

Articles of Association of the Versorgungswerk in the Land of North Rhine-Westphalia

(non-binding convenience translation)

Notice of the Minister of Justice of the Land of North Rhine-Westphalia of 16 July 1985, JMBl. NW No 15 of 1 August 1985, p. 172;

amended by

the 1th Amendment of the articles of association as published on 17 February 1986, JMBl. NW No 6 of 15 March 1986, p. 69;

the 2th Amendment of the articles of association as published on 30 March 1987, JMBl. NW No 9 of 1 May 1987, p. 98;

the 3th Amendment of the articles of association as published on 17 October 1988, JMBl. NW No 21 of 1 November 1988, p. 243;

the 4th Amendment of the articles of association as published on 27 August 1990, JMBl. NW No 20 of 15 October 1990, p. 231;

the 5th Amendment of the articles of association as published on 22 August 1991, JMBl. NW No 18 of 15 September 1991, p. 217;

the 6th Amendment of the articles of association as published on 20 August 1992, JMBl. NW No 19 of 1 October 1992, p. 222, with corrigendum to § 11 (1) (2) as published in JMBl. NW No 22 of 15 November 1992, p. 255;

the 7th Amendment of the articles of association as published on 16 February 1993, JMBl. NW No 6 of 15 March 1993, p. 62;

the 8th Amendment of the articles of association as published on 29 April 1996, JMBl. NW No 11 of 1 June 1996, p. 121;

the 9th Amendment of the articles of association as published on 10 April 1997, JMBl. NW No 10 of 15 May 1997, p. 111;

the 10th Amendment of the articles of association as published on 8. December 1997, JMBl. NW No 1 of 1 January 1998, p. 2.

the 11th Amendment of the articles of association as published on 23 October 2000, JMBl. NW No 24, p. 281 et seq.,

the 12th Amendment of the articles of association as published on 5 September 2001, JMBl. NW No 20 of 15 October 2001, p. 234;

the 13th Amendment of the articles of association as published on 17 October 2002, JMBl. NW No 22 of 15 November 2002, p. 250;

the 14th Amendment of the articles of association as published on 8 November 2004, JMBl. NW No 23 of 1. December 2004, p. 266;

the 15th Amendment of the articles of association as published on 6 May 2005, JMBl. NW, No 11 of 1 June 2005, p. 137,

the 16. Amendment of the articles of association as published on 6. December 2005, JMBl. NW, No 1 of 1 January 2006, p. 4;

the 17th Amendment of the articles of association as published on 23 March 2007, JMBl. NW No 8 of 15 April 2007, p. 88,

the 18th Amendment of the articles of association as published on 7. December 2007, JMBl. NW No 1 of 1 January 2008, p. 13,

the 19. Amendment of the articles of association as published on 11 March 2008, JMBl. NW No 8 of 15 April 2008, p. 86;

the 20th Amendment of the articles of association as published on 16. December 2008, JMBl. NW No 2 of 15 January 2009, p. 13,

the 21. Amendment of the articles of association as published on 6 July 2009, JMBl. NW No 16 of 15 August 2009, p. 184;

the 22th Amendment of the articles of association as published on 7 July 2010, JMBl. NW No 15 of 1 August 2010, p. 249,

the 23. Amendment of the articles of association as published on 26 July 2011, JMBl. NRW No 16 of 15 August 2011, p. 255;

the 24th Amendment of the articles of association as published on 7 August 2012, JMBl. NRW No 16 of 15 August 2012, p. 197,

the 25. Amendment of the articles of association as published on 16 August 2013, JMBl. NRW No 17 of 1 September 2013, p. 218;

the 26th Amendment of the articles of association as published on 10 March 2014, JMBl. NRW No 7 of 1 April 2014,

the 27th Amendment of the articles of association as published on 13 August 2015, JMBl. NRW No 16 of 15.08.2015, p. 322

the 28. Amendment of the articles of association as published on 1 September 2016, JMBl. NRW No 18, 15.09.2016, p. 287.

the 29th Amendment of the articles of association as published on 25 July 2017, JMBl. NRW No 15 of 01.08.2017, p. 199

the 30. Amendment of articles of association as published on 4 January 2018, JMBl NRW No 2, 15.01.2018, p. 15

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I. Organisation

§ 1

Legal nature, seat, tasks and funding

- (1) The 'Versorgungswerk der Rechtsanwälte im Land Nordrhein-Westfalen' is governed by Paragraph 1 of the Gesetz über die Rechtsanwaltsversorgung (Law on the provision of lawyers) of 6 November 1984 — RAVG. NW. 1984 p. 684) a public-law body established in Düsseldorf.
- (2) The scheme shall be responsible for providing benefits to its members and other persons entitled to receive benefits from the scheme in accordance with the RAVG and these Statutes.
- (3) The utility fund shall be financed in accordance with the open cover plan procedure (Section 36 (1)).

§ 2

Notices

Notices from the Pension Agency are published in the Official Gazette of the Minister of Justice. They are also to be published in the newsletters of the lawyers' associations of Düsseldorf, Hamm and Cologne.

§ 3

Obligation

to provide information and provide information

- (1) Members and other beneficiaries shall be required to provide the pension organisation with the information necessary to establish membership and the nature and extent of the obligation to contribute or benefits.
- (2) Changes of residence and subsequent changes which are relevant for determining the nature and extent of the obligation to pay contributions or the amount of the pension benefits shall be communicated to the pension organisation without being requested to do so.
- (3) Members shall work towards their initial registration unless a member number has been allocated to them by the pension scheme within three months of the acquisition of membership.

§ 4

Institutions

The bodies of the pension fund shall be:

1. the general meeting of representatives;
2. the Governing Board;
3. the President;
4. the managing director.

§ 5
Representatives' meeting

- (1) The members of the representative assembly and substitute members shall be elected by post. The number of members is 10 per chamber district and up to 20 per chamber district. Details shall be laid down in the electoral rules as an integral part of these Statutes.
- (2) All members of the pension scheme who have been registered on the electoral roll for at least six calendar months at the end of the election period shall be entitled to vote.
- (3) Members shall not be entitled to vote if the conditions laid down in Section 13 of the Federal Elections Act are met.
- (4) All voters who are members of a Bar Association in North Rhine-Westphalia are eligible to vote. The following are not eligible:
 1. a person who, as a result of a claim by a judge or as an ancillary consequence, does not have the eligibility or ability to occupy public office;
 2. any person who has been sentenced in the last five years to a term of imprisonment of more than six months or more than 180 daily rates for a pecuniary offence;
 3. a person entitled to vote who is subject to an enforceable or enforceable prohibition on professional or representation activities or against whom an enforceable or enforceable judgment on exclusion from the legal profession has been issued;
 4. any person who is restricted in disposing of his property as a result of a court order;
 5. any person who is in a permanent service or advisory relationship with the pension fund.
- (5) If a Member ceases to be eligible after the start of the election period, the head of the election shall establish this. If the non-eligible Member is elected, the head of the election shall invalidate his or her election. In the event of a definitive loss of eligibility at a later date, the member shall leave the assembly of representatives. The head of the election shall establish this and appoint the successor in accordance with the procedure laid down in Section 16 (3) of the Electoral Code.
- (6) The representative meeting shall elect from among its members the Chairperson and his first and second alternates. The chairman and his deputies must belong to various bar associations.
- (7) The general meeting of representatives shall meet no later than two months after the submission of the annual accounts. Its meetings shall be open to the public in accordance with the Rules of Procedure for Members. The members of the Board of Directors and the Executive Director shall be entitled to participate in the

meetings in an advisory capacity. Other persons may be allowed to attend.

