

Lawyers' Pension Fund in the State of North Rhine-Westphalia Statutes

Announcement by the Minister of Justice of the State of North Rhine-Westphalia of 16 July 1985, JMBl. NW No. 15 of 1 August 1985, p. 172
(JMBl. NW = Judicial Gazette North Rhine-Westphalia)

Modified by

the 1st amendment of the Statutes according to the announcement of 17 February 1986, JMBl. NW No. 6 of 15 March 1986, p. 69,

the 2nd amendment to the Statutes in accordance with the announcement of 30 March 1987, JMBl. NW No. 9 of 1 May 1987, p. 98,

the 3rd amendment to the Statutes in accordance with the announcement of 17 October 1988, JMBl. NW No. 21 of 1 November 1988, p. 243,

the 4th amendment of the Statutes according to the announcement of 27 August 1990, JMBl. NW No. 20 of 15 October 1990, p. 231,

the 5th amendment of the Statutes according to the announcement of 22 August 1991, JMBl. NW No. 18 of 15 September 1991, p. 217,

the 6th amendment to the Statutes pursuant to the announcement of 20 August 1992, JMBl. NW No. 19 of 1 October 1992, p. 222, with correction to section 11 par. 1 No. 2 pursuant to the announcement in JMBl. NW No. 22 of 15 November 1992, p. 255,

the 7th amendment of the Statutes according to the announcement of 16 February 1993, JMBl. NW No. 6 of 15 March 1993, p. 62,

the 8th amendment of the Statutes according to the announcement of 29 April 1996, JMBl. NW No. 11 of 1 June 1996, p. 121,

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

the 10th amendment to the Statutes in accordance with the announcement of 8 December 1997, JMBl. NW No. 1 of 1 January 1998, p. 2,

the 11th amendment to the Statutes pursuant to the announcement of 23 October 2000, JMBl. NW No. 24, p. 281 f.

the 12th amendment of the Statutes according to the announcement of 5 September 2001, JMBl. NW No. 20 of 15 October 2001, p. 234,

the 13th amendment of the Statutes according to the announcement of 17 October 2002, JMBl. NW No. 22 of 15 November 2002, p. 250,

the 14th amendment to the Statutes as published on 8 November 2004, JMBl. NW No. 23 of 1 December 2004, p. 266,

the 15th amendment of the Statutes according to the announcement of 6 May 2005, JMBl. NW, No.11 of 1 June 2005, p. 137, 137

the 16th amendment of the Statutes according to the announcement of 6 December 2005, JMBl. NW, No.1 of 1 January 2006, p.4,

the 17th amendment of the Statutes according to the announcement of 23 March 2007, JMBl. NW No. 8 of 15 April 2007 p. 88,

the 18th amendment to the Statutes according to the announcement of 7 December 2007, JMBl. NW No. 1 of 1 January 2008, p.13,

the 19th amendment to the Statutes pursuant to the announcement of 11 March 2008, JMBl. NW No. 8 of 15 April 2008, p. 86,

the 20th amendment to the Statutes as published on 16 December 2008, JMBl. NW No.2 of 15 January 2009, p. 13

the 21st amendment to the Statutes pursuant to the announcement of 6 July 2009, JMBl. NW No. 16 of 15 August 2009, p. 184,

the 22nd amendment to the Statutes pursuant to the announcement of 7 July 2010, JMBl. NW No. 15 of 1 August 2010, p. 249,

the 23rd amendment to the Statutes pursuant to the announcement of 26 July 2011, JMBl. NRW No. 16 of 15 August 2011, p. 255,

the 24th amendment to the Statutes pursuant to the announcement of 7 August 2012, JMBl. NRW No. 16 of 15 August 2012, p. 197,

the 25th amendment to the Statutes pursuant to the announcement of 16 August 2013, JMBl. NRW No. 17 of 1 September 2013, p. 218,

the 26th amendment to the Statutes as published on 10 March 2014, JMBl. NRW No. 7 of 1 April 2014,

the 27th amendment to the Statutes pursuant to the announcement of 13 August 2015, JMBl. NRW No. 16 of 15 August 2015, p. 322,

the 28th amendment to the Statutes pursuant to the announcement of 1 September 2016, JMBl. NRW No. 18 of 15 September 2016, p.287.

the 29th amendment to the Statutes pursuant to the announcement of 25 July 2017, JMBl. NRW No. 15 of 1 August 2017, p.199,

the 30th amendment to the Statutes pursuant to the announcement of 4 January 2018, JMBl. NRW No. 2 of 15 January 2018, p. 15,

the 31st amendment to the Statutes pursuant to the announcement of 17 November 2020, JMBl. NRW No. 23 of 1 December 2020, p. 313.

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I. Organisation

Section 1

Legal nature, registered office, tasks and financing

- (1) The "Versorgungswerk der Rechtsanwälte im Lande Nordrhein-Westfalen" (Lawyers' Pension Fund in the State of North Rhine-Westphalia) is, according to Section 1 of the Law on Lawyers' Pensions of 6 November 1984 - RAVG - (GV. NW. 1984 p. 684, Law and Ordinance Gazette), a corporation under public law with its registered office in Düsseldorf.
- (2) The Pension Fund shall have the task of granting its members and other persons entitled to receive benefits from the Pension Fund (beneficiaries) pension benefits in accordance with the RAVG and these Statutes.
- (3) The Pension Fund shall finance itself according to the open cover plan procedure (section 36 subsection 1).

Section 2

Announcements

Announcements of the Pension Fund shall be made in the publication gazette of the Minister of Justice. In addition, they shall be published in the gazettes of the Bar Associations of Düsseldorf, Hamm and Cologne.

Section 3

Duty to provide information and notification

- (1) Members and other beneficiaries are obliged to provide the Pension Fund with the information required to determine membership and the nature and extent of the obligation to pay contributions or pension benefits.
- (2) Changes of residence and subsequent changes that are significant for determining the type and scope of the obligation to pay contributions or the pension benefits shall be notified to the Pension Fund without being requested to do so.

- (3) Members shall work towards their initial registration unless the Pension Fund has assigned them a membership number within three months of acquiring membership.

Section 4 Organs

The organs of the Pension Fund are

1. the Assembly of Representatives;
2. the Executive Board ;
3. the President;
4. the Managing Director.

Section 5 Assembly of Representatives

- (1) The members of the Assembly of Representatives and the substitute members shall be elected by postal ballot. The number of members shall be 10 per chamber district, the number of substitute members up to 20 per chamber district. Further details shall be laid down in the election regulations as an integral part of these Statutes.
- (2) All members of the Pension Fund who have been members for at least six calendar months and are registered in the electoral roll at the end of the election period are entitled to vote.
- (3) Members are not eligible to vote if they meet the requirements of section 13 of the Federal Election Act.
- (4) All persons entitled to vote who are members of a Bar association in the State of North Rhine-Westphalia are eligible to vote. Not eligible for election is:
 1. who, as a result of a judgement or as a collateral consequence, does not possess the eligibility or the capacity to hold public offices,
 2. who has been sentenced to a custodial sentence of more than six months or more than 180 daily rates for an offence against property in the last five years,
 3. a person entitled to vote who is subject to an enforceable or executable occupational or representational ban on practising or representing a profession or who has been subject to an enforceable or executable judgement of disbarment,
 4. who is restricted in the disposal of his or her assets as a result of a court order,
 5. who is in a permanent employment or consultancy relationship with the Pension Fund.
- (5) If a member loses his or her eligibility after the beginning of the election period, the election officer shall establish this. If the ineligible member is elected, the election officer shall declare his/her election invalid. In the event of a subsequent definitive loss of eligibility, the member shall withdraw from the Assembly of Representatives. The election officer shall establish this and

appoint the successor in accordance with the procedure set out in section 16 subsection 3 of the Election Rules.

