

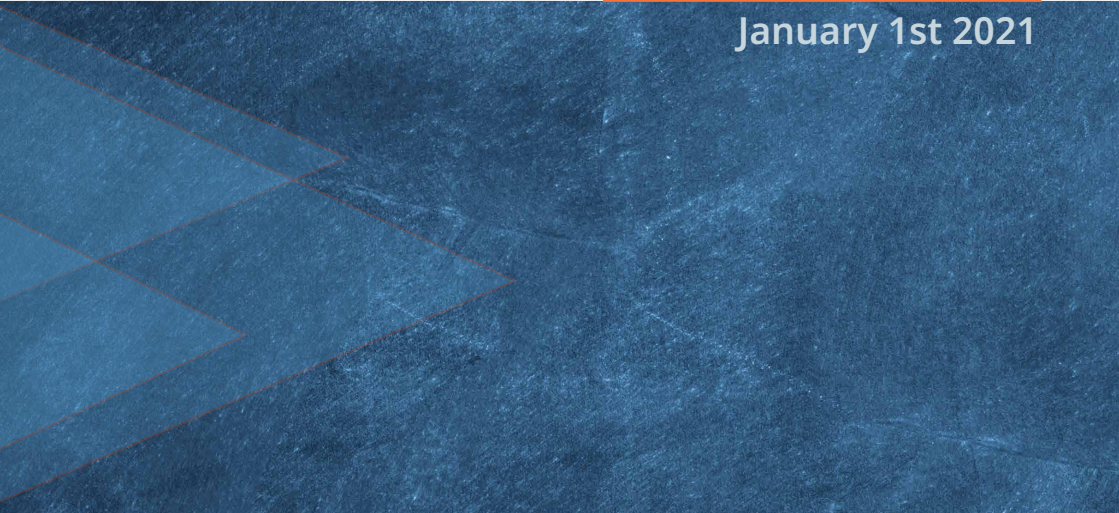


BADEN-WÜRTTEMBERGISCHE  
VERSORGUNGSANSTALT  
FÜR ÄRZTE, ZAHNÄRZTE UND TIERÄRZTE

# STATUTES & ACT

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January 1st 2021



Rechtlich maßgebend und bindend ist ausschließlich die deutsche Version der Satzung.

In case of differences between the german and english version or in other cases of doubt the german version applies.

# Overview

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# Statutes of the Versorgungsanstalt für Ärzte, Zahnärzte und Tierärzte

Pursuant to Section 11 of the Act on the Versorgungsanstalt für Ärzte, Zahnärzte und Tierärzte – hereinafter referred to as the Act – the following Statutes apply:

## A. Structure

### SECTION 1 LEGAL FORM AND REGISTERED OFFICE OF THE VERSORGUNGSANSTALT

(1) The Versorgungsanstalt für Ärzte, Zahnärzte und Tierärzte (Pension Institution for Doctors, Dentists and Veterinarians) – hereinafter referred to as the „Versorgungsanstalt“ – is a public law institution with legal capacity. Its registered office is in Tübingen.

(2) The seal contains the name „Versorgungsanstalt für Ärzte, Zahnärzte und Tierärzte“ around the state coat of arms.

### SECTION 2 TASKS OF THE VERSORGUNGSANSTALT

The Versorgungsanstalt provides pensions to participants and their survivors in accordance with the provisions of the Act and the Statutes.

### SECTION 3 GOVERNING BODIES OF THE VERSORGUNGSANSTALT

(1) The governing bodies of the Versorgungsanstalt are

- a) the Representatives' Meeting (Sections 4 to 7),
- b) the Board of Directors (Sections 8 to 10),
- c) the Chair of the Board of Directors (Section 11).

(2) The members of the Board of Directors and the Representatives' Meeting perform their duties on an honorary basis; however, they shall be entitled to reimbursement of their expenses (in particular cash expenses and compensation for loss of time); the extent of these entitlements is determined by the Representatives' Meeting.

## **SECTION 4 THE REPRESENTATIVES' MEETING (ELECTION)**

- (1) The Representatives' Meeting consists of sixty representatives who are elected proportionately by the Representatives' Meetings of the State Association of Doctors, the State Association of Dentists and the State Association of Vets from among the members of their profession who are participants in the Versorgungsanstalt, taking into account the various interests of the participants, in particular the age structure of these members of the profession.
- (2) The Ministry of Social Affairs, in consultation with the Ministry of Food and Rural Affairs, determines the number of representatives to be elected from each Association. This number is determined based on the number of members of the individual professions participating in the Versorgungsanstalt. No Association may have more than thirty representatives.
- (3) The term of office lasts four years. It begins on 1 May. At the end of a term of office, the current representatives continue to hold office until the first meeting of the new Representatives' Meeting.