- (8) The convening of a representative meeting shall be made by the chairman of the representative meeting, by his deputy in the event of impossibility, with a written announcement of the agenda and a deadline of at least three weeks. The representative meeting shall adopt its rules of procedure; it also regulates the indemnities and reimbursements of the institutions and bodies of the pension fund.
- (9) The meeting of representatives shall be quorate if more than half of its members are present. It shall take its decisions by a simple majority of the members present, unless the RAVG or the Statutes provide otherwise. In the event of a tie, a motion shall be rejected.
- (10) The members of the representative assembly shall act on a voluntary basis. Compensation for expenses and reimbursement of expenses shall be regulated by the general assembly of representatives.
- (11) Membership of the general assembly of representatives shall cease upon membership of the pension scheme.

§ 6
Functions of the representative meeting

- (1) The Assembly of Representatives shall decide on:
 1. The adoption and amendment of the Statutes, including electoral rules and the approval of transitional agreements;
 2. The election and removal of the members of the board of directors in the cases provided for in the articles of association;
 3. Adoption of the annual accounts and discharge to the Board of Directors;
 4. Determination of contributions and assessment of benefits, in particular through the use of the provision for profit participation, the coverage of a balance sheet loss and the fixing of the training allowance.
- (2) Decisions of the representative meeting on paragraph 1 (4) shall be subject to the approval of the Insurance Supervisory Authority.

§ 7
Board

- (1) The board of directors shall consist of 7 members, of whom at least 4 must be members of the pension scheme. They may not be members of the representative meeting. In the election, 2 members each belong to the Bar Associations Düsseldorf and Cologne, 3 to the Hamm Bar Association. Members shall be elected individually by secret ballot by the representative assembly. Elected members present at the election shall declare themselves to accept the office immediately after the election of all the members of the Board of Directors; In order to be absent, their declarations of acceptance must be submitted in writing at the time of the election.
- (2) The work of the board members is voluntary.

- (3) The Bureau shall remain in office at the end of its term of office until the newly elected Bureau meets.
- (4) The meetings of the Board of Directors shall not be public. The Governing Board may, for the purpose of providing technical advice, call on experts to attend its meetings.
- (5) The Board shall have a quorum when at least 5 of its members are present. Decisions may also be taken by written procedure if all members agree. Decisions shall be taken by simple majority.
- (6) A member of the Board of Directors may be removed by the Assembly of Representatives only for good reason.
- (7) In the event of the resignation of one member of the Governing Board, the representative assembly shall elect at its next meeting a successor for the remainder of its term of office.

§ 8

Tasks of the Board of Directors and the President

- (1) The management board shall manage the activities of the pension fund. It shall be responsible for all tasks which are not reserved for the representative meeting or which fall within the remit of the Executive Director. The board of directors shall decide on the technical business plan on the basis of an actuarial opinion. This shall be subject to the approval of the Insurance Supervisory Authority.
- (2) Each year, no later than seven months after the end of the financial year, the board of directors shall submit for approval to the general meeting an annual report and the balance sheet and profit and loss account (s) audited by an auditor.
- (3) The President shall direct the board of directors and, subject to Paragraph 6 of the RAVG, represent the Versorgungswerk in court or out of court. He shall supervise the managing director and appoint the auditor by decision of the board of directors. The Vice-President shall represent the President.

§ 9

Managing Director

The Executive Director shall manage the Registry. He shall carry out day-to-day management in accordance with the principles laid down by the Board of Directors and shall execute the decisions of the Board of Directors. It shall be appointed by the President by decision of the Bureau. He/she shall participate in the meetings of the Bureau in an advisory capacity. The Executive Board shall decide on the discharge to be given to the Executive Director.

II. Membership

§ 10

Compulsory membership

The member of the pension fund is:

- 1. Who was a member of a Bar Association in the Land of North Rhine-Westphalia on 30 November 1984 and had not yet reached the age of 45 at that date
or
- 2. any person who, after 30 November 1984, until 31. December 2016 becoming a member of a Bar Association in North Rhine-Westphalia and under the age of 45
or
- 3. any person after 31. December 2016 becomes a member of a Bar Association in the Land of North Rhine-Westphalia and has not yet reached the normal retirement age laid down in Paragraph 17 (1).
or
- 4. on 30 November 1984 was a member of a Bar Association in the Land of North Rhine-Westphalia, on that date had reached the age of 45, but not 55, and declared his accession within one year of the entry into force of the Statute.

§ 11

Exemption from membership or from payment of contributions

- (1) On application, a person shall be exempt from membership of the pension scheme:
 - 1. is entitled to a retirement pension and a survivor's pension in accordance with the principles of civil servants on the basis of permanent employment or similar employment;
or
 - 2. in the case of the establishment of another public-law professional insurance or pension institution outside the Land of North Rhine-Westphalia or established by law, it obtained exemption from membership if the event giving rise to the exemption still exists.
- (2) On application, any person who pays income-related contributions to an insurance or pension scheme established by law or by law in a Member State of the European Union or of the European Economic Area shall be exempt from the obligation to pay contributions, except for 1/10 of the statutory contribution or membership.
- (3) Members who are married to each other and who have not yet availed themselves of any other possibility of exemption may, at their request and with the agreement of the other, be exempted up to half of the statutory contribution under Paragraph 30 (1). A reduction in the contribution under Paragraph 30 (5) shall not preclude recourse to this exemption. The exemption does not apply to members who are exempt from the statutory pension insurance obligation under Paragraph 6 (1) (1) of SGB VI.
- (4) An application for exemption may be made only in writing with a limitation period of 6 months from the date on

which the conditions were met. The conditions must be demonstrated. In the cases referred to in paragraph 3, the application may also be submitted within 6 months of the expiry of the reduction provided for in Paragraph 30 (5).

§ 11a Exemption

from contributions on the occasion of the birth of a child

- (1) A Member shall, upon request, be exempted from the obligation to pay contributions after the birth of a child or multi child:
 - a. the mother for the period to be determined in full calendar months corresponding to the duration of the statutory maternity leave period, and
 - b. thereafter, for the remaining period of no more than three years from the beginning of the month before birth, the parent taking care of the child or children.
- (2) Exemption is possible only if and to the extent that the member does not pursue any gainful activity during the exemption period and is not entitled to special contributions under Paragraph 31 against third parties. The application shall be withdrawn if it is submitted within two months of the cessation of employment. It is necessary to prove that the conditions are met.
- (3) If both parents are members, only one parent may benefit from the exemption provided for in paragraph 1 (b) for the same period. The request must be signed by both parents and identify the parent for which the exemption is requested.
- (4) If the child was born before 1 January 2006, only Paragraph 19 (6) shall apply.
- (5) § 32 shall remain unaffected.

§ 12

Withdrawal of the exemption

A person who has been exempted from membership may, until he reaches the age of 45, apply for the exemption to be withdrawn from the beginning of the month following the date of application and for him to become a compulsory member. The request must be made in writing. The applicant must, at his own expense, attach an opinion from a medical officer of the healthcare organisation, from which it is apparent that the applicant's state of health at the time of the application does not give rise to concerns. The Board shall decide on applications. He may obtain further expert opinions at the expense of the utility.

§ 13

Termination and continuation of membership

- (1) Membership of the scheme shall end:
 1. upon the death of the Member,
 2. if the member no longer belongs to a bar association in the Land of North Rhine-Westphalia, unless he or she receives an invalidity or old-age pension from the pension fund.

