emphasised the need for improved anticipation in the communications policy towards subscribers. SEPS-SFPE has asked for this since 2013. In addition, the improved cooperation of subscribers could be developed through training courses specifically aimed at these subscribers.

In order to improve the situation, various avenues aimed at improved communication and cooperation between the settlement offices were explored, including the establishment of a list of priorities in order to render ASSMAL 2 more efficient.

To improve transparency in relation to subscribers, the reimbursement delays, first priority for the image of PMO/JSIS, can now be viewed on "JSIS on-line".

On 15 September 2015 these delays were given as:

For on-line requests:

• Brussels: the average delay of reimbursement³ is 31 days and we are currently dealing with requests which arrived on 21 August

³ This is about the delay of payment of the majority of normal requests. It is possible that some older requests are waiting for payment for a variety of reasons (complexity of the request, waiting for justifying documentation, waiting for the opinion of the 'Medecin Conseil'...)

We are aware that the of the abnormally long delay of the Luxemburg reimbursement office: all efforts are being made to improve this as quickly as possible.

- Luxemburg: the average delay of reimbursement is 50 days and we are currently dealing with requests which arrived on 03 August
- Ispra: the average delay of reimbursement is 18 days and we are currently dealing with requests which arrived on 04 September

For paper requests:

- Brussels: the average delay of reimbursement is 38 days and we are currently dealing with requests which arrived on 14 August
- Luxemburg: the average delay of reimbursement is 69 days and we are currently dealing with requests which arrived on 15 July
- Ispra: the average delay of reimbursement is 25 days and we are currently dealing with requests which arrived on 28 August

V. <u>The refugee crisis: call for a show of</u> <u>solidarity with the refugees</u>

Letter from DG HR C (Politique sociale et de santé)

In the last few weeks, the number of refugees reaching or transiting through EU Member States has increased dramatically. Thousands of them are now facing social and economic hardship in makeshift settlements.

The refugee crisis is at the top of the Commission's agenda. At the same time, the very difficult conditions which these individuals are now facing is a matter of deep concern to many staff, and Vice President Georgieva is encouraging all staff to join together to demonstrate solidarity with the refugees. As she underlines: "the world is watching us and it is time now for each and every one to take responsibility.

With the Vice President's support, therefore, we invite you to make a donation via Give Eur-Hope, the EU Staff Association dedicated to the fight against poverty and social exclusion, in support of the refugee crisis in Europe.

Please transfer your donations with the message "Refugees donation" to the following bank account IBAN BE74 3630 8495 9007 (BIC: BBRUBEBB) of Give Eur-Hope.

The donations received will be transferred quickly and in full to the International Red Cross and will be used to provide urgent humanitarian aid to refugees in greatest need. As with similar calls in the past, we will announce the amounts collected and transferred to the Red Cross, and will also report back on how the funds have been used. We hope that this initial demonstration of solidarity in the name of the staff of the EU Institutions will be followed by further contributions to Give Eur-Hope, in support of their longer term actions to facilitate refugees' installation.

VI. <u>Pensioners and administrative</u> regulations of the Commission

The view of one member of the SEPS-SFPE Administrative Board

This is a joke and indeed, even a very bad joke.

I battled with the procedure to request an ECAS account and also with the on-line one concerning the reimbursement requests for medical expenses (JSIS on-line).

But who are these pensioners of the Commission, of the Council, etc...? Those who have worked in these institutions for numerous years ???

EXTERNAL STAFF!!!!!

This is indeed the label which we must chose when connecting to JSIS on-line through ECAS! No use trying to click on European Commission ! We are "out" even though there are almost 21,000 of us now !

In addition, to my great surprise, this ECAS account is only valid for JSIS on-line; no question of using this ECAS-Pensioners account for accessing other websites of the Commission.

This label of "External" shocks me and scandalises me. I am not an "external", I am a retired civil servant or even, according the Administration's own language, a "post-active civil servant": a significant distinction.

This "Kleenex" policy, so disdainful of those who served for many long years, shocks me.

I have even read that we (retired externals) are obliged to seek the assistance of an active colleague in order to place an ad in the "Petites Annonces" at the Commission.

Currently it is useless to ask to use the institutions' car parks to park one's car when one is a pensioner who has to attend a meeting or a conference organised by the pensioners' associations! Not even once in one year.