- (6) The Assembly of Representatives shall elect the chairperson and their first and second deputies from among its members in accordance with subsection 9 below. The chairperson and his/her deputy shall belong to different Bars.
- (7) The Assembly of Representatives shall meet no later than two months after the submission of the annual financial statements. The meetings of the Assembly of Representatives shall be held as a meeting or, for good cause, as a virtual meeting without the physical presence of the members. If a virtual meeting is held, the presence of all members shall be made possible by means of telephone or video conferencing. The members of the Executive Board and the Managing Director shall be entitled to attend the meetings with an advisory role; other persons may be permitted to attend; clause 3 shall apply mutatis mutandis. The meetings of the Assembly of Representatives shall be open to the public for members in accordance with the rules of procedure of the Assembly of Representatives.
- (8) The Assembly of Representatives shall be convened by the Chairperson of the Assembly of Representatives or, if he or she is prevented from doing so, by his or her deputy, with notification of the agenda in writing or text form and with a notice period of at least three weeks. The Assembly of Representatives shall adopt rules of procedure; they shall also regulate the reimbursement of expenses and costs of the organs and bodies of the Pension Fund.
- (9) The Assembly of Representatives shall constitute a quorum if more than half of its members are present. It shall pass its resolutions 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. In a virtual meeting, the members present cast their votes by a procedure specified by the chair of the meeting. The same shall apply to the exercise of other rights in the Assembly of Representatives, with the exception of elections, which are excluded in virtual meetings. If, in accordance with the Rules of Procedure of the Assembly of Representatives, a vote is to be conducted by secret ballot, resolutions shall be adopted in writing or text form or by electronic procedure.
- (10) The activities of the members of the Assembly of Representatives are honorary. Compensation for expenses and reimbursement of costs shall be regulated by the Assembly of Representatives.
- (11) Membership in the Assembly of Representatives ends with membership in the Pension Fund.

Section 6 Duties of the Assembly of Representatives

- (1) The Assembly of Representatives shall decide on
 1. enactment and amendment of the Statutes, including electoral regulations, and approving transition agreements;

2. election and dismissal of the members of the Executive Board in the cases provided for by the Statutes;
 3. approval of the annual financial statements and discharge of the Executive Board;
 4. determination of contributions and assessment of benefits, in particular on the use of the reserve for surplus participation, the coverage of a balance sheet loss and the determination of the education allowance.
- (2) Resolutions of the Assembly of Representatives on section 1 number 4 shall require the approval of the insurance supervisory authority.

Section 7 Executive Board

- (1) The Executive Board consists of 7 members, at least 4 of whom must belong to the Pension Fund. They may not be members of the Assembly of Representatives. Within the election, 2 members each shall belong to the Düsseldorf and Cologne Bar Associations, 3 to the Hamm Bar Association. The members shall be elected individually by secret ballot by the Assembly of Representatives. Elected members who are present at the election shall declare their acceptance of office immediately after the election of all members of the Board; absent members may only be elected if their declarations of acceptance are submitted in writing at the time of the election.
- (2) The activities of the members of the Executive Board are carried out on a voluntary basis.
- (3) The Executive Board shall remain in office after the expiry of its term of office until the newly elected Executive Board convenes.
- (4) The meetings of the Executive Board shall not be public. The Executive Board may call in experts to its meetings for professional advice.
- (5) Meetings of the Board may be held as a physical meeting or as a virtual meeting without the physical presence of the members. The Board has a quorum if at least 5 of its members are present. Section 5 subsection 7 clause 3, subsection 9 clause 4 and 5 apply mutatis mutandis. Resolutions may also be passed in writing or text form or by electronic means if all members agree. Resolutions shall be passed by simple majority.
- (6) A member of the Executive Board may only be dismissed by the Assembly of Representatives for good cause.
- (7) In the event of a withdrawal of a member of the Executive Board, the Assembly of Representatives shall elect a successor for the remaining term of office of the Executive Board at its next meeting.

Section 8 Duties of the Executive Board and the President

- (1) The Executive Board shall conduct the affairs of the Pension Fund. It shall be responsible for all assignments which are not reserved for the Assembly of Representatives or which lie under the responsibility of the Managing Director. The Executive Board shall adopt the technical business plan on the basis of an actuarial report. This requires the approval of the insurance supervisory authority.
- (2) The Executive Board shall be obliged to submit annually, at the latest seven months after the end of the financial year, an annual report and the balance sheet examined by an auditor together with the profit and loss account (annual accounts) to the Assembly of Representatives for approval.
- (3) The President shall lead the Executive Board and, subject to section 6 RAVG, represent the Pension Fund judicially and extra-judicially. He or she shall supervise the Managing Director and appoint the auditor upon resolution of the Executive Board. The Vice-President shall represent the President.

Section 9 Managing Director

The Managing Director shall manage the office. He or she shall conduct the day-to-day administrative business in accordance with the principles determined by the Executive Board and shall implement the decisions of the Executive Board. He or she shall be appointed by the President upon resolution of the Executive Board. He or she shall attend the meetings of the Executive Board in an advisory capacity. The Executive Board shall decide on the discharge of the Managing Director.

II. Membership

Section 10 Compulsory membership

A member of the Pension Fund is anyone:

1. who was a member of a Bar in the State of North Rhine-Westphalia on 30 November 1984 and had not yet reached the age of 45 at that time
or
2. who becomes a member of a Bar in the State of North Rhine-Westphalia after 30 November 1984 until 31 December 2016 and has not yet reached the age of 45 years
or
3. who becomes a member of a Bar in the State of North Rhine-Westphalia after 31 December 2016 and has not yet reached the standard age limit of section 17 subsection 1 at that time
or

4. was a member of a Bar in the State of North Rhine-Westphalia on 30 November 1984, had reached the age of 45, but not 55, at that time and declares his accession within one year of the Statutes coming into force.

Section 11

Exemption from membership or from payment of contributions

- (1) Upon application, a person shall be exempt from membership in the Pension Fund who
1. is entitled to a retirement pension and survivor's pension in accordance with the principles of civil service law on the basis of a permanent service or similar employment relationship
 - or
 2. has obtained exemption from membership in the case of the establishment of another professional public insurance or pension institution outside the State of North Rhine-Westphalia which is ordered by law or based on law, if the facts which led to the exemption still exist.
- (2) Upon application, anyone who pays income-related contributions to an insurance or pension institution in a member state of the European Union or the European Economic Area that is legally prescribed or based on law for their professional group shall be exempt from the obligation to pay contributions bar 1/10 of the standard compulsory contribution or from membership.
- (3) Members who are married to each other and have not yet made use of any other exemption option may, upon application and with the consent of the other, be exempted from paying up to half of the standard compulsory contribution in accordance with section 30 subsection 1. A contribution reduction according to section 30 subsection 5 does not preclude the use of this exemption. The possibility of exemption does not apply to members who are exempt from the statutory pension insurance obligation according to section 6 subsection 1 number 1 SGB VI, Sixth Book of German Social Code.
- (4) An application for exemption can only be made in writing with a preclusion period of 6 months after the occurrence of the prerequisites. Proof of the prerequisites must be provided. In the cases of subsection 3, the application may also be submitted within 6 months after the expiry of the reduction of section 30 subsection 5.