- (2) Whose membership is terminated in accordance with paragraph 1 (2), may continue membership with all the rights and obligations upon application within a time limit of six months from the date of withdrawal. The application may no longer be made after the conditions for performance have been met, unless the conditions for the performance have already been met before the Member's resignation. The application may be granted only in so far as there are no arrears of contributions. Exemptions may be granted upon the conclusion of an amortisation agreement or in cases of hardship. An application for continued membership shall be excluded if reimbursement pursuant to Section 34 (2) has been definitively made.

- (3) Membership under paragraph 2 may be terminated

- a) by a declaration made by the Member by registered letter within 3 months of the end of a calendar quarter.
- or
- b) by written decision of the utility company, which is permissible only in the case of arrears of at least three months' contributions. It presupposes that the Member has been warned for failure to pay contributions and that the request for payment has not been complied with within a period of one month from the date of notification. The reminder must indicate the legal consequences of the arrears. The termination of membership shall take effect at the end of the month in which the decision becomes final.

§ 14

Invalidity in the event of occurrence

- (1) A member who is already incapacitated at the time of joining the pension scheme § 18 (1) (1) is neither entitled to nor obliged to pay contributions and is not entitled to benefits from the scheme for as long as the incapacity persists.
- (2) If the incapacity for work lasts until the normal retirement age referred to in § 17 (1) is reached, the member shall leave the pension scheme.

III Benefits

§ 15

Types of benefit

- (1) Upon request, the scheme shall provide its members and other beneficiaries with the following benefits, provided that the conditions are met:
 1. Old-age pension (§§ 17 and 19),
 2. Invalidity pension (§ 18),
 3. Survivor's pension (§§ 21-24),
 4. Death grant (§ 26),
 5. Transfer or reimbursement of contributions (§ 34 (1) and (2)),

6. Capital compensation (§ 28).

There is a legal entitlement to the benefits.

- (2) The pension fund may grant subsidies for rehabilitation measures in order to maintain or restore professional capacity in accordance with Section 20.
- (3) Members shall be treated in the same way as former members who have not submitted an application pursuant to § 34 (1) or (2) for the benefit entitlement under subparagraph 1.
- (4) Benefits and subsidies shall be decided upon by decision.
- (5) All pensions are paid for the full month at the beginning of the month.

§ 16

Obligations and obligations to cooperate

- (1) Any person applying for or receiving benefits shall:
 - 1. to state all the facts relevant to the services and, at the request of the pension organisation, to consent to the provision of the necessary information by a third party;
 - 2. Notify without delay any changes in circumstances which are relevant to the benefit or for which declarations have been made in connection with the benefit;
 - 3. Specify evidence and, at the request of the supply organisation, produce or agree to the production of documentary evidence.
- (2) Any person applying for or receiving benefits should, at the request of the healthcare centre, undergo medical examinations in so far as these are necessary for the decision on the benefit.
- (3) A person applying for or receiving benefits on account of sickness or disability should, at the request of the care organisation, undergo medical care if it is expected to bring about an improvement in his state of health or to prevent deterioration.
- (4) The obligations referred to in paragraphs 2 and 3 shall not apply in so far as:
 - 1. Their performance is not commensurate with the benefit claimed;
 - or
 - 2. they cannot be expected to be fulfilled by the person concerned for an important reason
 - or
 - 3. the scheme is able to acquire the necessary knowledge itself through less effort than the member or other beneficiary.
- (5) Examinations and treatments which, on a case by case basis, cannot reasonably be excluded from harm to life

and health, or involve significant pain or serious interference with physical integrity, may be rejected.

- (6) Any person who meets the requirements of paragraphs 2 and 3 of this Article shall, on request, receive an appropriate replacement of his necessary expenses and loss of earnings.
- (7) If the person applying for or in receipt of a benefit fails to comply with his obligations of cooperation or obligations under paragraphs 1 to 3 and this makes it considerably more difficult to establish the facts or prevents or makes it impossible to improve the situation, or causes deterioration, the utility may, without further investigation, refuse or withdraw the service to the extent that the conditions are not proved or the impairments are not improved or worsened.
- (8) Benefits may be refused or withdrawn, in whole or in part, in the absence of cooperation, only after the beneficiary has been informed in writing of that consequence and has failed to fulfil his duty of cooperation within a reasonable period.
- (9) Where, in addition to claims under Paragraphs 17, 18, 21 and 22, a person entitled to benefits has claims against third parties for compensation for pecuniary damage of a non-insurance nature, he shall assign those claims to the scheme up to the amount in which the pension scheme is required to provide benefits. Where appropriate, the assignment obligation shall extend only to the extent that the compensation owed by the third party is not necessary to cover in full the loss suffered by the Member or any other person entitled to benefits. The assignment may not be invoked to the detriment of the beneficiary. If the beneficiary grants such a right or a right intended to secure such a right without the consent of the pension organisation, the pension scheme shall be released from the obligation to provide benefits under Paragraphs 17, 18, 21 and 22 in so far as he could have obtained compensation from the claim or right; Sentence 2 shall apply accordingly.

§ 17 Old-age pension

- (1) Every member shall be entitled to a life-long old-age pension once he or she has reached the age (normal age limit) shown in the table below:

Year of birth	Normal age
before 1949	65 years
1949	65 years 1 months
1950	65 years 1 months
1951	65 years 2 months
1952	65 years 2 months
1953	65 years 3 months
1954	65 years 3 months
1955	65 years 4 months
1956	65 years 4 months
1957	65 years 5 months
1958	65 years 6 months
1959	65 years 7 months
1960	65 years 8 months
1961	65 years 9 months
1962	65 years 10 months
1963	65 years 11 months
1964	66 years
1965	66 years 1 months
1966	66 years 2 months

1967	66 years 3 months
1968	66 years 4 months
1969	66 years 5 months
1970	66 years 6 months
1971	66 years 7 months
1972	66 years 8 months
1973	66 years 9 months
1974	66 years 10 months
1975	66 years 11 months
from 1976	67 years

(2) On application, the old-age pension is granted before the normal retirement age is reached, but not earlier than the age of 60. Where a membership relationship has commenced after 31.12.2011 in a statutory or statutory public-law professional insurance or pension scheme, an early retirement pension may be granted at the earliest from the age of 62. For each calendar month in respect of which the pension is claimed before the normal retirement age is reached, it shall be reduced by a reduction in accordance with the following table at the beginning of the pension as from 01.01.2009:

Time span in months	Reduction in%	Time span in months	Reduction in%
1	0.4 %	43	16.8 %
2	0.9 %	44	17.2 %
3	1.3 %	45	17.5 %
4	1.7 %	46	17.9 %
5	2.1 %	47	18.2 %
6	2.6 %	48	18.6 %
7	3.0 %	49	18.9 %
8	3.4 %	50	19.3 %
9	3.9 %	51	19.6 %
10	4.3 %	52	19.9 %
11	4.7 %	53	20.2 %
12	5.1 %	54	20.6 %
13	5.5 %	55	20.9 %
14	5.9 %	56	21.2 %
15	6.3 %	57	21.6 %
16	6.7 %	58	21.9 %
17	7.1 %	59	22.2 %
18	7.5 %	60	22.5 %
19	7.9 %	61	22.8 %
20	8.3 %	62	23.1 %
21	8.7 %	63	23.4 %
22	9.1 %	64	23.7 %
23	9.5 %	65	24.0 %
24	9.9 %	66	24.3 %
25	10.3 %	67	24.6 %
26	10.6 %	68	24.9 %
27	11.0 %	69	25.2 %
28	11.4 %	70	25.5 %
29	11.8 %	71	25.8 %
30	12.1 %	72	26.1 %
31	12.5 %	73	26.4 %
32	12.9 %	74	26.7 %
33	13.2 %	75	27.0 %
34	13.6 %	76	27.3 %
35	14.0 %	77	27.6 %
36	14.4 %	78	27.8 %
37	14.7 %	79	28.1 %
38	15.1 %	80	28.4 %
39	15.4 %	81	28.7 %
40	15.8 %	82	29.0 %
41	16.1 %	83	29.3 %
42	16.5 %	84	29.6 %