## **SECTION 5 THE REPRESENTATIVES' MEETING (TASKS)**

The Representatives' Meeting enacts the Statutes of the Versorgungsanstalt and the schedule of fees. It resolves on the annual budget, the approval of the annual financial statements and the discharge of the Board of Directors. It adopts rules of procedure, which form an integral part of the Statutes, and establishes guidelines for the investment of assets.

## **SECTION 6 THE REPRESENTATIVES' MEETING (CHAIR)**

- (1) The Chair of the Representatives' Meeting and his Deputy are elected for the duration of the term of office of the Representatives' Meeting from among their number in separate ballots. They may not be members of the Board of Directors.
- (2) At the end of a term of office, the Chair of the Representatives' Meeting and his Deputy continue to hold office until the election of a new Chair and his Deputy.
- (3) If the Chair is unable to attend, his Deputy will represent him.

## **SECTION 7 THE REPRESENTATIVES' MEETING (MEETINGS AND RESOLUTIONS)**

- (1) The Representatives' Meeting meets when convened by its Chair
  - a) no later than eight weeks after the beginning of the term of office,
  - b) to resolve on the budget, the approval of the annual financial statements and the discharge of the Board of Directors,
  - c) if their Chair deems it necessary,
  - d) at the latest eight weeks after at least one quarter of the members have requested a meeting with written justification or the Board of Directors has requested a meeting.

The convocation, together with the agenda, must be sent at least two weeks before the meeting.

- (2) The Representatives' Meeting will have a quorum if more than half, and in the case of resolutions on the Statutes at least two thirds, of its members are present. Resolutions on the Statutes require the approval of two thirds of the members present, but at least a majority of the votes of all members; resolutions on the Statutes which relate exclusively to one professional group also require a majority of the votes cast by the representatives of that professional group.

## **SECTION 8 THE BOARD OF DIRECTORS (ELECTION)**

- (1) The Board of Directors consists of the Chair, his deputy and thirteen other members. They are elected by the Representatives' Meeting. Each of the three professional groups (doctors, dentists and veterinarians) must be represented on the Board.
- (2) The term of office of the Board of Directors ends with the convening of a new Representatives' Meeting. At the end of a term of office, the current members of the Board of Directors continue to hold office until the election of the new Board of Directors.

## **SECTION 9 THE BOARD OF DIRECTORS (TASKS)**

- (1) The Board of Directors resolves on the affairs of the Versorgungsanstalt, unless otherwise provided for in these Statutes.
- (2) It prepares matters that are reserved for resolution by the Representatives' Meeting.
- (3) The Board of Directors may appoint committees from among its members or authorise the Chair to conduct certain ongoing business.

## **SECTION 10 THE BOARD OF DIRECTORS (MEETINGS AND RESOLUTIONS)**

- (1) The Board of Directors meets when convened by its Chair
  - a) no later than eight weeks after it has been newly elected,
  - b) if its Chair deems it necessary,
  - c) if at least one quarter of its members have requested a meeting,
  - d) at least twice a year.

The convocation, together with the agenda, must be sent at least one week before the meeting; items not included in the agenda may be resolved on with the consent of the majority of the members.

- (2) The Board of Directors has a quorum when at least half of its members are present. Resolutions are passed by a simple majority of votes. The meetings are not open to the public.
- (3) The Chair of the Representatives' Meeting and his Deputy are entitled to attend the meetings of the Board of Directors. The Chair and, if he/she is unable to attend, his Deputy are entitled to speak at any time.
- (4) The Managing Director of the Versorgungsanstalt attends the meetings of the Board of Directors in an advisory capacity, unless the proceedings concern him personally.

## **SECTION 11 THE CHAIR OF THE BOARD OF DIRECTORS**

- (1) The Chair of the Board of Directors holds the title of President of the Versorgungsanstalt.
- (2) If he/she is unable to attend, his Deputy will represent him.