Let us not speak of the difficulties in accessing the majority of the Commission buildings. Clear proof of this is the difficulty in organising our information meetings elsewhere than at Van Maerlant 2 and our decision to return to Overijse, which reopens in October.

Why have we accepted to be treated like perfect strangers?

SEPS-SFPE

Is it so complicated to give us secure internet access which provides wider intracomm access? Is it impossible to simply create a tab "Pensioners"? Are we really that dangerous?

Is it impossible to give us a service card which bears greater resemblance to that of active staff; for instance, the kind that is given to "contractual staff" at the Council ?

Can we reverse this trend? Is it really hopeless to try and get these European institutions to see reason? It would certainly be more respectful to consider us as pensioners rather than as externals !

I am hoping that the Administrative Board of SEPS-SFPE will take very strong action on this issue, but I fear that SEPS-SFPE and AIACE are unfortunately tied hand and foot when it comes to dealing with this inhuman administration.

VII. <u>Return to Overijse for the information</u> <u>meetings and the general meetings?</u>

The information meetings, which are more and more appreciated by the members of our association (as also by future members), can no longer take place in Van Maerlant, for several reasons.

The administrative board of SEPS-SFPE considers that 5 criteria need to be met for these meetings to be as successful as intended:

- 1. There must be a fully equipped meeting room, if possible even with projectors and at least a big screen
- 2. The premises should be able to offer a decent meal. The meal forms part of the attraction of these meetings for pensioners
- 3. A minimum amount of parking should be available (there are several members of the association who have impaired mobility).
- There must be a straight forward metro link in Brussels, and/or also with a SNCB station, either direct (i.e. within less than 200m from a station) or via a bus that we organise.
- 5. It should be possible for pensioners to enter the premises without too many formalities

Since September 2015, the organisation of meetings at Van Maerlant no longer satisfies criteria 2, 3, and 5.

After investigating alternatives we conclude that there are three possible solutions available (other intermediary solutions considered do not satisfy all 5 criteria):

- 1. Hotel Thon, Maelbeek metro station, perfect from all points of view, but the cost is €5000 for 50 persons
- Hotel Ibis Louvain-La-Neuve (LLN) (formerly Hotel Mercure), connection by bus (Eurobussing) between Charlemagne and LLN : all criteria are met as for Hotel Thon, but the cost for 50 persons is €3000, to which needs to be added the bus, partially paid for by the users.
- European Interinstitutional Centre of Overijse (EIC-CIE). The Villa has been refurbished and reopens at the beginning of October. Connection by bus (Eurobussing) between Charlemagne and Overijse. Perfectly satisfies all criteria listed above: cost for 50 persons: €2500 (+ bus partially paid for by the users) because EIC Overijse, though managed by OIB, imposes a rental cost for meeting rooms.

This meeting will be publicised so that, as in the past, the transport costs of the bus are more or less covered by the contributions from participants.

The budget of SEPS-SFPE should be able to cover some of these costs, knowing that participants will be asked to contribute €25 for the buffet and €10 for the bus. However, the importance of these meetings justifies this investment. These meetings are a particular feature of SEPS-SFPE.

We must continue these meetings. For the future, we can discuss the issues of the contribution of members and also the prices of Overijse. (It will, moreover, be interesting to see what other services, who make use of the Overijse facilities and who will need to pay for the meeting room, even without a meal, will have to say!)

If necessary, we can change the format of these meetings (for example, meeting in the afternoons only) but only after consulting with members. We could also reduce the meetings to 3 per year.

For the meeting of 15 October 2015, the members of the Administrative Board decided, virtually unanimously, to return to Overijse.

It is probable that the meeting of 10 December (General Meeting and information meeting) will also take place in Overijse.