(3) On application, the starting date of the old-age pension shall be deferred beyond the normal retirement age, at the latest until the age of 70. For each calendar month by which the pension is subsequently claimed, on reaching the normal retirement age from 01.01.2009, the pension shall be increased by a supplement in accordance with the following table:

Time span in months	Increase in%	Time span in months	Increase in%
1	0.6 %	31	17.9 %
2	1.1 %	32	18.4 %
3	1.7 %	33	19.0 %
4	2.3 %	34	19.6 %
5	2.9 %	35	20.2 %
6	3.4 %	36	20.8 %
7	4.0 %	37	21.4 %
8	4.6 %	38	22.0 %
9	5.2 %	39	22.6 %
10	5.7 %	40	23.2 %
11	6.3 %	41	23.8 %
12	6.9 %	42	24.4 %
13	7.5 %	43	25.0 %
14	8.1 %	44	25.6 %
15	8.6 %	45	26.2 %
16	9.2 %	46	26.8 %
17	9.8 %	47	27.4 %
18	10.4 %	48	28.0 %
19	10.9 %	49	28.6 %
20	11.5 %	50	29.2 %
21	12.1 %	51	29.8 %
22	12.7 %	52	30.5 %
23	13.2 %	53	31.1 %
24	13.8 %	54	31.7 %
25	14.4 %	55	32.3 %
26	15.0 %	56	32.9 %
27	15.5 %	57	33.5 %
28	16.1 %	58	34.1 %
29	16.7 %	59	34.8 %
30	17.3 %	60	35.4 %

The Member shall also have the right, but not the obligation, to make other contributions which generate a pension.

(4) The grant of the old-age pension is subject to membership for at least one month and the payment of contributions for at least one month.

(5) If, according to the written declaration of the member at the start of the old-age pension, there are no other persons entitled to a pension and received or does not receive an invalidity pension, the member entitled to the pension shall, on application, receive a supplement of 20 % to the fixed old-age pension, beginning with the month in which the application is received by the pension fund. All other rights under the Statute, with the exception of the right to death grants, are therefore permanently excluded.

(6) The old-age pension is paid at the beginning of each month. Payment shall begin on the month following the month in which the entitlement arises and shall end at the end of the month in which the entitlement ceases to exist.

(1) A member who has contributed for at least three months before the occurrence of the incapacity and who:

1. is likely to be able to practise as a lawyer on average less than three hours a day because of illness or physical infirmity, or because of the weakness of his physical or mental forces or addiction;

And

2. has ceased or ceased his professional activities as a lawyer;

receives invalidity pension on a permanent basis.

(2) A member who has contributed for at least three months before the occurrence of the incapacity and who:

1. is able to practise as a lawyer for an average of less than three hours a day because of illness or physical infirmity or the weakness of his physical or mental forces or addiction for the foreseeable future, for at least six months;

And

2. has ceased or ceased his professional activities as a lawyer;

receives an invalidity pension on a temporary basis.

(3) By way of derogation from paragraphs 1 or 2, members who have acquired membership in accordance with Section 44 must have paid contributions for at least 36 months before the occurrence of the incapacity for work.

(4) From a medical point of view, professional incapacity must be attested by a specialist medical report. The scheme may, at its own expense, order an examination and appoint assessors for that purpose, even after the pension has been awarded. The Member shall be obliged to carry out the investigations ordered by the utility. In so far as it is necessary for the assessment of incapacity for work, the member shall exempt all doctors, medical establishments and insurance undertakings from the obligation of confidentiality vis-à-vis the experts appointed by the pension fund, to each other and to the scheme. If the member fails to comply with these obligations, the pension scheme may reject the application for invalidity pension or cancel his/her claim for invalidity pension.

(5) Temporary pension is granted for a period determined according to calendar months. It is paid only to the extent that the legal profession has been completely ceased for the period of authorisation. The temporal pension shall begin to run from the month following the occurrence of the incapacity if the application has been received by the pension fund within six months of the date on which the invalidity occurred, or, failing that, at the beginning of the month following the month in which the application was received by the scheme, but not before the end of continued sick pay or sickness benefit under statutory provisions. The cessation of activities as a lawyer must be demonstrated.

(6) Paragraphs 5 to 2 of paragraph 4 shall apply mutatis mutandis to the permanent pension. The member is required to prove, within six months of receipt of the au-

thorisation decision, that his admission to the Bar has ended.

(7) In special cases, the pension scheme may, at the request of the member, grant a pension for a period of time instead of a permanent pension, but for a maximum period of two years.

(8) The invalidity pension continues at the normal retirement age as an old-age pension of the same amount; in the case of periods after the normal retirement age has been reached, entitlement to an invalidity pension is excluded. Moreover, the invalidity pension ends at the end of the month in which the member dies or the pension scheme withdraws the decision granting it, and, in the case of a temporary pension, at the end of the month in which it was granted.

(9) The invalidity pension shall be withdrawn if its conditions subsequently cease to apply or if the proof referred to in paragraph 6 sentence 2 is not provided.

§ 19

Amount of old-age and invalidity pension

(1) The monthly amount of the old-age or invalidity pension is the product of the pension increase amount, the number of insurance years to be credited and the average personal contribution ratio.

(2) The amount of the pension accrued in respect of pension claims in the financial years 1985 to 1986 is DM 80. The pension increase amount for pension claims after 31. December 1986, on the basis of the annual accounts and the actuarial report for the penultimate financial year, shall be determined annually by the general meeting of representatives on a proposal from the board of directors. The decision shall be notified after approval by the Insurance Supervisory Authority.

(3) Insurance years to be taken into account are:

1. the years of membership subject to contributions or voluntary contributions.

2. the years in which an invalidity pension was received if a new obligation to pay contributions arose after that receipt.

3. (a) for members who have established their membership by 31.12.2016, periods of:

8 years at the time of entry into the utility until the age of 45,

7 years from the age of 45 to reach the age of 46,

6 years from the age of 46 to reach the age of 47,

5 years from the age of 47 to reach the age of 48,

4 years from the age of 48 to reach the age of 49,

3 years from the age of 49 to reach the age of 50,

2 years from the age of 50 to reach the age of 51,

1 year from the age of 51 to reach the age of 52,

(b) for members who first established or renewed their membership after 31.12.2016, periods of:

8 years at the time of entry into the utility until the age of 39,

7 years from the age of 39 until the age of 40,

6 years from the age of 40 until the age of 41,

5 years from the age of 41 until the age of 42,

4 years from the age of 42 until the age of 43,

3 years from the age of 43 until the age of 44,

2 years from the age of 44 until the age of 45,

1 year from the age of 45 to reach the age of 46,

4. on the occurrence of incapacity for work before reaching the age of 55, the years between the date on which the incapacity arose and the age of 55 (additional period).

In the case of the years of insurance referred to in points 1, 2 and 4, each month shall be deemed to be the 1/12 year of insurance; if only part of the month was payable, this month is considered to be the contribution month.

