

Pension Benefit Guaranty Corporation

75-73

July 14, 1975

REFERENCE:

[*1] 4043(b)(8) Reportable Events. Mergers, Consolidations & other Transfers of Plan Assets

OPINION:

This is in response to your letter of June 11, 1975, concerning the proposed merger of the * * *

As I understand the pertinent facts, the * * * Corporation proposes to merge into itself * * * * * its wholly-owned subsidiary and, upon the effectiveness of this merger, merge the * * * Plan into the * * * * * All assets and obligations of the * * * Plan will be transferred to the * * * Plan and all participants in the * * * Plan will become participants in the * * * Plan. You indicated that the merger of the * * * Plan into the Plan will be in compliance with Section 208 of the Employee Retirement Income Security Act of 1974 (the "Act"). Because the trustee of the * * * Plan indicated that it will not transfer the * * * Plan's assets to the trustee of the * * * Plan until this Corporation has approved the merger and transfer, you asked for confirmation of your opinion that such PBGC approval is not required under the Act.

PBGC approval is not required before the proposed merger and transfer may be effected. As you noted, however, the facts you described do constitute a "reportable event" [*2] as described in Section 4043(b)(8) of the Act and must be reported to this Corporation as required by Section 4043(a) of the Act. This notice of a reportable event should be sent to * * * * * and should contain the following information:

- (1) Copy of * * * Plan and trust agreement with amendments;
- (2) Copy of * * * Plan and trust agreement with amendment;
- (3) * * * Plan balance sheet; and
- (4) * * * Plan balance sheet.

If you have any questions concerning the reportable events filing procedures, you should contact * * * at * * *

If I can be of any further assistance, please feel free to contact me.

Henry Rose
General Counsel