## **SECTION 12 OBLIGATION TO PERFORM THE DUTIES OF OFFICE**

Any person who has accepted an election to a governing body of the Versorgungsanstalt is obliged to exercise his office properly, in particular to maintain secrecy about facts which have become known to him in the exercise of his office and which concern participants. The duty to maintain secrecy continues to apply even after the member has ceased to hold office.

## **SECTION 13 RAISING AND USE OF FUNDS**

- (1) The funds of the Versorgungsanstalt are raised through pension contributions from participants, returns on assets and other income.
- (2) The funds may only be used for statutory benefits, for necessary administrative costs and for the formation of the cover fund and the contingency reserve.
- (3) Insofar as the income is not used for statutory expenditure, it will be allocated to the cover fund and the contingency reserve. If expenditure exceeds income, the shortfall will be taken from the cover fund.
- (4) Insofar as the revenue is not required to restore the point value applicable on 01/07 of the previous year, it may be transferred to the contingency reserve, which is only used to compensate for extraordinary burdens. The limit of the contingency reserve is 8 percent of the cover fund and may be increased to up to 12 percent of the cover fund by resolution of the Board of Directors. The Board of Directors resolves on allocations to the contingency reserve, its utilisation and the manner of its replenishment. The cover fund and the contingency reserve must be invested in accordance with the guidelines for the investment of assets adopted by the Representatives' Meeting.

## **SECTION 14 THE MANAGING DIRECTOR**

The Managing Director conducts ongoing administrative business and advises the governing bodies of the Versorgungsanstalt.

## **SECTION 15 ANNUAL FINANCIAL STATEMENT**

- (1) The financial year is the calendar year.
- (2) A budget is prepared for each financial year. At the end of each financial year, the Managing Director prepares a statement of accounts and an

annual report. The statement of accounts must show the total income and expenditure as well as the assets and the manner in which they are invested. The annual report must also provide information on the pensions that have become due.

(3) The statement of accounts and the annual report, after being audited by a recognised expert, are submitted to the Board of Directors, which will resolve on the discharge of the Managing Director.

## **SECTION 16 ANNOUNCEMENTS**

Announcements of the Versorgungsanstalt are published in the Staatsanzeiger (State Gazette for Baden-Württemberg).

## **B. Participation**

### **SECTION 17 PARTICIPATION**

Participation in the Versorgungsanstalt is governed by Section 7 of the Act and Sections 18 to 21 of the Statutes. Members of the profession within the meaning of these Statutes are doctors, dentists, veterinarians and medical assistants.

### **SECTION 18 MANDATORY PARTICIPATION (EXEMPTION)**

Persons subject to mandatory participation under Section 7(1) of the Act, are exempt from mandatory participation if, at the time the requirements for mandatory participation are met, they

1. are incapacitated,
2. have reached the age limit or
3. are Beamte, professional soldiers or temporary soldiers in the German Armed Forces, for as long as they are exempt from German Statutory Pension Insurance.

## **SECTION 19 MANDATORY PARTICIPATION (END)**

- (1) Mandatory participation ends at the end of the month in which the conditions of Section 7(1) of the Act cease to apply. Mandatory participation does not end if the requirements for the granting of old-age pension or incapacity pension (Section 25) are met.
- (2) Furthermore, mandatory participation ends upon the death of the participant.

## **SECTION 20 VOLUNTARY PARTICIPATION**

- (1) Members of the profession may, if their mandatory participation has ended, continue their participation on a voluntary basis. This does not apply if they have become mandatory members of another occupational pension scheme in Germany.
- (2) The declaration of voluntary continuation of participation must be received by the Versorgungsanstalt within three months of the date on which the Versorgungsanstalt notifies the applicant that his participation has ended, but no later than one year after the date on which participation ends.

## **SECTION 21 END OF VOLUNTARY PARTICIPATION**

Voluntary participation ends

1. when mandatory participation begins,
2. at the end of the month in which the conditions of Section 20(1) cease to apply,
3. at the end of the month in which the participant terminates,
4. if the participant does not settle his contribution debts within one month of receiving a written reminder; at the end of the month following the receipt of the reminder; the reminder must refer to the legal consequence,
5. upon the death of the participant.

## C. Rights and obligations arising from participation

### SECTION 22 BENEFIT CONTRIBUTIONS (GENERAL)

(1) Participants are obliged to pay benefit contributions as long as they are not entitled to a full pension. The obligation to pay contributions will be suspended on request

- a) in the case of Section 25(1) b) for the first six months of incapacity,
- b) for participants not practising their profession in the three years following the birth of a child,
- c) for voluntary participants who have been participants for at least five years and as long as they are not practising their profession,
- d) for participants as long as they are exempt from German Statutory Pension Insurance under Section 5(1) of Book Six of the German Social Code (SGB VI).