In the case of persons who have left the scheme and whose contributions remain with the scheme, only years of insurance shall be taken into account in accordance with point 1.

- (4) The personal average contribution ratio is calculated as follows:

For

each month in which there was membership subject to compulsory contributions or subject to voluntary contributions, the ratio between the contribution paid in that month and the monthly statutory contribution pursuant to Paragraph 30 (1) shall be calculated on the basis of four decimal places with commercial rounding. The sum of these ratios shall be divided by the sum of the months of membership subject to contributions or voluntary contributions.

- (5) Where the taking into account of contributions made by way of retrospective insurance leads to a lower pension than that resulting from the taking into account of retrospective insurance, the total retro-insurance shall not be taken into account.

- (6) If the taking into account of contributions paid by the Member during a child-care period leads to a lower pension than that which arises without that period being taken into account, that period of child-care shall not be taken into account. The period of child-care means the calendar year following the birth of the child. If the calendar year in which the birth falls has a lower ratio pursuant to § 19 (4) sentence 1 than the following calendar year, this shall apply. Child care within the meaning of this provision presupposes that the Member:

1. by the end of the calendar year following the birth of the child, inform the institution that it has taken over the care of his or her child,

2. proof of parenthood.

After the occurrence of the pension, any person entitled to a pension may submit the notification provided for in point 1. The obligation to pay contributions under Paragraph 30 shall remain unaffected during the child-care period. The provisions of this paragraph shall apply to children who are until the expiration of 31. December 2005.

- (7) Months in respect of which no contribution was payable because of exemption from contributions under Paragraph 11a shall form part of the insurance years referred to in subparagraph 3 (1) and shall be calculated as zero in the calculation of the personal average contribution quotient in accordance with subparagraph 4. If taking those months into account results in a pension lower than that which would otherwise have arisen, those months shall not be taken into account.

§ 20 Rehabilitation measures

- (1) A member of the pension fund who has contributed for at least three months or is in receipt of an invalidity pension may, on request, be granted a one-off or repeated contribution to the costs of necessary and particularly onerous medical rehabilitation measures if his/her ability to work is endangered, reduced or excluded as a result of illness or physical disability or weakness of his physical or mental forces or addiction and it is likely to be maintained, substantially improved or restored by such rehabilitation measures. The grant must be requested in writing in good time before the action is launched.

- (2) The need for the rehabilitation measure and its prospects of success must be demonstrated by the Member in the form of a medical report. The utility may request an additional assessment. It may make the contribution to the costs conditional on the start, duration, place and method of implementation of the measures. It may order follow-up investigations and appoint the expert for this purpose. The costs of investigations and assessments, with the exception of the costs of an investigation and assessment carried out by the utility, shall be borne by the member. By way of exception, the Board of Directors may decide, in particular in order to avoid hardship, that these costs shall also be borne in full or in part by the utility.

- (3) The Member shall justify the necessary costs of rehabilitation measures by reason and amount, or shall submit supporting documents in advance. They shall not be taken into account in so far as another body has a statutory, statutory or contractual obligation to reimburse it. The amount of the contribution to the costs shall be determined by the utility at its discretion, taking into account all the circumstances of the individual case.

§ 21 Survivors' pension

- (1) Survivors' pensions are:

1. Widow's pension,

- 2. Widower's pension,
- 3. Full orphan's pension,
- 4. Half-orphan's pension.

(2) Survivors' pensions shall be granted if the member has contributed for at least three months at the time of death and for at least 36 months in the case of Paragraph 44 (1).

§ 22:
widow's and widower's pensions

- (1) After the death of the member, the widow receives a widow's pension and the widower receives a widower's pension.
- (2) Widows or widowers shall not be entitled to a widow's pension or widower's pension if the marriage has not lasted for at least 1 years, unless the particular circumstances of the case do not justify the assumption that the sole or predominant purpose of the marriage was to confer entitlement to a survivor's pension. If the marriage was concluded after the onset of the incapacity for work or after the member reached the age of 60 and has not been in existence for at least three years, no pension shall be payable. If the member of such a marriage is more than 10 years old, the marriage must be at least four years old or more than 20 years old, the marriage must have lasted at least five years in order to qualify for a pension.

§ 23
Orphan's pension

- (1) Orphan's pension is paid to his/her children until the age of 18 after the death of the member. Beyond that date, the orphan's pension shall be granted, at the latest, until the age of 27 in respect of a child who is in education or vocational training or who, at the age of 18, is unable to support himself as a result of physical or mental incapacity for as long as that condition continues.
- (2) If schooling or vocational training is delayed by completion of compulsory military service, civilian substitute service or compulsory civil protection service or equivalent, orphan's pension shall be paid beyond the age of 27 for a period corresponding to the period of compulsory service, provided that the compulsory service was performed before the age of 27.
- (3) Entitlement to an orphan's pension in respect of vocational training referred to in paragraphs 1 and 2 shall cease before reaching the age of 27 as soon as the education and training for a recognised occupation has been completed or it is established that it can no longer be completed. The admission to an orphan's pension of further or other training which, according to the public's image, is not a preparation for the next higher level of a recognised profession (secondary training) based on the previous training started or completed (secondary training) does not give rise to entitlement to an orphan's pension. The once-off change of the training profession is not prejudicial if this change takes place by the end of the second year of training or is unavoidable due to circumstances beyond the control of the apprentice. Inter-

ruptions of up to three months do not invalidate entitlement to orphan's pension.

- (4) Orphan's pension referred to in paragraph 1 shall be paid:
 - 1. biological children;
 - 2. children accepted as a child, provided that the adoption took place before the Member reaches the age of 55.
- (5) Remuneration from an education or training relationship shall be taken into account in respect of an orphan's pension in so far as the salary exceeds a monthly allowance of EUR 700,00 gross.

§ 24
Amount and duration of the widow's and orphan's pension

- (1) The widow's and widower's pension shall be 60 % of the pension entitlement or pension rights acquired by the member at the time of death.
- (2) Widow's and widower's pensions shall be withdrawn at the end of the month in which the beneficiary remarries.
- (3) The orphan's pension shall be 20 % for half-orphans and 30 % for full orphans of the pension entitlement or pension rights acquired by the member at the time of death.
- (4) Survivors' pensions shall also be granted if the member of the pension fund is declared dead.
- (5) Survivors' pensions shall be granted for the first time for the calendar month following the date of death of the Member. They shall end with the month in which the entitlement ceases to exist. § 23 paragraph 2 remains unaffected.
- (6) The sum of survivors' pensions may not exceed 150 % of the old-age or invalidity pension; under Paragraph 22 (1), no more than 60 % of this may be claimed. Where appropriate, the individual pensions must be reduced proportionately.

§ 25
Compensation for pensions

- (1) Where, in connection with the divorce of a member, pension compensation is carried out in accordance with the Pensions Compensation Act (VersAusglG), the change in the rights of a member shall be calculated as follows:

The product of transferred entitlement and pension increase amount at the time of calculation is divided by the pension increase amount at the end of the marriage.

$$\text{Amount of change} = \frac{\text{Transferred rights} \times \text{Pension accrual amount}}{\text{Amount of pension accrued at the end of the marriage}}$$

The amount thus calculated shall be deducted from the entitlement or pension of the member liable to pay compensation, as would be the case if the pension supplement had not been taken into account. If the person entitled to the compensation is or was also a member of the pension scheme, that amount shall be added to his entitlement or pension.