VIII. <u>A single law applies to inheritance</u> <u>matters for the whole of Europe – summary</u>⁴

Hendrik Smets

Vice President of SEPS-SFPE responsible for legal issues (Original: French)

⁴⁴ A more detailed text on the same subject may be obtained on request from the SEPS secretariat

1. International or cross-border inheritances

These are the ones where

1) the deceased has died in country other than that of his nationality, where he had established his habitual place of residence, or

2) the deceased owned property in a country other than that of his nationality and other than his habitual place of residence

This represents about one inheritance in 10 in the European Union (1)

2. The legal situation before Regulation 650/2012

Until 16 August 2015, in the majority of the Member States of the European Union (EU)

- Moveable assets (money, jewellery, papers, paintings, etc..) were subject to the laws of the country where the deceased habitually resided
- Fixed assets were subject to the laws of the country where these assets were situated

3. Regulation 650/2012

On 4 July 2012 the European Parliament (EP) and the Council of the EU (the Council) adopted Regulation 650/2012 on transborder inheritances and the creation of an European inheritance certificate which came into force on 16 August 2015 (2) which is applicable in the EU with the exception of the United Kingdom, Ireland and Denmark, for inheritances resulting from death, that is resulting from a death without a will, with a will, possibly connective, or an inheritance pact.

4. Issues excluded from the application of the Regulation

- the rules concerning the disappearance, the absence or the presumed death, donations, life insurances, alimony other than that resulting from the death.

- Matrimonial and patrimonial systems

- Joint property with reversibility in favour of the surviving spouse, like the tontine or
- The matrimonial system of universal community such as exists in French and Belgian law

- Trusts (foundation) except where the trust is constituted by virtue of a will or of the law in connection with an inheritance ab intestate (i.e. without a will).

5. How the Regulation operates

a) the applicable law: the competent legal entity

The Regulation foresees that from now on cross-border inheritances will be subject in all the Member States to one single legislation:

- Either the legislation of the country where the deceased habitually resided

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- Or the legislation of the nationality of the deceased if the latter has chosen his national law through a written decision (profession juris).

If the legator possesses several nationalities, he will choose the inheritance law which is the least onerous.

b) jurisdictions: the competent legal entity

1a) the jurisdiction of the Member State in which the deceased resided habitually at the moment of his death will be solely competent for decisions relating to all aspects for the resolution of an inheritance.

1b) If, in the absence of choice, the habitual residence of the deceased is situated in a non-EU country, but if the deceased owned inheritable possessions in a Member State, the jurisdictions of that Member State will be competent to decide on the totality of the estate.

2) If the law chosen by the deceased is that or a Member States, its tribunals will be responsible:

- If all the parties agree that these jurisdictions are exclusively competent to decide on the inheritance, or

- if, at the request of one of the parties the tribunal declines its competence, if it considers that the jurisdictions of the Member State whose laws have been chosen for being better placed to decide on the inheritance because that is where the legatees reside or where the estate is located.

6. Rules of inheritance

The designated law will determine all the aspects of the inheritance: the timing and location of the start of the inheritance procedure, the designation of the legatees, their rights, the distribution of the shares and the debts, the right to inherit, the acceptance or the refusal, the portion of the estate of which the testator may dispose at his discretion, the part of the legacy which cannot be withheld from the rightful heirs, the income and the reduction of the shares, the sharing of the estate, the pact on future inheritance.

7. The notion of public order

In the majority of EU legislations the legatees in direct line of succession: parents and children, as also the spouse, benefit from a provision whereby a part of the legacy cannot be withheld from the rightful heirs by the testator. This provision does not exist in Anglo-Saxon law.

British law will be applied to the inheritance of an European subject living and dying in London, whereby the provisions for the untouchable portion of the estate both with respect to the rights of testator and to the rights of the legatees are rendered nul and void.

8. The issues excluded from the Regulation

Fiscal, customs and administrative issues are excluded from this Regulation.

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The consequences of this exclusion and warning to readers

Even if the duality between movable and fixed assets has been removed by this Regulation, a duality may persist between the fiscal laws which are applied to the inheritance and the laws applicable to the inheritance itself.

The fiscal laws to be applied will be those of the Member State in which the deceased had his final habitual residence. This is why, for instance, France and Belgium may apply inheritance taxes for fixed assets situated elsewhere than within their respective borders.

However, it will be the inheritance laws which will determine the inheritance tax base (3).

To familiarise yourself with the inheritance laws of the various Member States, you may consult <u>www.successions-europe.eu</u>.

9. The European inheritance certificate

The Regulation has created a European inheritance certificate which will be accepted, without further formalities, in all the 25 Member States. It will be valid for 6 months.

The European Commission has already elaborated the text of the certificate with its executive decision n/ 1329/2014 of 9 December 2014.