Section 11 a

Exemption from contributions on the occasion of the birth of a child

- (1) A member shall be exempt from the obligation to pay the statutory contributions upon application after the birth of a child or multiple children, namely
- a. the mother for the period to be assessed in full calendar months, which corresponds to the duration of the statutory maternity protection period, as well as

- b. then, for the remaining period of no more than three years, calculated from the beginning of the month preceding the birth, the parent who takes care of the child or children.

- (2) An exemption is only possible if and insofar as the member is not gainfully employed during the exemption period and has no claim against third parties for special contributions according to section 31. The application shall have retroactive effect if it is submitted within two months of the cessation of gainful employment. Proof that the requirements have been met must be provided.
- (3) If both parents are members, only one parent may claim the exemption under subsection 1 b) for the same period. The application must be signed by both parents and indicate for which parent the exemption is requested.
- (4) If the child was born before 1 January 2006, only section 19 subsection 6 shall apply.
- (5) Section 32 shall remain unaffected.

Section 12

Cancellation of the exemption

A person who has been exempted from membership may, up to the age of 45, apply for the exemption to be revoked from the beginning of the month following the application and for him or her to become a compulsory member. The application shall be made in writing. The applicant shall enclose, at his or her own expense, a certificate from a medical officer of the Pension Fund stating that the applicant's state of health at the time of application gives no cause for concern. The Executive Board shall decide on the application. It may obtain further expert opinions at the expense of the Pension Fund.

Section 13

Termination and continuation of membership

- (1) Membership in the Pension Fund shall end
1. with the death of the member,
 2. if the member is no longer a member of a Bar in the State of North Rhine-Westphalia, unless he/she is receiving a disability or retirement pension from the Pension Fund.
- (2) A member whose membership has been terminated in accordance with subsection 1 number 2 may continue his or her membership with all rights and obligations if he or she applies accordingly within a limitation period of six months after leaving. The application may no longer be made after the conditions for the insured event have occurred, unless the conditions for the insured event already occurred before the member left. The application can only be granted if there are no arrears of contributions. Exceptions may be permitted if a repayment agreement is concluded or in cases of hardship. The application for continuation of membership is excluded if a reimbursement according to section 34 subsection 2 has become final.
- (3) Membership under subsection 2 may be terminated

a) by the member by means of a corresponding declaration in a registered letter with a notice period of 3 months to the end of a calendar quarter

or

b) by written notice from the Pension Fund, which is only permissible in the case of arrears of at least three months' contributions. It presupposes that the member has been reminded of the arrears in contributions and has not complied with the demand for payment within a period of one month after notification. The reminder must point out the legal consequences of the arrears. The termination of membership shall become effective at the end of the month in which the notice has become final.

Section 14 Occupational incapacity upon entrance

- (1) A member who is already occupationally incapacitated (section 18 subsection 1 number 1) at the time of entering the Pension Fund shall neither be entitled nor obliged to pay contributions and shall not be entitled to benefits from the Pension Fund as long as the occupational incapacity persists.
- (2) If the occupational disability lasts until the member reaches the standard retirement age as defined in section 17 subsection 1, the member shall leave the Pension Fund.

III. Benefits

Section 15 Types of benefits

- (1) Upon application, the Pension Fund shall provide the following benefits to its members and other beneficiaries upon fulfilment of the requirements:
 1. retirement pension (sections 17 and 19),
 2. occupational disability pension (section 18),
 3. survivors' pension (sections 21-24),
 4. death grant (section 26),
 5. transfer or reimbursement of contributions (section 34 subsections 1 and 2). ,
 6. lump-sum payment (section 28).

There is a legal entitlement to the benefits.

- (2) The Pension Fund may grant subsidies for rehabilitation measures to maintain or restore professional capacity in accordance with section 20.
- (3) For the purposes of the right to benefits under subsection 1, former members who have not submitted an application under section 34 (1) or (2) shall be deemed to be members.

(4) Decisions on benefits and grants shall be made by notice.

(5) All pensions are paid for the full month at its commencement.

Section 16 Duties to contribute and obligations

- (1) Any person applying for or receiving benefits shall
 1. state all facts relevant to the benefits and, at the request of the Pension Fund, agree to the provision of the necessary information by third parties,
 2. immediately notify any changes in the circumstances that are material for the performance or about which declarations have been made in connection with the performance,
 3. designate evidence and, at the request of the Pension Fund, submit or agree to the submission of documentary evidence.
- (2) Anyone applying for or receiving benefits shall undergo medical examinations at the request of the Pension Fund insofar as these are necessary for the decision on the benefit.
- (3) Anyone who applies for or receives benefits due to illness or disability shall undergo medical treatment at the request of the Pension Fund if it is expected to bring about an improvement in his state of health or prevent a deterioration.
- (4) The obligations under subsections 2 and 3 do not apply insofar as
 1. their fulfilment is not proportionate to the benefits claimedor
 2. their fulfilment cannot be expected of the person concerned for an important reasonor
 3. the Pension Fund can obtain the required information using less effort than the member or other beneficiary.
- (5) Examinations and treatments which in individual cases cannot be ruled out with a high degree of probability as causing harm to life and health or which are associated with considerable pain or which represent a considerable interference with physical integrity may be refused.
- (6) Any person who complies with a request of the Pension Fund pursuant to subsections 2 and 3 shall, upon application, receive reimbursement of his necessary expenses and loss of earnings to a reasonable extent.
- (7) If the person applying for or receiving a benefit does not comply with his or her duties to cooperate or obligations under subsections 1 to 3 and if this makes it considerably more difficult to clarify the facts of the case or prevents or makes impossible an improvement or causes a

deterioration, the Pension Fund may, without further investigation, refuse or withdraw the benefit to the extent that the requirements are not proven or the impairments are not improved or worsened until the cooperation is made good.

- (8) Benefits may be refused or withdrawn in whole or in part for lack of cooperation only after the person entitled to benefits has been informed of this consequence in writing and has not complied with his or her obligation to cooperate within a reasonable period of time set for him or her.
- (9) If, in addition to claims under sections 17, 18, 21 and 22, a beneficiary is entitled to compensation for pecuniary loss of a non-insurance nature against third parties, he or she shall assign these claims to the Pension Fund up to the amount in which the Pension Fund has to grant benefits. If applicable, the obligation to assign shall only extend to the extent that the compensation owed by the third party is not necessary to fully cover the member's own loss or that of another person entitled to benefits. The assignment may not be asserted to the detriment of the person entitled to benefits. If the beneficiary relinquishes such a claim or a right serving to secure such a claim without the consent of the Pension Fund, the Pension Fund shall be released from the obligation to pay benefits under sections 17, 18, 21 and 22 to the extent that he or she could have obtained compensation from the claim or right; clause 2 shall apply mutatis mutandis.