- (2) If the person entitled to the compensation is not or was not a member of the pension scheme, a right to a retirement pension in accordance with Paragraph 17 (1) to (3) and (6) shall be established in his favour at the level of the compensation value determined by the family court. In order to compensate for the fact that the risk protection is limited to a pension, the entitlement is increased by a supplement in force at the time when the pension begins, currently in accordance with the table below.

Age at end of marriage	Award
up to 46 years	21.3 %
47-51 years	19.9 %
52-56 years	18.9 %
57-61 years	16.7 %
from age 62	15.0 %

- (3) A Member may compensate, in whole or in part, by means of special payments, for the reduction of his or her pension rights as a result of the settlement of the pension. These must be completed within a time limit of five calendar years from the date on which the decision on compensation takes effect, at the latest until the event giving rise to the pension. By way of derogation from sentence 2, if the member has already received pension benefits when the decision on the settlement of the pension has become final, special payments may be made only if the member becomes liable to pay contributions within the aforementioned limitation period. The amount of the special payment is calculated by dividing the product of transferred entitlement and annual statutory contribution on receipt of payment by the amount of the pension increase at the end of the marriage. Special payments shall be identified as such; in individual cases, they may not be less than a statutory contribution (Section 30 (1)). Special payments can only be made if there are no arrears of contributions.

- (4) The following transitional arrangements shall apply:

(a) If the law applicable until 31.08.2009 in accordance with Paragraph 48 of the VersAusglG applies to the compensation of pensions, Paragraph 25 (1), (2), (4) to (7), in the version in force on 31.08.2009, shall continue to apply.

(b) If the procedure for the settlement of the pension has been initiated before 01.09.2009 and the pension of the member subject to compensation to be reduced has commenced before 01.09.2009, it shall be reduced only if:

1. for the Member, a pension from a later pension

or

2. a pension is to be granted from the pension to the compensating person.

§ 26
Death grant

A death grant is paid in the event of the death of a member. § 21 (2) shall apply mutatis mutandis to the granting of death grants. The amount of the death grant shall be equal, from 1 January 2005, to a monthly pension of the pension paid to the member at the time of death or of his or her monthly entitlement to invalidity pension, provided that the death occurred prior to receipt of a pension. The death grant is paid to the person who took care of the funeral.

§ 27
Assignment, pledge, attachment

Claims for benefits cannot be assigned or pledged. Paragraph 54 of Book I of the Social Security Code shall apply mutatis mutandis to seizure.

§ 28 — Compensation in capital

- (1) Widows or widowers who are entitled to a survivor's pension (Paragraph 22) and who return to marriage shall, on application, receive the following lump sum payment:

1. in the case of re-marriage before the age of 35, sixty times their most recent monthly pension.
2. In the case of re-marriage up to the age of 45, forty-eight times the last monthly pension received.
3. Thirty-six times the last monthly pension received in the case of re-marriage after the age of 45.

Upon payment of the lump sum payment, the right to a survivor's pension ceases. The application for a lump sum payment may be made only within a time limit of six months from the date of the marriage and shall have retroactive effect from the date of the marriage; the pension paid since then is to be deducted from the compensation.

- (2) At the request of the beneficiary, pensions which, at the time of the application, fall below a monthly amount of 1 % of the monthly reference under Paragraph 18 of the SGB IV applicable in the Land of North Rhine-Westphalia shall be invented and extinguished on the basis of actuarial principles and shall be extinguished upon payment of the compensation.

§ 29 Exclusion of benefits

- (1) Persons who deliberately become incapacitated are not entitled to an invalidity pension.
- (2) Survivors are not entitled to a pension if they have deliberately caused the death of the member.

§ 29 (a) Living
partnerships

The rules on survivors' pensions and pension compensation are to be applied mutatis mutandis to life partners within the meaning of the Life Partnership Act.

IV. Contributions

§ 30
Contributions

- (1) Unless otherwise provided for in these Statutes, members are obliged to pay a monthly contribution, which is a specific part of the contribution assessment limit of the statutory pension insurance scheme applicable in the Land of North Rhine-Westphalia (Paragraphs 159 and 160 of SGB VI). It is consistent with the maximum contribution to the statutory pension insurance scheme, unless otherwise determined by the general meeting of representatives (statutory contribution).
- (2) Members whose income (income from work and pay within the meaning of Paragraphs 14 and 15 of SGB IV) does not reach the contribution assessment threshold shall pay the contribution on the basis of their income in accordance with the contribution rate of the statutory pension insurance, unless the general meeting of representatives sets a different rate of contribution. Subject to Paragraph 32, they are entitled to pay the statutory contribution.
- (3) Irrespective of paragraph 2, any member who has not yet reached the normal retirement age and is not in receipt of a pension shall pay a contribution of 1/10 of the standard compulsory contribution (minimum contribution).
- (4) For the calculation of the contribution and proof of income:
 1. For the calculation of the contribution pursuant to paragraph 2 sentence 1, the relevant income shall be the income of the penultimate calendar year and, in the case of remuneration, the respective contribution period.
 2. In the case of income from work, this is subject to the proviso that the calculation of contributions for the calendar year in which the member first becomes self-employed and for the following two calendar years is based on the income from the first year and the contribution is fixed provisionally; the income from work must be shown to be credible. The contributions for the first calendar year and the two following years are definitively determined on the basis of the income tax assessment for the first calendar year; the decision shall be submitted without delay. If the self-employed activity was pursued in only part of the year, the income from that period shall be extrapolated to a full calendar year.
 3. If, in the case of self-employed members, the income from work in the current calendar year falls significantly compared with that of the penultimate calendar year, the contribution shall, at the request of the member, be provisionally determined on the basis of the income from employment in the current calendar year; the income from work must be shown to be cre-

dible. A drop in income is significant if it would lead to a 15 % reduction in the contribution. The application must be submitted by the 31.12th of the calendar year in respect of which the contribution reduction is to be made. A prior determination of contributions for this calendar year shall not prevent an application from being submitted. The contribution shall be definitively determined upon submission of the income tax assessment, but no more than the income of the penultimate calendar year.

4. Proof of income shall be provided:

- a) In the case of income from work, by submitting the income tax assessment for the penultimate calendar year;
 - b) In the case of pay, on production of a certificate of pay for the contribution period issued by the employer.
- (5) Members who became members of the pension fund after the entry into force of the statute shall pay contributions only half of the contribution rate applicable under paragraphs 1 and 2 until the end of five years following the month in which they were first admitted to the BRAO (Paragraph 12 (2) of the BRAO), or at the latest until the end of the month in which they reach the age of 45. The Member may waive this reduction. Paragraph 3 remains unaffected.
 - (6) By way of derogation from paragraphs 1, 2, 3 and 5, a member who is exempt from compulsory insurance under the statutory pension insurance scheme pursuant to Paragraph 6 (1) (1) of the SGB VI shall pay at least the contribution which would have to be paid to the statutory pension insurance in the absence of the exemption.
 - (7) Members who, as employees, pay compulsory contributions to the statutory pension insurance scheme shall pay compulsory contributions to the pension fund in respect of their income from self-employment. In so far as that income, together with the pay, exceeds the contribution assessment ceiling laid down in Paragraph 159 of the SGB VI, income exceeding the contribution assessment limit is not taken into account. Paragraph 3 remains unaffected.
 - (8) Self-employed members who are compulsorily insured under a statutory pension insurance scheme shall pay contributions in accordance with subparagraph (1) or (2), taking into account the compulsory contributions paid by them to the statutory pension insurance scheme. Paragraph 3 remains unaffected.