This certificate will take the aspect of an authentic act by which a person can claim his rights within these Member States as heir, as legatee, as executor, our to justify his powers as administrator of an inheritance. (4)

It is unanimously agreed in France that the solicitor is competent to establish a European inheritance certificate. (5)

This is however not the opinion of Belgian experts. A new law will be necessary which authorises Belgian solicitors to deliver this European certificate (6). This law is said to be in preparation.

11. Conclusion

"The entry into force of the European Regulation on international inheritances is a date to be marked with a white stone" commented Jean Tarrade, QC, Chairman of the Council of Solicitors of the European Union (CNUE).

However, from the presentation above it is evident that many problems will need to be resolved by the indispensible cooperation between the jurisdictions and the European solicitors.

"The informed solicitor will take account of the provisions of the new European Regulation every time he is consulted y a client who demonstrates various foreign connections" (7)

The solicitor should explain to him that if he habitually resides outside his own country, he has the option to choose the inheritance laws of his nationality.

"It is also the duty of the counselling solicitor (Belgian) to suggest to the future deceased to verify with a foreign solicitor if the foreign laws on inheritance (laws of the nationality of the future deceased) do not correspond better with his needs (8)

Notes

(1) Joëlle Garriaud-Melan "International inheritances: applicable rules and fiscality", Ed. Sénat de France – February 2015 – p1

(2) EU Regulation n° 650/2012 EP and Council of 04.07.2012, Official Journal of the European Union, 27 July 2012, L. 201/107

(3) Catherine Makosso – The new European regulations concerning international inheritances – Chevreux Notaires – 01.01.2014 – DPA – DMA – p.7

- (4) Catherine Makosso idem p.5
- (5) Samanta Rosala the European Regulation on Inheritances (eu) La Grande Bibliothèque de Droit – 9 July 2015
- (6) Jean-Louis Boxtael the European Interitance REgulation Revue du Notariat Belge December 2013 p.858

(7) Nicolas Geelhand de Merxem – the new international private law concerning inheritances : already useful? – Revue pratique du Notariat Belge - July 2013 – p.476
 (8) Nicolas Geelhand de Merxem , idem p.47

IX. <u>Analysis of the Local Staff Committee</u> <u>elections of the Commission, in June</u> <u>2015</u>

In connection with the remarks made in June, it is important to note that the new local Staff Committee of the Commission in Brussels is now constituted by almost 50% by colleagues recruited after 2004.

These colleagues will certainly be tempted to pursue the proposals of "Generation 2004"⁵. The defence of the interests of retirees will be more and more difficult within this local staff committee of Brussels, even though 75% of the votes voted in favour of the 'traditional' staff unions: however, these unions introduced post-2004 civil servants and agents to their lists in order to achieve a result.

However the Central Staff Committee of the Commission is less influenced by this "Generation 2004" result than the local Staff Committee of Brussels, given the distribution of the staff among all the available seats.

	All representatives		Post-2004	
				Representatives
Unions	Top of the list votes	Preference votes	Seats	Seats

⁵ Cf February, April and June 2015 Bulletins: divisions among the staff SEPS-SFPE September 2015 Bulletin

			Titulars	Substitute	Titulars	Substitutes
G 2004	5	2	7	7	7	7
R&D	3	2	5	5	3	1
US	3	1	4	4	2	0
U4U	3	1	4	4	1	1
FFPE	1	1	2	2	1	2
Save Europe	1	1	2	2	1	
SFE	1	1	2	2	0	
TAO-AFI	1	0	1	1	0	
Total			27	27	14	11
Total			Ę	54		25

NB: No seats were obtained by SFIE, 30+, UG Europe and ISCA

X. Letter of « Generation 2004 » to

Vice-president Kristina Georgieva

Following the elections of the Staff Committee to the Commission - Brussels, "Generation 2004" sent a letter to the Vice President Georgieva (Appendix 2) highlighting their electoral success and therefore the validity of their claims :

The raison d'etre of Generation 2004 has always been very clear i.e. - to restore a fair equivalence between the careers of colleagues recruited before and after 01 May 2004, based solely upon fact-based analysis.

