

## **Law on the Lawyers' Pension Fund**

(RAVG NW)

dated 6 November 1984

(GVBI. NW No. 62 of 29 November 1984, p. 684)

(Law and Ordinance Gazette, North Rhine-Westphalia, No. 62 of 29 November 1984, p. 684)

amended by

- the first amendment pursuant to Public Notice dated 24 April 1995,  
GVBI. NW No. 38 of 18 May 1995, p. 376
- the second amendment pursuant to Public Notice dated 20 April 1999,  
GVBI. NW No. 18 of 20 May 1999, p. 154
- the third amendment pursuant to Public Notice dated 16 March 2004,  
GVBI. NW No. 9 of 5 April 2004, p. 135
- the fourth amendment pursuant to Public Notice dated 3 May 2005,  
GVBI. NW No. 23 of 25 May 2005, p. 498
- the fifth amendment pursuant to Public Notice dated 20 December 2007,  
GVBI. NW No. 2 of 10 January 2008, p. 41
- the sixth amendment pursuant to Public Notice dated 12 July 2019  
GVBI. NW No. 15 of 23 July 2019, p. 366

The Landtag (State Parliament) has passed the following law, which is hereby pronounced:

### Section 1 Establishment, Purpose

- (1) A public corporation is set up under the name of "Versorgungswerk der Rechtsanwälte im Lande Nordrhein-Westfalen", Lawyers' Pension Fund in the state of North Rhine-Westphalia, with its registered office in Düsseldorf.
- (2) The Pension Fund provides its members and further entitled persons with benefit schemes in accordance with this law and the statutes.
- (3) The Pension Fund provides its financial benefits exclusively from its own means.

### Section 2 Membership

- (1) Members of the Pension Fund are all the members of a Bar Association under the supervision of the State of North Rhine-Westphalia insofar as they are natural persons.
- (2) The Statutes may provide for a maximum age of entry.
- (3) The Statutes may provide that
  - 1. members who can prove they have made other pension arrangements can, on application, be exempt in total or partially from their membership or from their liability to contribute;
  - 2. members until the expiry of five full calendar years,
    - a) after their first admission to the Bar,

b) after their first admission to a bar within the meaning of subsection 1 pursuant to section 206 of the Federal Lawyers' Act (Bundesrechtsanwaltsordnung) in the adjusted version published in the Federal Law Gazette Part III, subdivision number 303-8, as amended within the current legislation, or

c) after the initial granting of permission within the meaning of section 209 clause 1 of the Federal Lawyers' Act; but at the latest until the age of 45, can be exempt partially from their liability to contribute, and

3. that the membership will continue to exist, if the conditions stated in Chapter 1 are no longer fulfilled by the relevant person.

### Section 3 Organs, Honorary Offices

(1) Organs of the Pension Fund are

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

(2) The activities as member of the Assembly of Representatives or the Executive Board or as President are carried out on a voluntary basis. This applies also to any activities as a member of one of the Pension Fund's committees. Reasonable compensation for the time and effort involved in the activity as well as reimbursement of travel expenses shall be granted.

### Section 4 Assembly of Representatives

(1) The Assembly of Representatives consists of thirty members, ten each of the Düsseldorf, Hamm and Cologne Bars. The members and the number of alternate members provided for in the Statutes shall be elected for a period of five years. Elections are held separately by Bar district. Only members of the Pension Fund are eligible and entitled to vote.

(2) The Assembly of Representatives decides on and approves

1. enactment and amendment of the Statutes;
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.

The decisions to No. 1 and No. 2 require a majority of more than two thirds of the members of the Assembly of Representatives.

(3) The Assembly of Representatives is convoked at least once a year. The Executive Board as well as one third of the members of the Assembly of Representatives can demand a convocation of the Assembly of Representatives at any time.

#### Section 5 Executive Board

(1) The Executive Board consists of seven members elected by the Assembly of Representatives for a period of five years. They must not be members of the Assembly of Representatives. Four members of the Executive Board must be members of the Pension Fund.

(2) The Executive Board conducts the affairs of the Pension Fund. The Board elects the President and the Vice President from among its members; they must be members of the Pension Fund.

(3) The President shall lead the Executive Board and, subject to section 6, represent the Pension Fund judicially and extra-judicially, The President supervises the Managing Director. The Vice President represents the President.

#### Section 6 Managing Director

The Managing Director manages the office, conducts the current administrative business and carries out the decisions of the Executive Board. The Managing Director shall be appointed by the President by resolution of the Executive Board.