§ 31
Special contributions

- (1) Members who receive social benefits under Paragraph 11 of the SGB I from a social benefit institution within the meaning of Paragraph 12 of the SGB I shall pay contributions during that period at least equal to the amount of contributions to be paid to them by the relevant social security institution. Paragraph 30 (3) shall remain unaffected.
- (2) Members who:

1. in accordance with Paragraph 6 (1) (1) of SGB VI, pay a contribution equal to the maximum compulsory contribution to the statutory pension insurance scheme in accordance with Paragraphs 158 (1), 159 and 160 of SGB VI during military service;
2. are not exempt from compulsory statutory pension insurance under Paragraph 6 (1) (1) of SGB VI, pay a contribution of 40 % of the maximum contribution to the statutory pension insurance scheme in question,

but no more than a contribution equal to the amount of contributions to be paid to them by third parties during the period of compulsory military service. The same applies to the civilian substitute service, the compulsory civil protection service or an equivalent service. § 30 (3) shall apply mutatis mutandis.

- (3) The obligation to pay contributions from additional earned income and remuneration remains unaffected.

§ 32

Additional voluntary contributions

- (1) Any person who becomes a member of the pension company before the age of 57 may pay additional voluntary contributions, provided that no compulsory contributions are arrears; § 33 para. 5 sentence 2 applies accordingly. However, additional voluntary contributions, together with the compulsory contributions, may not exceed 150 % of the standard compulsory contribution (Section 30 (1)); Compulsory contributions for previous years remain unaffected.
- (2) In the case of additional contributions paid after the age of 57, the further limitation is that the ratio between the total contribution of one month and the statutory contribution (Paragraph 30 (1)) does not exceed the personal contribution quotas (Paragraph 19 (4)) for contributions paid up to the age of 57.
- (3) Additional voluntary contributions may be paid only during the current financial year. They shall not be offset against compulsory contributions due after the end of the financial year in which they are paid.
- (4) § 25 shall remain unaffected.

§ 33

Contribution procedure

- (1) The contributions are monthly contributions. The compulsory contributions must be paid by the 15th day of each month. The obligation to pay contributions starts from the calendar month following the date on which membership was acquired.
- (2) In the case of members who are exempt from compulsory insurance under the statutory pension insurance scheme pursuant to Paragraph 6 (1) (1) of the SGB VI, the obligation to pay contributions under Paragraph 30 (6) shall begin on the date on which the exemption from compulsory insurance in the statutory pension insurance scheme takes effect; at least the contribution referred to in Paragraph 30 (3) shall be paid for the month of departure. In the case of a waiver under Section 43 (6), the obligation to pay contributions begins on the

date on which the waiver takes effect; the same applies to § 12.

- (3) In the case of members who leave the pension scheme in accordance with Paragraph 13 (1) (2), the obligation to pay contributions shall cease at the end of each month.
- (4) Arrears of contributions shall be repaid in accordance with Paragraph 366 (2) of the BGB. The debtor's right of destination shall be waived. If there is a shortfall in contributions at the end of the financial year, any voluntary contribution paid during the financial year shall be offset against that backlog.
- (5) Contributions can no longer be paid after the pension event materialises. This shall not apply to compulsory arrears paid back by the competent pension insurance institution or paid by third parties in accordance with § 31; Paragraph 35 (3) and (4) shall remain unaffected.
- (6) Contributions that have not been paid 2 weeks after the due date may be subject to a one-off default surcharge of 2 % of the arrears. In the case of late payment of more than 3 months, interest shall be calculated from the date on which it falls due at a rate of 8 % above the base rate, but not less than 12 % per annum. The penalty for late payment and interest shall be fixed by notice. The Member shall bear the costs incurred in the collection of contributions. Late payment surcharge, interest and costs shall be repaid in accordance with Section 367 (1) of the Civil Code. The debtor's right of destination shall be waived.
- (7) Contributions and ancillary claims with which a member is late are recovered on the basis of a contribution notice setting the amount of the arrears, but the contributions are recovered only until the pension event occurs. In so far as the arrears of contributions are not recoverable, the member is entitled only to benefits corresponding to his average contribution ratio (Paragraph 19 (4)).
- (8) The pension fund may agree to settle arrears. In special cases of hardship, arrears of contributions and, on application, surcharges for late payment may be written off in whole or in part. The Governing Board shall adopt guidelines on this matter.

§ 33a

Date of payment of contributions

Aneffective payment shall be deemed to have been paid:

1. In the case of delivery or dispatch of means of payment on the day of receipt;
2. in the case of a transfer or payment to an account of the pension fund and with a payment order or a postal order, on the date on which the amount is credited to the scheme;
3. in the case of direct debit on the due date.

§ 34

Transfer of contributions

- (1) If membership ends by other approval outside the jurisdiction of the Bar Associations in the Land of North Rhine-Westphalia, the contributions paid so far will be transferred in full to the pension institution of the new chamber under a transition agreement at the request of the member. The application for transfer must be submitted within a time limit of 6 months after the termination of membership. Where a lawyer who was a member of another utility is a member of the lawyers' pension fund in the Land of North Rhine-Westphalia and his contributions have been transferred in accordance with a transitional agreement, he shall, in accordance with the rules set out in these Statutes, be treated as if he had become a member of the lawyers' pension fund in the Land of North Rhine-Westphalia on the date of commencement of membership of the other utility. Its contributions to the other pension fund shall be deemed to have been paid at the time of payment to the lawyers' pension fund in the Land of North Rhine-Westphalia.
- (2) If membership ends, 60 % of the contributions paid so far shall — subject to Section 13 (2) — be refunded to the former member on application, which must be submitted within 6 months of the termination of membership, if he has paid contributions for no more than 3 months. Where there are arrears of contributions, the pension fund shall be entitled to offset or to make a claim. The application pursuant to sentence 1 can no longer be withdrawn after the pension event materialises.
- (3) During legal divorce proceedings, by way of derogation from paragraphs 1 and 2, the must-carry obligation or the obligation to reimburse shall be suspended until the decision on pension compensation becomes final.
- (4) There shall be no interest on the contributions to be transferred or refunded.

V. Reinsurance

§ 35

Re-insurance

- (1) If the application for retrospective insurance is made in accordance with Paragraph 186 of the SGB VI, the retro-insurance shall be carried out in accordance with the following provisions.
- (2) The application for retrospective insurance must be submitted within one year of leaving the employment relevant for the purposes of retrospective insurance. If the defaulting person has died, the widow or widower has the right to apply. In the absence of a widow or widower, all orphans may apply together and, if there are no orphans, any former spouse may apply.
- (3) The pension fund shall accept the retro-insurance contributions and shall treat them as if they had been paid as contributions in accordance with Paragraph 30 in due time during the period for which the retro-insurance is carried out. The supplements provided for in Paragraph 181 (4) of the SGB VI do not increase personal rights. The contributions actually paid during the post-insurance period shall be regarded as additional contributions within the meaning of Paragraph 32 or shall, on application, be repaid without interest. § 32 paragraph 2 remains unaffected.

- (4) The insured person shall be deemed to be a member of the pension fund by operation of law, with retroactive effect from the date of commencement of the retro-insurance period, even if membership of the pension fund is not established until one year after the termination of the employment relevant for the purposes of the retroactive insurance. The suspension of the obligation to pay contributions and the occurrence of the pension does not preclude retrospective insurance.