Section 17
Retirement pension

- (1) Every member is entitled to a lifelong retirement pension as soon as he or she has reached the age shown in the following overview (standard age limit):

Year of birth	Standard age limit
before 1949	65 years
1949	65 years 1 month
1950	65 years 1 month
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 month
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 retirement pension shall be granted already before reaching the standard retirement age, but not before reaching the age of 60. If a membership relationship in a professional public insurance or pension institution ordered by law or based on law started after 31 December 2011, an early retirement pension may be granted at the earliest from the completed 62nd year of life. For each calendar month by which the pension is claimed before reaching the standard retirement age, it is reduced by a deduction according to the following table if the pension commences on or after 01.01.2009:

Time span in months	Shortening in %	Time span in months	Shortening 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 start of the retirement pension is postponed beyond the standard retirement age, at the latest until the age of 70. For each calendar month by which the pension is claimed later, it increases by a supplement in accordance with the following table when the standard retirement age is reached as of 01.01.2009:

Time span	Increase	Time span	Increase
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in months	in %	in months	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 is also entitled, but not obliged, to make further monthly contributions that have a pension-increasing effect.

- (4) Prerequisite for the granting of the retirement pension is a membership existing 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, there are no other persons entitled to a pension at the start of the retirement pension and if the member did not receive or does not receive an occupational disability pension, the member entitled to a pension shall, upon application, receive a supplement of 20 per cent to the fixed retirement pension, beginning with the month in which the application is received by the Pension Fund. All other claims under the Statutes, with the exception of the claim to death benefits, are thus permanently excluded.
- (6) The retirement pension shall be paid at the beginning of each month. Payment shall begin in the month following the month in which entitlement arises and shall end at the end of the month in which entitlement ceases.

Section 18 Occupational disability pension

- (1) A member who has paid contributions for at least three months prior to the onset of occupational disability and who has
 1. because of illness or a physical infirmity or because of weakness of his or her physical or mental strength or addiction, is likely to be permanently only capable

of practising law for less than three hours a day on average,

and

2. ceases or has ceased his or her professional activity as a lawyer,

receives an occupational disability pension on a permanent basis.

- (2) A member who has paid contributions for at least three months prior to the onset of occupational disability and who has

1. due to illness or a physical infirmity or due to weakness of his physical or mental strength or addiction, is for the foreseeable future, at least for a period of six months, only able to work on average less than three hours a day as a lawyer,

and

2. ceases or has ceased his or her professional activity as a lawyer,

receives an occupational disability pension on a temporary basis.

- (3) Members who have acquired membership in accordance with section 44 must, in contrary to subsections 1 or 2, have paid contributions for at least 36 months prior to the onset of occupational disability.

- (4) The member must provide medical evidence of occupational incapacity in the form of a specialist medical report. The Pension Fund may order an examination at its own expense and appoint experts for this purpose - even after the pension has been granted. The member is obliged to submit to the examinations ordered by the Pension Fund. Insofar as it is necessary for the assessment of occupational disability, the member must release all doctors, medical institutions and insurance companies from the duty of confidentiality vis-à-vis the experts appointed by the Pension Fund, these experts themselves and the Pension Fund. If the member does not comply with these obligations, the Pension Fund may reject the application for an occupational disability pension or cancel its benefit notice.

- (5) A temporary pension shall be granted for a period determined by calendar months. It shall be paid only to the extent that the legal practice has been completely discontinued for the period of granting. The temporary pension shall commence in the month following the occurrence of the occupational incapacity if the application is received by the Pension Fund within six months after the occurrence of the occupational incapacity, otherwise at the beginning of the month following the month in which the application is received by the Pension Fund, but not before the end of continued payment of wages in the event of sickness or the payment of sickness benefit on the basis of statutory provisions. The cessation of the lawyer's activity shall be made credible.

- (6) Subsection 5, clauses 2 to 4 shall apply mutatis mutandis to the permanent pension. The member shall be obliged to prove within six months of receipt of the

notice of grant that his or her admission to the legal profession has ended.

- (7) In special cases, the Pension Fund may, at the member's request, grant a temporary pension instead of a permanent pension, but for a maximum period of two years.
- (8) The occupational disability pension shall continue as a retirement pension in the same amount upon reaching the standard retirement age; the granting of an occupational disability pension shall be excluded for periods after reaching the standard retirement age. Otherwise, the occupational disability pension shall end with the month in which the member dies or in which the Pension Fund revokes the notice of grant, and, in the case of a temporary pension, with the expiry of the month up to which it was granted.
- (9) The occupational disability pension shall be revoked if its prerequisites cease to apply at a later date or if the proof pursuant to subsection 6 clause 2 is not provided.

Section 19

Amount of the retirement and occupational disability pension

- (1) The monthly amount of the retirement or occupational disability pension is the product of the pension increase amount, the number of insurance years to be credited and the personal average contribution quotient.
- (2) The amount of the pension increases for pension cases in the business years 1985 to 1986 shall be DM 80 each. The pension increase amount for pension cases after 31 December 1986 shall be determined annually on the basis of the annual financial statements and the actuarial report of the penultimate financial year by the Assembly of Representatives on the proposal of the Board of Management. The resolution shall be announced after approval by the insurance supervisory authority.
- (3) Years of insurance to be taken into account are
1. the years in which membership was subject to contributions or voluntary contributions.
 2. the years in which an occupational disability pension was drawn if a contribution obligation arose again after this receipt.
 3. a) for members who have established their membership by 31.12.2016, periods of
 - 8 years on joining the Pension Fund until the age of 45,
 - 7 years for entry after the age of 45 until the age of 46,
 - 6 years for entry after the age of 46 until the age of 47,
 - 5 years for entry after the age of 47 until the age of 48,

4 years for entry after the age of 48 until the age of 49,

3 years for entry after the age of 49 until the age of 50,

2 years for entry after the age of 50 until the age of 51,

1 year for entry after the age of 51 until the age of 52,

b) for members who have established their membership for the first time or again after 31.12.2016, periods of

8 years on joining the Pension Fund until the age of 39,

7 years on entry after the age of 39 until the age of 40,

6 years on entry after the age of 40 until the age of 41,

5 years for entry after the age of 41 until the age of 42,

4 years on entry after the age of 42 until the age of 43,

3 years on entry after the age of 43 until the age of 44,

2 years on entry after the age of 44 until the age of 45,

1 year if joining after reaching the age of 45 until reaching the age of 46,

4. if the occupational disability occurs before the insured person reaches the age of 55, the years that lie between the time the occupational disability occurs and the insured person reaches the age of 55 (additional calculation period).

In the case of insurance years commenced in accordance with numbers 1, 2 and 4, each month shall be deemed to be 1/12 of an insurance year; if contributions were only compulsory for part of the month, this month shall be deemed to be a contribution month.

Persons who have left the Pension Fund and whose contributions remain with the Pension Fund, are credited only with insurance years in accordance with number 1.

- (4) The personal average contribution quotient shall be determined as follows:

For each month in which membership was subject to compulsory or voluntary contributions, the quotient shall be formed between the contribution paid in that month and the monthly compulsory contribution according to section 30 subsection 1, whereby the calculation shall be made to four decimal places with commercial rounding. The sum of these quotients shall be divided by the sum of the months in which membership was subject to compulsory or voluntary contributions.