#### Section 7 Obligation to contribute

(1) The members of the Pension Fund are obliged to pay the statutory contributions. The contributions are determined by notice. Insofar as the amount of contributions is determined by remuneration and income from employment, sections 14 and 15 of the Fourth Book of the German Social Code (SGB) shall apply mutatis mutandis.

(2) For contributions which have not been paid two weeks after the due date, surcharges for late payment may be levied in accordance with the Statutes. In the event of a delay in payment of more than three months, interest may additionally be charged in accordance with the Statutes. The surcharge for late payment and interest shall be determined by notice.

#### Section 7 a Collection of Arrears

Contributions in arrears, surcharges for late payment and interest shall be collected on the basis of a notice issued by the Managing Director and accompanied by a certificate of enforceability in accordance with the provisions applicable to the enforcement of judgments in civil disputes. Enforcement may not commence until two weeks after service of the enforceable decision. Section 767 subsection 2 of the Code of Civil Procedure in the version pronounced on 5 December 2005 (Federal Law Gazette I p. 32.02; 2006 I p. 431; 2007 I p. 1781), as amended within the current legislation, does not apply to objections relating to the claim itself.

## Section 8 Benefits of the Pension Fund

The Pension Fund shall grant the following benefits upon application in accordance with the Statutes:

1. retirement pension;
  2. occupational disability pension;
  3. survivor's pension;
  4. reimbursement of contributions;
  5. transfer of contributions to another pension provider;
  6. lump-sum settlement for surviving spouses or registered civil partners whose pension entitlement lapses due to remarriage;
  7. lump-sum payment for members whose pension entitlement does not reach the minimum monthly amount specified in the Statutes.
- (2) The Statutes may provide for allowances for rehabilitation measures and a death grant.

## Section 9 Limitation

The provisions of the German Civil Code shall apply mutatis mutandis to the Statute of limitations for claims to benefits and contributions under the Statutes.

## Section 10 Assignment, Pledge, Attachment

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

## Section 11 The Statutes

Insofar as the affairs of the Pension Fund are not regulated by this Act, the Statutes shall make supplementary provisions. This shall apply in particular to

1. the determination and payment of contributions and benefits;
2. the establishment and termination of membership;
3. the exemption from membership or from the obligation to pay contributions;
4. subsequent insurance in accordance with section 186 of the Sixth Book of the German Social Code (SGB);
5. the determination of the data to be processed in accordance with section 12 subsections 1 and 2.

## Section 12 Processing of personal data, information

(1) The Pension Fund is entitled to process personal data of its members and other persons entitled to benefits, insofar as the processing is necessary for the fulfilment of the Pension Fund's tasks in particular for the determination of membership as well as the type and scope of the obligation to contribute or the pension benefits. This also applies to the processing of the special categories of personal data referred to in Article 9(1) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data intended for the free movement of such data and repealing Directive 95/46 EC (General Data Protection Regulation) (subsections L 119 of 4 May 2016, p. 1, L 314 of 22 November 2016, p. 72, L 127 of 23 May 2018, p. 2) of members and other beneficiaries, in particular health data. Section 15 of the North Rhine-Westphalian Data Protection Act of 17 May 2018 (GV NRW p. 244, p. 278 and p. 404), as amended, shall apply accordingly. The transmission of personal data to public bodies is permissible insofar as it is necessary for the fulfilment of the tasks of the Pension Fund or the public body to which the data is transmitted.

(2) The Pension Fund may demand from members and other persons entitled to benefits as well as from authorities of the administration of justice and the Bar associations the information and evidence necessary for the fulfilment of its tasks.

(3) Administrative decisions, in particular administrative acts, may be automated provided that there is neither a margin of discretion nor of judgement.

## Section 13 Terms of Office

(1) Officers of the Pension Fund elected under this Act or the Statutes shall continue to hold office until their successor takes office.

## Section 14 Transitional Arrangements

(1) An individual who, at the time this Act comes into force and who is a member of a Bar association of the State of North Rhine-Westphalia, and

1. has not yet reached the age of 45, shall become a member of the Pension Fund, but may, on application, be exempt from membership or from the obligation to pay contributions in whole or in part in accordance with the Statutes;

2. has reached the age of 45 but not the age of 55, shall become a member of the Pension Fund on application;

3. has reached the age of 45 but not the age of 55 and is not a member of the Pension Fund, can become a voluntary member of the Pension Fund in accordance with the Statutes.

(2) The applications referred to in subsection 1 shall be filed within one year of the entry into force of the Statutes.

Section 15  
Entry into force

This Act shall enter into force on the day following its promulgation.

Düsseldorf, 6 November 1984

The Government of the State of North Rhine-Westphalia

The Prime Minister, Johannes Rau

The Minister of Justice, Haag