With the exception of points a) and b), the application takes effect from the beginning of the month following receipt.

(2) If a participant refuses to declare his professional income (Section 34(2)), fails to prove it upon request or misstates it, the decisive amount for the calculation of the benefit contributions will be determined on the basis of an estimate; Section 34(2) and (4) a) remain unaffected.

(3) The obligation to pay benefit contributions begins with participation. It ends with the end of participation, payment of the full pension or upon the death of the participant.

(4) The benefit contribution is due monthly in advance, for employed participants with the monthly salary payment. As long as the amount of the benefit contributions has not yet been determined, advance payments are made in the amount of the last determined benefit contribution, but at least the minimum contribution. In the event of default (failure to pay after a deadline has been set), surcharges are charged up to the amount of the surcharges for income tax in arrears.

## SECTION 23 BENEFIT CONTRIBUTIONS (AMOUNT)

(1) The annual benefit contribution of the participants is 12% of the sum of their income (as defined by income tax law) of the year before last, rounded down to the nearest thousand euros

- a) from self-employed and employed professional activities,
- b) from capital assets, insofar as the income is generated from corporations whose purpose also includes the provision of medical, dental or veterinary services,
- c) from business operations, insofar as medical, dental or veterinary services are also rendered from this.

(2) However, the annual benefit contributions is

- a) at least 20 percent of the average contribution; for participants exempt under Section 6(1) No. 1 SGB VI, at least the contributions applicable under SGB VI (minimum contribution),
- b) a maximum of 1.7 times the average contribution, but no more than fifteen times the contributions that would result from a contribution assessment basis in the amount of twice the monthly contribution assessment limit in the German Statutory Pension Insurance (maximum contribution),
- c) during military or civilian service, unemployment or care leave under the German Home Care Leave Act (Pflegezeitgesetz), the highest mandatory contribution to the German Statutory Pension Insurance, but not more than the amount granted by a third party; if the participant also practises their profession, the other contribution rules apply.

(3) As long as participants have no claim for exemption from mandatory insurance under the German Statutory Pension Insurance, are exempt from insurance in accordance with Section 5(1) SGB VI or do not practise their profession, the benefit contribution will be reduced to 10 percent of the average contribution on request. The same applies to voluntary participants who practise their profession outside the Federal Republic of Germany and are mandatory members of a statutory pension insurance scheme there, as well as to participants on parental leave as long as they do not practise their profession.

- (4) On application, the participant will, in each case for one financial year:
- a) be permitted to pay contributions of up to 20 percent of the annual mandatory contribution in addition to benefit contributions paid on the basis of the mandatory contribution. Additional payments may exceed the limit of 20 percent of the mandatory contribution, provided that the mandatory contribution and additional contributions do not exceed the maximum annual contribution to the German Statutory Pension Insurance, but not for years in which the participant has already reached the age of 57.
  - b) have the benefit contributions reduced to 20 percent of the average contribution for the 24 months following their first establishment, as long as the participant is exclusively self-employed.

The application must be submitted by 30 June of the year following the respective financial year.

(5) The annual average contribution is 0.172 times the amount of the annual income threshold for the German Statutory Pension Insurance. The average contribution is rounded up to the nearest amount in euro that is divisible by twelve.

## **SECTION 24 PENSION BENEFITS (GENERAL)**

(1) Participants are legally entitled to an old-age or invalidity pension in accordance with Section 25. Participants within the meaning of Sentence 1 includes former participants whose participation has ended, provided they are not entitled to a refund. If the age limit is exceeded, the old-age pension replaces the invalidity pension; the amount of the old-age pension remains the same; this does not apply to the amount of the child supplement. If contributions have been made by third parties during the period of receipt of an incapacity pension, the pension will be recalculated when a further pension becomes due, if this is more favourable for the participant.

(2) The surviving dependants of participants have a legal entitlement to death benefits in accordance with Section 26 and survivors' benefits in accordance with Section 27.

(3) Pension benefits are granted in the form of annuities, with the exception of death benefits and severance payments. Ongoing pension benefits are paid monthly in advance. If there is an entitlement to these benefits, but a

longer period of time is likely to be required to determine the amount, the Versorgungsanstalt may pay advances on application. Advances are granted on an ongoing basis from the month following that in which the application is received. They are credited against the due benefit.