From the comprehensive manifesto with which Generation 2004 won the recent elections, we believe that the following points merit your immediate attention in the following order of priority:

- 1. Stopping immediately the waste of scarce budgetary resources on artificial senior advisor/assistant positions
- 2. Recognising formally the 2004 career-gap and assessing the impact of the 2004 reform after a decade
- 3. Revising the promotions system to close the career gap and discriminating positively in favour of post-2004 staff and
- 4. Designing a career system which actually promotes merit, performance, qualifications and experience

Note:

It is clear that the recent departure of the president of "Generation 2004" and its future replacement will not change the claims of the union. Even when it will be found with some satisfaction that they no longer speak of our pensions

XI. Information – Questions from members

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1. Reminder and additional information from PMO⁶

Questions regarding your pension? Consult the new guide

When I retire, will I still be entitled to the household allowance? Will my spouse be covered by the JSIS? Will my moving costs be reimbursed? If I have an accident, will my medical costs be reimbursed at 100%? What happens to my special identity card?

The recently updated <u>Pensions Guide</u> has all the answers!

You can download it from My Intracomm-Ext (<u>https://myintracomm-ext.ec.europa.eu/retired/fr/Pages/index.html</u>)

or ask for it at the SEPS secretariat.

The aim of this Guide is to help you find your way through the various provisions of the Staff Regulations and the other rules and regulations applying to your pension, and to provide other useful information about whom to contact for further details or in the event of a dispute.

Any suggestions for improvements to this Guide can be sent to the Pensions Unit (PMO/4). Fax: +32.2.2965373 or PMO Contact: <u>https://ec.europa.eu/pmo/contact/</u>.

What to do if you fall ill or have an accident when travelling abroad

Since it pays to be prepared, please remember to save these 3 links or pack these 3 documents in your suitcase:

- 1. **The proof of membership** of the Joint Sickness Insurance Scheme (available in all 23 official EU languages from the JSIS online portal);
- The accident report form: the accident insurance covers officials or members of the contract or temporary staff. For retirees, who no longer enjoy specific accident insurance⁷, it may be important to complete this declaration if third parties are involved.
- 3. **The direct billing form**: if you need to be admitted to hospital, costs will be settled by the JSIS directly, following approval of the direct billing.

You should also consider taking out travel assistance insurance.

This will cover the costs not included in the JSIS direct billing (transport costs or repatriation) or the part of the costs to be borne by you. This last part can turn out to be quite costly in some countries where healthcare is expensive (Norway, United States, Canada and Switzerland).

⁶ Newslettr n° 15 of PMO – June 2015

⁷ For retirees, accidents are covered by JSIS as if it were a disease SEPS-SFPE September 2015 Bulletin

This additional insurance can also be useful in hospitals which do not accept direct billing and require immediate payment

Physiotherapists, osteopaths and chiropractors: different prescriptions

<u>These treatments</u> are not equivalent, which means that a medical prescription for physiotherapy is not valid for sessions with an osteopath or chiropractor and vice versa.

The prescription must state the type of treatment, the number of sessions and the medical grounds.

Furthermore, these treatments will only be reimbursed if they are carried out by practitioners who are professionally qualified and legally recognised in the country where the treatment takes place.

Prior authorisation is required for dermatology treatments

Any laser treatment, hair removal, phototherapy, cosmetic treatment, carried out by a dermatologist requires <u>prior authorisation</u>. The request for prior authorisation must be submitted before treatment is started and must contain a duly motivated medical report and pictures of the areas to be treated. When your treatment is approved, you will be able to claim reimbursement of the costs incurred⁸.

Your child is finishing or taking a break from his/her studies?

Any change in your child's situation (gap year, military or civilian service, a break from their studies, etc.) must be notified to the PMO or your Agency's HR team.

Prompt notification is essential to avoid running up debts. As long as the administration has not processed the change to your situation, you will continue to receive family allowances to which you may no longer be entitled. Any allowance or benefit unduly received will be recovered retroactively.

To find out more about the information to be provided to the PMO, the effect of the change on your entitlements, the procedure to be followed, etc., please refer to $\frac{PMO \text{ Newsletter}}{n^\circ 9}$.

Your child is in education and is getting married

However, it must wait for authorization in order to send the refund request

⁸ Which implicitly means that you can take the risk to get treatment before receiving authorization (or denial!) But the authorization request must be made prior to any treatment.

If your dependent child gets married during his/her studies it may have an effect on your financial entitlements, so you should <u>inform the PMO</u> who will take a decision on the basis of the situation of your child's spouse.

