Proskauer

PBGC Technical Update on Accelerated Premium Filing Due Dates for 2025

Employee Benefits & Executive Compensation on **January 17, 2025**

As described in further detail below, absent Congressional action, plan sponsors should take note that PBGC premium filings will generally be due one month earlier than usual for plan years beginning in 2025. This modification only applies for 2025.

Under ERISA Section 4007, the PBGC determines when premium filings—the submission of required data and payment of any required premiums for PBGC-insured plans—are due. Accordingly, PBGC Regulation Section 4007.11 provides that, in most cases, the premium filings for a plan year are due the "fifteenth day of the *tenth* calendar month that begins on or after the first day of the premium payment year."

However, Section 502 of the Bipartisan Budget Act of 2015 ("BBA of 2015") provides that, notwithstanding ERISA Section 4007 and the corresponding PBGC regulation, *for plan years beginning in 2025 only*, premium due dates are accelerated by one month to the "fifteenth day of the *ninth* calendar month that begins on or after the first day of the premium payment year."

Technical Update Number 25-1 released by the PBGC on January 6th provides further information on the timing of premium payments under the BBA of 2015 for plan years beginning in 2025, including clarification that this accelerated nine-month timeline applies to *all* premium due date rules in 2025 (including the special due date rules under the PBGC regulation for new plans and short plan years). The Technical Update also indicates that information regarding these special filing due dates for 2025 will be incorporated into the PBGC's forthcoming 2025 Comprehensive Premium Filing Instructions.

It is important to note, however, that this special acceleration period for 2025 does not supersede PBGC's disaster relief policy—which, for plans affected by a disaster, generally extends premium filing due dates to correspond with any disaster-related extensions of Form 5500 due dates by the IRS—nor does it supersede any of the PBGC's general filing rules for due dates that fall on weekends or Federal Holidays.

For illustrative purposes, a calendar year plan beginning January 1, 2024, had a premium filing due date of October 15, 2024, under ERISA Section 4007 and the corresponding PBGC regulation. However, pursuant to the special acceleration provision under the BBA of 2015, for 2025, the same plan will instead have an accelerated premium filing due date of September 15, 2025. The Technical Update includes a full chart for plan years beginning in 2025, which is reproduced below.

Date Plan Year Begins	Due Date
1/1/2025	9/15/2025
1/2/2025 – 2/1/2025	10/15/2025
2/2/2025 – 3/1/2025	11/17/2025*
3/2/2025 – 4/1/2025	12/15/2025
4/2/2025 – 5/1/2025	1/15/2026
5/2/2025 – 6/1/2025	2/16/2026*
6/2/2025 – 7/1/2025	3/16/2026*
7/2/2025 – 8/1/2025	4/15/2026
8/2/2025 – 9/1/2025	5/15/2026
9/2/2025 – 10/1/2025	6/15/2026
10/2/2025 – 11/1/2025	7/15/2026
11/2/2025 – 12/1/2025	8/17/2026
12/2/2025 – 12/31/2025	9/15/2026

> * The 15th day of the ninth month on or after the first day of the plan year falls on a weekend or federal holiday.

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Finally, Technical Update Number 25-1 comes with a warning: because of anticipated increased costs and burdens on plan sponsors, a repeal of Section 502 of the BBA of 2015 has been on the legislative agenda for the past eight years. So, a mid-year repeal of the accelerated premium filing schedule by Congress is possible. The PBGC pledges to "revise the premium filing instructions and notify practitioners as quickly as possible" if such a repeal occurs.

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