- (5) If the taking into account of contributions paid by a subsequent insurance results in a lower pension than that which would result if the subsequent insurance were not taken into account, the subsequent insurance shall not be taken into account as a whole.
- (6) If the consideration of contributions paid by the member during a childcare period results in a lower pension than that which would result if this period were not taken into account, this childcare period shall not be considered. The childcare period shall be the calendar year following the birth of the child. If the calendar year in which the birth occurs has a lower quotient pursuant to section 19, subsection 4, clause 1 than the following calendar year, the latter shall apply. Childcare within the meaning of this provision requires that the member

1. notifies the Pension Fund by the end of the calendar year following the birth of the child that he/she has taken over the care of his/her child,
2. proves the parenthood.

After the occurrence of the pension case, any person entitled to a pension may file the notification according to number 1. The obligation to pay contributions pursuant to section 30 shall remain unaffected during the childcare period. The provision of this subsection shall apply to children born by the end of 31 December 2005.

- (7) Months for which no contribution was payable due to a contribution exemption pursuant to section 11 a shall be part of the insurance years pursuant to subsection 3 number 1 and shall be taken into account with a quotient of zero when calculating the personal average contribution quotient pursuant to subsection 4. If taking these months into account leads to a lower pension than the one that would result without them, these months shall not be taken into account.

Section 20 Rehabilitation measures

- (1) A member of the Pension Fund who has paid contributions for at least three months or who receives a pension for occupational disability may, upon application, be granted a one-time or repeated subsidy towards the costs of necessary, particularly costly medical rehabilitation measures if his/her occupational ability is endangered, reduced or excluded as a result of illness or a physical infirmity or due to weakness of his physical or mental strength or addiction and it can be expected to be maintained, substantially improved or restored by these rehabilitation measures. The grant must be applied for in writing in good time before the measure is initiated
- (2) The necessity of the rehabilitation measure and its prospects of success shall be proven by the member by means of a medical report. The Pension Fund may request an additional expert opinion. It may make cost sharing conditional on the start, duration, place and manner of implementation of the measures. It may order follow-up examinations and appoint the expert for this purpose. The member shall bear the costs of the examinations and assessments with the exception of

the costs of an examination and assessment arranged by the Pension Fund. The Executive Board may exceptionally decide, in particular to avoid hardship that these costs shall also be borne in whole or in part by the Pension Fund.

- (3) The necessary costs of the rehabilitation measures shall be proven by the member by cause and by amount or estimated in advance by enclosing receipts. They shall be disregarded insofar as there is a legal, statutory or contractual reimbursement obligation on the part of another body. The Pension Fund shall decide on the amount of cost sharing at its own discretion, taking into account all circumstances of the individual case.

Section 21 Survivor's pension

- (1) Survivor's pensions are
1. widow's pension,
 2. widower's pension,
 3. full orphan's pension,
 4. half-orphan's pension.
- (2) Survivor's pensions shall be granted if, at the time of death, the member has paid contributions for at least three months, and in the case of section 44 subsection 1, for at least 36 months.

Section 22 Widow's and widower's pensions

- (1) After the death of the member, the widow receives a widow's pension and the widower a widower's pension.
- (2) Widows or widowers are not entitled to a widow's or widower's pension if the marriage did not last at least 1 year, unless the special circumstances of the case do not justify the assumption that the sole or predominant purpose of the marriage was to establish an entitlement to a survivor's pension. If the marriage was contracted after the onset of the occupational disability or after the member reached the age of 60 and did not last for at least three years, there shall be no entitlement to a pension. If in such a marriage the member is more than 10 years older, the marriage must have lasted at least four years, if more than 20 years older, the marriage must have lasted at least five years, in order to establish a pension entitlement.

Section 23 Orphan's pension

- (1) Orphans' pensions shall be paid after the death of the member to his children until they reach the age of 18. Beyond this date, the orphan's pension shall be granted until the child reaches the age of 27 at the latest if the child is in school or vocational training or is unable to support himself/herself at the age of 18 due to physical or mental infirmity for as long as this condition lasts.

- (2) If school or vocational training is delayed due to the performance of compulsory military service, civilian alternative service or compulsory service in civil defence or an equivalent service, the orphan's pension shall be granted for a period corresponding to the time of this compulsory service beyond the age of 27, insofar as the compulsory service was performed before the person reached the age of 27.
- (3) The entitlement to an orphan's pension due to vocational training pursuant to subsections 1 and 2 shall cease before the child reaches the age of 27 as soon as the training for a recognised occupation has been completed or it is established that it can no longer be completed. The commencement of further or different training which, according to the perception of the market, is not a preparation for the next higher level of the same recognised training occupation based on the training previously commenced or completed (second training) shall not result in a renewed entitlement to an orphan's pension. The one-time change of the training occupation is harmless if this change is completed by the end of the second training year or is unavoidable due to circumstances for which the trainee is not responsible. Interruptions of up to three months do not void the entitlement to an orphan's pension.
- (4) Orphan's pension pursuant to subsection 1 shall be received:
 - 1. by biological children,
 - 2. by children adopted as children, provided the adoption took place before the member reached the age of 55.
- (5) Remuneration from an apprenticeship shall be credited against the orphan's pension insofar as the remuneration exceeds a monthly allowance of EUR 700.00 gross.

Section 24

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

- (1) The widow's and widower's pension shall amount to 60 per cent of the pension entitlement or pension expectancy which the member had attained at the time of his/her death.
- (2) Widow's and widower's pensions shall cease at the end of the month in which the beneficiary remarries.
- (3) The orphan's pension shall amount to 20 per cent of the pension entitlement or pension expectancy which the member had reached at the time of his death in the case of half-orphans and 30 per cent in the case of full orphans.
- (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 member's date of death. They end with the month in which the entitlement to benefits ceases. Section 23 subsection 2 remains unaffected.

- (6) The sum of the survivor's pensions may not exceed 150 per cent of the retirement or occupational disability pension; of this, no more than 60 per cent may be claimed in accordance with section 22 subsection 1. If necessary, the individual pensions shall be reduced in the same proportion.

Section 25

Pension rights adjustment

- (1) If, in connection with the divorce of a member, pension rights adjustment is carried out in accordance with the Pension Equalisation Act (VersAusglG), the change in a member's entitlement shall be calculated as follows:

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

$$\text{Amount of change} = \frac{\text{Entitlement transferred} \times \text{Pension increase amount}}{\text{Pension increase amount at the end of marriage period}}$$

The amount determined in this way is deducted from the pension entitlement or pension of the member subject to the equalisation obligation as it would have resulted without taking the pension equalisation into account. If the person entitled to adjustment is or was also a member of the Pension Fund, this amount shall be added to his/her entitlement or pension.

- (2) If the person entitled to equalisation is not or was not a member of the Pension Fund, an entitlement to a retirement pension shall be established in his or her favour in the amount of the equalisation value determined by the family court in accordance with section 17(1) to (3) and (6). To compensate for the fact that the risk protection is limited to a retirement pension, the entitlement shall be increased by a supplement applicable at the time the pension commences, currently in accordance with the table below.

Age at end of marriage	Surcharge
until 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 for the reduction of his or her pension rights or pension entitlements resulting from the pension rights adjustment in whole or in part by making special payments. These must be made within a preclusive period of five calendar years from the date on which the decision on the pension equalisation becomes final, at the latest by the date on which the pension becomes due. If the member has already received pension benefits when the decision on the pension adjustment becomes final, special payments can only be made in deviation from clause 2 if the member becomes liable to pay contributions again with-

in the aforementioned preclusion period. The amount of the special payment is calculated by dividing the product of the transferred entitlement and the annual standard contribution at the time of the receipt of payment by the pension increase amount at the end of the marriage period. Special payments must be marked as such; in individual cases they may not be less than a standard compulsory contribution (section 30 subsection 1). Special payments may only be made if there are no contribution arrears.