- If your child's spouse works or is receiving unemployment benefits, your child will
 no longer be considered your dependent. The education allowance, the dependent
 child allowance, and if applicable the household allowance, will be withdrawn from the
 first day of the month following the date of the marriage.
- If your child's spouse is still in education, you should send a copy of a school attendance certificate for your child's spouse in order to extend the entitlement to family allowances until the end of the period covered by the certificate. The situation will be reviewed the following year, on the basis of a new school attendance certificate for your child's spouse.
- If your child's spouse is unemployed and not receiving unemployment benefits, you should submit a certificate stating the date on which the spouse signed on as a job seeker in order for your child to continue to be your dependent. The entitlement has to be renewed every three months.

2. Exemption from French social contributions

Hendrik Smets

Vice-President responsible for legal matters

This message is intended for SEPS members which must meet the French State in respect of contributions, whether they are tax resident in France or is that they have income from assets in France.

You have probably been informed of the progress of actions against the French government regarding the CSG (generalized social contribution) and the CRDS (contribution for the repayment of the social debt). The DG HR Newsletter (Info Senior No. 7) and AIACE gave information about it.

In response to questions from several of our members, Hendrik Smets, vice president in charge of Legal Affairs, offers a fuller briefing note

Up to now, revenue from property held by persons resident in France for tax purposes (e.g. A French European civil servant working in Brussels) and, since 2012, income of nonresidents from buildings situated in France, have been subject to French social contributions (General Social contribution (CSG) and contribution to the reimbursement of the social debt (CRDS and assimilated contributions). In its judgement of 26 February 2015, the EU Court of Justice declared such persons exempt from these social contribution provided they were covered by a different social security system from the French scheme.

France's Council of State confirmed this interpretation in its decision of 27 July 2015.

Despite the fact that the judgement and decision concerned only workers or persons benefiting from social allocations, pensioner or otherwise, who were nationals of the Member States covered by their own country's social security system and not European civil servants or pensioners covered by the JSIS, such persons should also be exempt, if only for reasons of equal treatment.

In June 2015, the Commission lodged a case against the French State to determine whether that State would accept the case law of the Court of Justice and the State Council in favour of European civil servants as well. It is expected that the answer will come in September. If it does not come, the Commission will continue the infringement procedure against France.

Meanwhile, those concerned may already request reimbursement for the years 2012, 2013 and 2014 as well as exemption for 2015. The Commission's advisory barrister, Mr Buekenhoudt, has produced some model letters to send to the French tax authorities and to banks/insurance companies that deduct at source.

The letter to the tax authorities is the same whether persons be resident in France for tax purposes or not. In order to make things easier for non-residents, Mr Buekenhoudt has provided the address. Those resident in France for tax purposes should address their claim to the tax office that requested the contributions.

Persons concerned may contact our secretariat to obtain copies of the relevant letters and the Court of Justice's judgements as well as the decision of the State Council.

3. Afilitys dedicated insurance broker in Luxemburg

For healt insurance policies, Cigna (formerly Vanbreda International) is recommended by Afiliatys but to study which other insurance policies are likely to correspond best to your personal, family and financial situation a brooker has to be addressed in your country of residence.

The <u>strategy</u> adopted by Afiliatys and seconded by both Vanbreda Risk and Benefits (Brussels) and Vanbreda & Lang (Luxemburg) is based on the following essential principles:

- The value of an insurance policy is its capacity to cover a risk, which has been assessed methodically and reliably. The cost of the insurance policy is of course also a consideration, but not the main one.

- The party concerned is not always well informed about the risks to be considered nor about the possible insurance policies and their limits
- The party concerned should be able to rely on a reliable broker to guide him/her in his/her choices
- In the event of a disaster, this broker should follow a repair claim through to the end. This task confers greater responsibility on the broker for the advice he gives relative to the choice of insurance.

The main insurance policies which are considered are for your property, your various responsibilities, your legal protection, your car ...

In Luxemburg, contact Vanbreda & Lang Tél : 46 54 03 Fax : 46 54 04 Email : <u>eu-lux@vanbredalang.lu</u> Url : <u>www.vanbredalang.lu</u>

4. <u>Music Circle</u>

At the request of Monique THEATRE, DGHR C1, responsible for the sector "Alumni Relations", we show you a message from the Music Circle:

The purpose of the European Music Circle is to create a forum for musicians working in or with family connections to the European Institutions. We encourage musicians of all levels, from beginners to advanced, to come along and play chamber music together in a friendly atmosphere.