VI. Funding procedures, use of funds and accounting

§ 36

Financing, use of funds, investment in assets

- (1) The pension fund shall constitute a provision for cover according to actuarial principles. This shall be calculated using the open cover approach as the difference between the present value of all future benefits and the present value of future revenues, including permanent future access.
- (2) The resources of the pension fund may be used only for statutory services, necessary administrative costs and other expenses necessary for the performance of its tasks, as well as for the creation of necessary reserves and provisions.
- (3) In so far as it is not available to cover current expenditure, the assets of the Versorgungswerk shall be invested by the Insurance Supervisory Authority in accordance with the provisions of the Act on the Supervision of Insurance Undertakings and Provident Societies of the Liberal Professions in the Land of North Rhine-Westphalia (VAG NRW) and the relevant Regulation on the supervision of insurance undertakings and pension schemes of the liberal professions in North Rhine-Westphalia (VersAufsVO NRW) and the relevant directives. The pension fund shall report on all its assets, broken down into new assets and stocks, in the forms and time limits to be determined by the Insurance Supervisory Authority.

§ 37

Accounting, performance improvements

- (1) The Board of Directors shall draw up annual accounts and annual reports after the end of the financial year in accordance with the relevant directives of the Insurance Supervisory Authority. The provision for cover to be included in the annual accounts shall be calculated by an actuarial expert as part of an expert's report, which shall also quantify the level of capital cover. The annual accounts, together with the annual report, and the actuarial report shall be submitted to the supervisory authorities. The approval of the annual accounts and the discharge to the board of directors by the general meeting of representatives shall be demonstrated to the supervisory authorities.
- (2) A loss reserve shall be created to cover any shortfall. A gross surplus resulting from an annual actuarial report

shall be transferred to that reserve until it has reached a value to be determined annually by the Board of Directors, which is a certain percentage of the provision for cover. That value of the reserve shall not be less than 4 % of the provision for cover and shall not exceed a maximum of 6 % of the provision for cover. Any additional gross surplus shall be transferred to the provision for profit participation in accordance with the articles of association.

- (3) The provision for profit participation in accordance with the articles of association, to the extent that it is not used to cover a shortfall, is to be used only to improve pension benefits, to reinforce actuarial provisions or to adjust accounting bases. An improvement in utilities shall be carried out if it leads to significant results. On a proposal from the Executive Board, the Assembly of Representatives shall decide on this. The decision shall be subject to the approval of the Insurance Supervisory Authority.
- (4) Any shortfall shall be covered by the loss reserve and, to the extent this is not sufficient, by the provision for participation in the profit or loss in accordance with the articles of association. Any remaining loss in the balance sheet shall be compensated by a reduction in benefits or by an increase in contributions, or both, and sentences 3 and 4 of paragraph 3 shall apply mutatis mutandis.
- (5) The annual accounts shall be audited by an auditor, including the accounts and the annual report.

VII Procedure

§ 38

Legal remedies

The decisions of the Versorgungswerk may be challenged in administrative proceedings.

§ 39 (repealed)

§ 40 Obligation on the pension organisation to provide information

The scheme shall be responsible for providing its members and other beneficiaries with general information on their rights and obligations.

§ 41 Financial year

The financial year shall be the calendar year.

§ 42: place of performance, jurisdiction

The place of performance and the competent court shall be Düsseldorf.

VIII Transitional provisions

§ 43

Exemption from membership or from the obligation to pay contributions

- (1) Lawyers and lawyers who were members of a Bar Association in the Land of North Rhine-Westphalia on 30 November 1984 and who had not yet reached the age of 45 by that date shall, on application, be exempted from membership of the pension scheme or from the obligation to pay contributions, in whole or in part, in accordance with paragraphs 2 to 6.
- (2) Without proof of any other exemption, the exemption from the obligation to pay contributions shall be granted up to half of the standard compulsory contribution in accordance with Section 30 (1).
- (3) An exemption exceeding the scope of paragraph 2 shall be granted up to 4/10, 3/10, 2/10 or 1/10 of the statutory contribution referred to in Paragraph 30 (1) or a full exemption if another old-age and survivor's pension has been obtained within one year of the entry into force of this Statute and the exemption is proved by reason and amount. The following shall be regarded as exemptions in particular:
 1. Net capital gains calculated on the date of entry into force of the articles of association in accordance with tax principles, at least equal to the entitlement to an invalidity pension as would exist without exemption if half of the statutory contribution (Paragraph 30 (1)) had been paid;
 2. statutory pension insurance, but in the case of voluntary insurance only if proof of an insurance period of at least 15 years is provided;
 3. capital insurance covering death and survival or private life annuity insurance in respect of a deferred annuity for which the contribution costs are at least 5/10, 4/10, 3/10, 2/10 or 1/10 of the statutory contribution referred to in Paragraph 30 (1) on the date of entry into force of these Statutes, in respect of which the commencement date is no later than the date of entry into force of these Statutes and in respect of which the end of the life expectancy is not earlier than the age of 60 and the age of 68 at the latest. The application for such insurance must be submitted and accepted by the insurance company no later than one year after the entry into force of these Statutes. Moreover, the insurance must be redeemed by the expiry of that period or be unrestricted by the insurance company. The insurance may not be lent, assigned or pledged.
 4. The exemptions provided for in § 11 (1) to (3).

Members whose compulsory contribution is fixed in accordance with Paragraph 43 (2) and (3) (irrespective of the income from employment subject to contributions pursuant to Paragraph 30) may at any time waive that assessment of their compulsory non-earnings-related contribution and will henceforth pay their contribution in respect of income (in accordance with Paragraph 30).

- (4) Full exemption from contributions terminates membership.
- (5) A request for exemption may be considered only if it is received in writing at the latest within a time limit of 12 months from the date of entry into force of these Statutes. The exemption shall have effect from the date on which the conditions are fulfilled.
- (6) A person who is completely exempt from membership in accordance with paragraph 4 may, before reaching the age of 45, waive the exemption by written declaration with effect from the beginning of the following month. This waiver may be accepted by the Board only if an examination of the state of health carried out by the healthcare organisation's medical officer at the expense of the applicant does not give rise to concerns.
- (7) Any person who has paid compulsory contributions to the statutory pension insurance scheme for at least 30 November 1984 for each calendar month and has obtained membership of the scheme after that date shall, on application, be exempt from membership of the pension scheme. The application must be submitted within a time limit of six months. The period shall start from the date on which membership is obtained, at the earliest from the date of entry into force of the Statutes.
- (8) Lawyers and lawyers who have become members of a Bar Association in the Land of North Rhine-Westphalia between 1.12.1984 and 31.7.1985 and who had not yet reached the age of 45 at the time of admission to the profession or acquisition of membership shall, on application, be exempted from membership of the pension scheme or from the obligation to pay contributions in accordance with paragraphs 2 to 6.

The obligation to pay contributions shall start from the third calendar month following the entry into force of the Statutes. Starting from this month, the year 1985 counts proportionally as the insurance year pursuant to the penultimate sentence of § 19 (3).

§ 43a
Retroactive application of § 19 (6)

§ 19 (6), also in the version of 21.06.2000, also applies to the care of children born before the entry into force of this provision but after the commencement of the contributing parent's membership of the carer, provided that the notification referred to in point 1 is made within 6 months of the entry into force of this provision.

§ 44
Voluntary accession

- (1) Lawyers and lawyers who were members of a Bar Association in the Land of North Rhine-Westphalia on 30 November 1984 and who had reached the age of 45 on that date, but not the age of 55, may acquire membership of the Versorgungswerk. The entitlement to benefits is governed by Paragraph 15 et seq. the contribution is at least 3/10 of the standard compulsory contribution (Paragraph 30 (1)).
- (2) The request may be submitted only within 12 months of the entry into force of the Statutes.

IX. Final provisions

§ 45 Introduction of
the obligation to pay contributions