(4) The following transitional arrangements shall apply

(a) If the law applicable until 31 August 2009 pursuant to section 48 VersAusglG applies to the pension rights adjustment, section 25 subsections 1, 2, 4 to 7 shall continue to apply in the version applicable on 31 August 2009.

(b) If the pension adjustment proceedings have been initiated before 1 September 2009 and the pension of the member liable to equalisation has started before 1 September 2009, it will only be reduced if

1. a pension is to be granted for the member from a subsequent insured event

or

2. a pension is to be granted from the pension of the person entitled to adjustment.

Section 26 Death grant

In the event of the death of a member, a death grant shall be paid. Section 21 subsection 2 shall apply mutatis mutandis to the granting of a death grant. As of 1 January 2005, the amount of the death grant shall correspond to a monthly pension of the pension paid to the member at the time of death or to his/her monthly entitlement to an occupational disability pension, provided that the death occurred before the member was receiving a pension. The death grant is paid to the person who has arranged the funeral.

Section 27 Assignment, Pledge, Attachment

Claims to benefits may neither be assigned nor pledged. Section 54 of the First Book of the German Social Code (SGB I) shall apply mutatis mutandis to the attachment.

Section 28 Capital settlement

(1) Widows or widowers who are entitled to a survivor's pension (section 22) and remarry shall receive the following lump-sum settlement on application:

1. in the event of remarriage before reaching the age of 35, sixty times their last monthly pension drawn.
2. in the event of remarriage up to the age of 45, forty-eight times their last monthly pension.
3. in the event of remarriage after reaching the age of 45, thirty-six times their last monthly pension drawn.

The entitlement to a survivor's pension expires with the payment of the lump-sum settlement. The application for a lump-sum settlement can only be made within a preclusive period of six months after the marriage and shall take effect back to the day of the marriage; the pension paid since then shall be credited against the settlement.

(2) On application of the beneficiary, pensions which, at the time of application, fall below a monthly amount of 1 per cent of the monthly reference amount applicable in the State of North Rhine-Westphalia pursuant to section 18 SGB IV shall be settled according to actuarial principles and shall expire upon payment of the settlement.

Section 29 Exclusion of benefits

- (1) Anyone who intentionally becomes incapacitated for work shall not be entitled to an occupational disability pension.
- (2) Survivors shall not be entitled to a pension if they intentionally caused the member's death.

Section 29 a Civil partnership

The provisions on pensions of surviving dependants and on the adjustment of pensions shall apply mutatis mutandis to civil partners within the meaning of the German Civil Partnership Act.

IV. Contributions

Section 30 Contributions

- (1) Unless otherwise stipulated in these Statutes, members shall be obliged to pay a monthly contribution which is a specified part of the contribution assessment ceiling for statutory pension insurance applicable in the state of North Rhine-Westphalia (sections 159, 160 SGB VI). It coincides with the maximum contribution to the statutory pension insurance unless the Assembly of Representatives determines it otherwise (standard compulsory contribution).
- (2) Members whose income (earned income and remuneration as defined in sections 14 and 15 SGB IV) does not reach the income threshold shall pay the contribution according to their income in accordance with the contribution rate of the statutory pension insurance, unless the Assembly of Representatives sets a different contribution rate. Subject to section 32, they are entitled to pay the standard compulsory contribution.

- (3) Irrespective of subsection 2, every member who has not yet reached the standard age limit and is not drawing a pension shall pay a contribution amounting to 1/10 of the standard compulsory contribution (minimum contribution).
- (4) For the calculation of the contribution and for the proof of income applies:
1. The income of the penultimate calendar year shall be decisive for the calculation of the contribution pursuant to subsection 2, clause 1, and the respective contribution period shall be decisive for the calculation of the remuneration.
 2. In the case of earned income, this shall apply with the proviso that the calculation of the contribution for the calendar year in which the member becomes self-employed for the first time and for the following two calendar years shall be based on the earned income of the first year and the contribution shall be determined provisionally on this basis; the earned income shall be substantiated. The contributions for the first calendar year and the two following years shall be finally determined on the basis of the income tax assessment for the first calendar year; the assessment shall be submitted without delay. If the self-employed activity was only carried out in part of the year, the earned income from this 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 to that of the calendar year before last, the contribution shall, at the request of the member, be provisionally fixed according to the income from work in the current calendar year; the income from work must be shown to be credible. A decrease in income shall be deemed to be substantial if it would result in a 15 per cent lower contribution. The application must be submitted by 31 December of the calendar year for which the contribution reduction is to be made. A contribution assessment previously made for this calendar year shall not prevent the application. The contribution shall be finally determined after submission of the income tax assessment notice, however, at the most according to the income of the penultimate calendar year.
4. Proof of income is provided:
- a) For earned income, by submitting the income tax assessment notice for the calendar year before last;
 - b) For remuneration for work, by submitting a certificate of remuneration for the contribution period issued by the employer.
- (5) Members who became members of the Pension Fund after the entry into force of the Statutes shall pay only half of the contribution rate applicable under subsections 1 and 2 on their earned income until the expiry of five years after the month in which they were first admitted to the Bar (section 12 (2) German Federal Lawyers' Act), but no longer than until the end of the month in which they reach the age of 45. The member may waive this reduction. Subsection 3 remains unaffected.
- (6) Notwithstanding subsections 1, 2, 3 and 5, a member who is exempt from compulsory insurance in the statutory pension insurance pursuant to section 6 subsection 1 number 1 SGB VI shall pay at least the contribution that would be payable to the statutory pension insurance without the exemption.
- (7) Members who pay compulsory contributions to the statutory pension insurance as employees shall pay compulsory contributions to the Pension Fund for their income from self-employment. Insofar as this income together with the remuneration exceeds the income limit for the assessment of contributions according to section 159 SGB VI, the income exceeding the income limit for the assessment of contributions shall not be taken into account. Subsection 3 remains unaffected.
- (8) Self-employed members who are compulsorily insured in a statutory pension insurance scheme shall pay contributions in accordance with subsection 1 or 2, taking into account the compulsory contributions paid by them to the statutory pension insurance scheme. Subsection 3 remains unaffected.

Section 31 Special contributions

- (1) Members who receive social benefits according to section 11 SGB I from a social security institution according to section 12 SGB I shall pay contributions during this period at least in the amount in which contributions are to be granted to them by the respective social security institution. Section 30 subsection 3 remains unaffected.
- (2) Members who
 1. are exempt from compulsory statutory pension insurance pursuant to section 6 subsection 1, number 1 SGB VI shall pay a contribution during their military service in the amount of the highest applicable compulsory contribution to statutory pension insurance pursuant to sections 158, subsection 1, 159 and 160 SGB VI;
 2. are not exempt from compulsory statutory pension insurance pursuant to section 6 subsection 1 number 1 SGB VI shall pay a contribution amounting to 40 per cent of the respective maximum contribution to the statutory pension insurance, at most, however, a contribution in the amount in which contributions are to be granted to them by third parties during the period of compulsory military service. The same shall apply to civilian alternative service, compulsory service in civil defence or equivalent service. Section 30 subsection 3 shall apply mutatis mutandis.
- (3) The obligation to pay contributions from additional earned income and remuneration remains unaffected.