Therefore, we propose an exchange of information that could be an opportunity to find an accompanist or fellow-musicians to form a chamber group.

If you, or any of your friends or colleagues would be interested in such a project, could you please give us the following information and agree on the fact that it will be given to the list of our members only :

- Your/their e-mail address, commune and telephone number

- Instrument(s)/voice and at which level. Conventionally, the level goes from D (beginner) to A (excellent) and P is professional.

XII. <u>Annexes</u>

Annexe 1

In memoriam

See annex 1 of the French version

Annex 2.

Letter of « Generation 2004 » to Vice-President Kristalina Georgieva

Brussels 16 July 2015

Our Mandate is Your Mandate

Dear Vice-President,

Following the results of the Brussels Local Staff Committee elections, I am honoured to address to you this note on behalf of all those who have trusted Generation 2004 with their vote and post-2004 colleagues in general.

The *raison d'être* of Generation 2004 has always been very clear i.e. - to restore a fair equivalence between the careers of colleagues recruited before and after 01 May 2004, based solely upon fact-based analysis.

Our rallying call for these elections was likewise unambiguous and very specific i.e. - for post-2004 colleagues to send a strong message of disenchantment to the Commission and in particular to you as our Commissioner.

Colleagues have responded to this call and they have done so in a most convincing manner by returning Generation 2004 with almost 26% of the vote, making Generation 2004 the staff association with the highest individual representativity not only in Brussels, but across the whole Commission.

This result should be seen as no surprise since it tallies with the high level of discontent resulting from the recent Staff Survey where 49% of staff do not think the relation between their performance and career progression is satisfying with many comments specifically addressing a difference in treatment between pre and post-2004 staff.

In turn, this high level of discontent should be even less surprising when you ponder the distorted staff structure which was left to develop, unchecked, over the past decade; a scenario which is not only difficult for colleagues to rationalise but which – more dangerously – is practically impossible to justify to the external world: Member States, European Parliament and EU taxpayers in general.

As we have had the opportunity to appreciate since you took this office, we are highly confident that whilst turning back the clock is not realistic, you do have genuine intentions to undertake significant corrective measures.

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Following the settling-in period of the new Commission and the recent clarification on the political landscape of the elected staff representation, it is now time to pass from words to actions.

From the comprehensive manifesto with which Generation 2004 won the recent elections, we believe that the following points merit your immediate attention in the following order of priority:

- 1. Stopping immediately the waste of scarce budgetary resources on artificial senior advisor/assistant positions
- 2. Recognising formally the 2004 career-gap and assessing the impact of the 2004 reform after a decade
- 3. Revising the promotions system to close the career gap and discriminating positively in favour of post-2004 staff and
- 4. Designing a career system which *actually* promotes merit, performance, qualifications and experience

Dear Vice-President, the strong mandate obtained by Generation 2004 in the recent staff elections is also *your* mandate.

The responsibility placed by this mandate on our shoulders is also your responsibility as the Commissioner in charge of the Commission's most precious resource – it's staff.

Beginning with our meeting with you tomorrow, we stand committed to work hand in hand with you and all *bona* fide stakeholders by contributing our analysis, ideas and detailed, realistic proposals.

Otherwise, how can we *honestly* aspire to heal a limping European project if the very heart of that same project is seriously ailing?

Stefan Grech

Chair, Generation 2004

Files and documents available. Order form

Please send this reply slip to the secretariat

I should like to receive the English edition of the following documents

SEPS Vade-mecum

Part 1 (Procedures – edition august 2015 <u>FR only</u>)	
Part 2 (forms /pers. data)	0
Part 3 (addresses PMO – ADMIN) Edition September 2015	0
Part 4 (reimbursement forms – RCAM/JSIS) (April 2015)	0
Supplementary health insurances Edition April 2015	0
Invlidity allowance and survival pension (Hendrik Smets)	
Orphan survivor's pensions (Hendrik Smets	0
EU Officials and taxation (Me. J Buekenhoudt)	
Inheritance (Me. J Buekenhoudt)	
JSIS Guide (was sent by poste to all pensioners)	

Please send these documents to :

Surname.....

First name

Address :

.....

Date : Signature :

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