Section 32 Additional voluntary contributions

- (1) Any person who becomes a member of the Pension Fund before reaching the age of 57 may pay additional voluntary contributions provided that no compulsory contributions are in arrears; section 33 subsection 5 clause 2 shall apply mutatis mutandis. However, addi-

tional voluntary contributions together with the compulsory contributions may not exceed 150 per cent of the standard compulsory contribution (section 30 subsection 1); compulsory contributions for previous years shall remain unaffected.

- (2) For additional contributions paid for the period after reaching the age of 57, the further restriction applies that the ratio of the total contribution of a month and the standard compulsory contribution (section 30 subsection 1) does not exceed the personal contribution quotient (section 19 subsection 4) for contribution payments until reaching the age of 57.
- (3) Additional voluntary contributions may only be paid within the current financial year. After the end of the financial year in which they are paid, they cannot be offset against compulsory contributions due at a later date.
- (4) Section 25 shall remain unaffected.

Section 33 Contribution procedure

- (1) The contributions are monthly contributions. The compulsory contributions shall be paid by the 15th day of each month. The obligation to pay contributions shall commence with the calendar month following the day on which membership was acquired.
- (2) For members who are exempt from compulsory insurance in the statutory pension insurance pursuant to section 6 subsection 1 number 1 SGB VI, the obligation to pay contributions pursuant to section 30 subsection 6 shall commence on the day on which the exemption from compulsory insurance in the statutory pension insurance becomes effective; at least the contribution pursuant to section 30 subsection 3 shall be paid for the month of withdrawal. In the event of a waiver pursuant to section 43 subsection 6, the obligation to pay contributions shall commence on the day on which the waiver takes effect; the same shall apply to section 12.
- (3) For members who leave the Pension Fund pursuant to section 13 subsection 1 number 2, the obligation to pay contributions ends at the end of the respective month.
- (4) Arrears of contributions shall be repaid in accordance with section 366 subsection 2 German Civil Code (BGB). The debtor's right of determination shall not apply. If there are contribution arrears at the end of the financial year, a voluntary contribution paid in the course of the financial year shall be set off against these arrears.
- (5) After the occurrence of the pension case, contributions can no longer be paid. This shall not apply to arrears of compulsory contributions which are repaid by the competent pension insurance institution or paid by third parties in accordance with section 31; section 35 subsection 3 and 4 shall remain unaffected.
- (6) For contributions that have not been paid 2 weeks after the due date, a one-time late payment surcharge of 2% of the overdue contributions may be levied. If payment is overdue by more than 3 months, interest shall be charged from the due date at a rate of 8% above the base rate, but at least 12% p.a. The surcharge for late

payment and interest shall be determined by notice. The member shall bear the costs incurred by the collection of the contributions. The late payment surcharge, interest and costs shall be repaid in accordance with section 367 subsection 1 BGB. The debtor's right of determination does not apply.

- (7) Contributions and ancillary claims with which a member is in arrears shall be collected on the basis of a contribution notice quantifying the arrears, but contributions shall only be collected up to the date of retirement. Insofar as the contributions in arrears cannot be collected, the member shall only be entitled to benefits corresponding to his average contribution quotient (section 19 subsection 4).
- (8) The Pension Fund may make arrangements for the repayment of arrears in contributions. In cases of particular hardship, arrears of contributions and, on application, surcharges for late payment may be wholly or partially waived. The Executive Board shall adopt guidelines for this purpose.

Section 33 a Date of payment of contributions

A payment validly made shall be deemed to have been paid:

1. in the event of a handover or a transfer of means of payment on the day of receipt,
2. in case of transfer or deposit to an account of the Pension Fund and in case of deposit by payment slip or postal order on the day the amount is credited to the Pension Fund,
3. if a direct debit mandate is available, on the due date.

Section 34 Transfer of contributions

- (1) If membership ends due to admission to another Bar outside the area of the Bars in the State of North Rhine-Westphalia, the contributions paid so far shall, upon application by the member, be transferred in full to the pension institution of the new Bar area within the framework of a transfer agreement. The application for transfer must be made within a preclusive period of 6 months after termination of membership. If a lawyer who was a member of another pension fund becomes a member of the Pension Fund and her or his contributions have been transferred in accordance with a transition agreement, she or he shall be treated in accordance with the rules of these Rules as if she or he had become a member of the Pension Fund at the time when membership of the other pension fund commenced. Her or his contributions to the other pension fund shall be deemed to have been paid to the Pension Fund at the time they were paid.
- (2) If the membership is terminated, the former member - subject to section 13 subsection 2 - shall be reimbursed 60 per cent of the contributions paid so far upon application, which must be made within 6 months after termination of the membership, if he/she has not paid contributions for more than 3 months. If there are arrears of

contributions, the Pension Fund shall be entitled to offset them or to demand payment. After the occurrence of the pension case, the application according to clause 1 can no longer be withdrawn.

- (3) Notwithstanding sub-section 1 and sub-section 2, during pending divorce proceedings the obligation to transfer or the obligation to reimburse shall be suspended until the decision on the adjustment of pensions has become final.
- (4) No interest shall be paid on the contributions to be transferred or refunded.

V. Subsequent insurance

Section 35 Subsequent insurance

- (1) If the application for the implementation of the supplementary insurance is submitted in accordance with section 186 SGB VI, the supplementary insurance shall be implemented in accordance with the following provisions.
- (2) The application for subsequent insurance shall be submitted within one year after leaving the employment relevant for subsequent insurance. If the person to be subsequently insured has died, the widow or widower shall have the right to apply. If there is no widow or widower, all orphans together and, if there are no orphans, any former spouse may apply.
- (3) The Pension Fund shall accept the supplementary insurance contributions and treat them as if they had been paid as contributions in accordance with section 30 in due time during the period for which the supplementary insurance is carried out. The surcharges according to section 181 subsection 4 SGB VI do not lead to an increase of the personal expectancies. The contributions actually paid during the period of subsequent insurance shall be deemed to be additional contributions within the meaning of section 32 or shall be refunded on application without interest. Section 32 subsection 2 remains unaffected.
- (4) The subsequently insured person shall be deemed to be a member by operation of law of the Pension Fund for the duration of the subsequent insurance period with retroactive effect from the date of commencement of the subsequent insurance period even if membership of the Pension Fund is only established within one year of leaving the employment relevant for the subsequent insurance. The suspension of the obligation to pay contributions and the occurrence of the insured event shall not prevent subsequent insurance.

VI. Financing procedure, use of funds and accounting

Section 36 Funding, use of funds, Investment of assets

- (1) The Pension Fund shall form an actuarial reserve according to actuarial principles. This shall be determined according to the open cover plan method as the difference between the present value of all future benefits and the present value of future income, taking into account a permanent future addition.
- (2) The funds of the Pension Fund may only be used for statutory services, necessary administrative costs and other expenses required for the fulfilment of the tasks of the Pension Fund as well as for the formation of necessary reserves and provisions.
- (3) The assets of the Pension Fund shall be invested in accordance with the provisions of the Act on the Supervision of Insurance Companies and Pension Funds of the Liberal Professions in the State of North Rhine-Westphalia (VAG NRW) and the Ordinance on the Supervision of Insurance Companies and Pension Funds of the Liberal Professions in North Rhine-Westphalia (VersAufsVO NRW) issued in connection therewith as well as the guidelines of the insurance supervisory authority issued in this regard, unless they are to be kept available to cover current expenses. The Pension Fund shall report on all its investments, broken down into new investments and portfolios, in the forms and within the time limits to be determined by the insurance supervisory authority.

Section 37 Accounting, performance improvements

- (1) After the end of the financial year, the Executive Board shall prepare annual financial statements and a management report in accordance with the guidelines issued by the insurance supervisory authority. The actuarial reserve to be included in the annual financial statements shall be calculated by an actuarial expert within the framework of an expert opinion, which shall also quantify the degree of capital cover. The annual accounts together with the management report and the actuarial report shall be submitted to the supervisory authorities. The adoption of the annual financial statements and the discharge of the Executive Board by the Assembly of Representatives shall be proven to the supervisory authorities.
- (2) A loss reserve shall be formed to cover losses. A gross surplus resulting from an actuarial report to be prepared annually shall be added to this reserve until it has reached a value to be determined annually by the Executive Board which amounts to a certain percentage of the actuarial reserve. This value, which is decisive for the reserve, shall not fall below 4% of the actuarial reserve and shall not exceed a maximum amount of 6% of the actuarial reserve. Any surplus in excess of this amount shall be allocated to the reserve for statutory profit participation.
- (3) The provision for statutory profit participation - insofar as it is not to be used to cover a deficit - shall only be

used to improve the pension benefits, to strengthen the actuarial provisions or to adjust the calculation bases. An improvement of the pension benefits shall be carried out if it leads to significant results. The Assembly of Representatives shall decide on the proposal of the Executive Board. The resolution requires the approval of the insurance supervisory authority.

- (4) Any resulting deficit shall be covered from the loss reserve and - insofar as this is insufficient - from the reserve for statutory profit participation. Any balance sheet loss remaining thereafter shall be compensated by reducing benefits or by increasing contributions or by both measures; subsection 3, clauses 3 and 4 shall apply mutatis mutandis.
- (5) The annual accounts shall be audited by an auditor, including the bookkeeping and the management report.

VII Procedure

Section 38 Legal recourse

The notices of the Pension Fund can be challenged in administrative proceedings.

Section 39 (repealed)

Section 40 Duty of the Pension Fund to provide information

The Pension Fund is responsible for the general information of its members and other beneficiaries about their rights and obligations.

Section 41 Business year

The financial year shall be the calendar year.

Section 42 Place of performance, place of jurisdiction

The place of performance and jurisdiction is Düsseldorf.

VIII. Transitional provisions

Section 43 Exemption from membership or the obligation to contribute

- (1) Lawyers and legal advisers who were members of a Bar in the State of North Rhine-Westphalia on 30 November 1984 and who had not reached the age of 45 on that date shall, on application, be exempted in whole or in part from membership of the pension scheme or

from the obligation to pay contributions in accordance with subsections 2 to 6.

- (2) In the absence of proof of any other exemption, exemption from the obligation to pay contributions shall be granted up to half of the standard compulsory contribution pursuant to section 30 subsection 1.
- (3) An exemption exceeding the scope according to subsection 2 up to 4/10, 3/10, 2/10 or 1/10 of the standard compulsory contribution according to section 30 subsection 1 or a full exemption shall be granted if other retirement and survivor's benefits have been provided for within a period of one year after the entry into force of these Statutes and the cause and amount of the exemption are proven. As causes for exemption shall be deemed in particular

1. net investment income, determined according to tax principles at the time the Statutes come into force, at least in the amount of the entitlement to an occupational disability pension as it would exist without exemption if half the standard compulsory contribution (section 30 subsection 1) had been paid;
2. insurance in a statutory pension insurance institution, but in the case of voluntary insurance only if proof of an insurance period of at least 15 years is provided;
3. an endowment insurance on death and survival or a private life annuity insurance on a deferred life annuity, for which the premium expenditure reaches at least 5/10, 4/10, 3/10, 2/10 or 1/10 of the standard compulsory premium in accordance with section 30 subsection 1 at the time of the entry into force of these Statutes, for which the commencement date is at the latest the time of the entry into force of these Statutes and for which the final age in the event of experience is concluded at the earliest on the 60th year of life and at the latest on the 68th year of life. For this insurance, the application for conclusion must be submitted and accepted by the insurance company within one year of the entry into force of these Statutes at the latest. Otherwise, the insurance must have been taken out by the end of the aforementioned period or the insurance company must have issued an unrestricted cover note. The insurance may not be lent, assigned or pledged.
4. the exemptions under section 11 subsections 1 to 3.

Members whose compulsory contribution is fixed in accordance with section 43 subsections 2 and 3 (irrespective of the income from work subject to contribution in accordance with section 30 may at any time waive this fixing of their compulsory contribution irrespective of income and henceforth pay their contribution in relation to income (in accordance with section 30).

- (4) A full exemption from contributions shall terminate the membership.
- (5) An application for exemption can only be considered if it has been received in writing by the Pension Fund within a preclusive period of 12 months after the entry into force of these Statutes. The exemption shall take effect at the time when the requirements are fulfilled.

- (6) Anyone who is completely exempt from membership in accordance with subsection 4 may waive the exemption before reaching the age of 45 by written declaration with effect from the beginning of the next month. This waiver may only be granted by the Executive Board if an examination of the health condition by the medical officer of the Pension Fund at the expense of the applicant does not give cause to any doubts.
- (7) Any person who has paid compulsory contributions to the statutory pension insurance for each calendar month since at least 30 November 1984 and becomes a member of the Pension Fund after that date shall be exempt from membership of the Pension Fund upon application. The application must be made within a preclusive period of six months. The period begins with the acquisition of membership, at the earliest with the entry into force of the Statutes.
- (8) Lawyers and legal advisers who became members of a Bar in the State of North Rhine-Westphalia in the period from 1 December 1984 to 31 July 1985 and who had not yet reached the age of 45 at the time of their admission to the Bar or the acquisition of membership shall, on application, be exempt in whole or in part from membership of the Pension Fund or from the obligation to pay contributions in accordance with subsections 2 to 6.

ately as an insurance year according to section 19 subsection 3 penultimate clause.

Section 43 a Retroactive application of section 19(6)

Section 19(6), also in the version of 21 June 2000, shall also apply to the care of children born before the entry into force of this provision, but after the beginning of the membership of the parent providing care which is subject to the payment of a contribution or which is subject to a contribution, with the proviso that the notification in accordance with number 1 shall be made within 6 months after the entry into force of this provision.

Section 44 Voluntary accession

- (1) Lawyers and legal advisers who on 30 November 1984 belonged to a Bar in the State of North Rhine-Westphalia and who on that date had reached the age of 45 but not 55 may acquire membership of the Pension Fund. Entitlement to benefits is governed by sections 15 et seq.. The contribution shall be at least 3/10 of the standard compulsory contribution (section 30 subsection 1).
- (2) The application may only be made within 12 months of the entry into force of the Statutes.

IX. Final provisions

Section 45 Commencement of the obligation to pay contributions

The obligation to pay contributions begins with the third calendar month after the Statutes come into force. Beginning with this month, the year 1985 shall be counted proportion-