(4) A pension is due, if and as long as all requirements for the granting of a pension benefit are met. Pensions, child supplements and survivors' benefits are paid from the month following the event upon which the pension becomes due. Widow's, widower's and orphan's pensions are paid from the day following the participant's date of death if the participant was not entitled to a pension at that date. Payment of the pension, child supplement and survivor's pension ends at the end of the month in which the conditions cease to apply; for those entitled under Section 27(1) a) and b) at the end of the month in which they remarry.

(5) If the event upon which the pension becomes due is brought about intentionally by a beneficiary, he/she will not acquire any entitlement to a pension. If the event upon which the pension becomes due is caused by a third party and the beneficiary is entitled to compensation as a result, he/she is obliged to assign this claim to the Versorgungsanstalt if benefits are granted to him. If the beneficiary relinquishes such a benefit, the Versorgungsanstalt will be released from its obligation to grant pension benefits to the extent that it could have obtained compensation by assignment. In all other respects, Section 116(2) to (7) of Book Ten SGB (SGB X) applies *mutatis mutandis*.

(6) Entitlements to pension benefits may not be transferred or pledged to third parties by the beneficiaries.

(7) If pension contributions are in arrears when the pension becomes due, the annual benefit amounts are calculated in deviation from Section 28(3) on the basis of the pension contributions paid; the obligation to pay the pension contributions ends when the pension benefit is determined. The beneficiary may, however, pay the pension contributions due for the last 24 calendar months preceding the event upon which the pension becomes due, plus default surcharges and deferral interest, within one month of being notified in writing of the total amount of the arrears. The subsequent payment is only effective if the default surcharges and deferral interest due on the overdue pension contributions have been paid. The entitlement to benefits is reduced by overpaid pension benefits plus interest as well as fees and costs incurred, but at most up to its unattachable portion.

## SECTION 25 PENSION BENEFITS (PENSION)

(1) An invalidity pension is paid, on application, to a participant who has not yet reached the age limit and who

- a) is likely to be permanently incapacitated and gives up the practice of their profession;
- b) does not practise their profession for more than six months due to temporary incapacity; in this case, the entitlement begins after six months (temporary pension).

If a pension is claimed more than six months after the onset of incapacity, entitlement begins at the earliest in the month following the claim. The receipt of a pension is excluded as long as a participant is registered as a jobseeker with an employment office for the profession that establishes the mandatory participation.

(2) A participant is incapacitated if, as a result of infirmity or weakness of physical or mental strength, he/she is unable to perform an activity in which medical, dental or veterinary specialist knowledge is required or applied. In the assessment, reasons other than medical reasons are disregarded.

(3) The incapacity must be verified by a medical report issued by the doctor appointed by the Versorgungsanstalt. The Versorgungsanstalt may obtain additional reports and arrange for follow-up examinations to determine whether incapacity still exists. The costs of commissioning the report are borne by the Versorgungsanstalt.

(4) A participant who has reached the age of 65 (age limit) receives old-age pension upon application. The age limit is increased for participants born in:

1950	to	65 years	and	2 months
1951	to	65 years	and	4 months
1952	to	65 years	and	6 months
1953	to	65 years	and	8 months
1954	to	65 years	and	10 months
1955	to	66 years		
1956	to	66 years	and	2 months
1957	to	66 years	and	4 months
1958	to	66 years	and	6 months
1959	to	66 years	and	8 months
1960	to	66 years	and	10 months.



For all participants born in 1961 and later, the age limit is reached when they reach the age of 67.

(5) Participants who have reached the age of 60 will receive an early retirement pension upon application (early retirement). The prerequisite for the granting of a full pension is the permanent, complete cessation of work. The early retirement age is increased for participants born in

1950 to 60 years and 2 months

1951 to 60 years and 4 months

1952 to 60 years and 6 months

1953 to 60 years and 8 months

1954 to 60 years and 10 months

1955 to 61 years

1956 to 61 years and 2 months

1957 to 61 years and 4 months

1958 to 61 years and 6 months

1959 to 61 years and 8 months

1960 to 61 years and 10 months.

For all participants born in 1961 and later, the early retirement age is reached when they reach the age of 62.

(6) Participants who exceed the age limit and have not applied for a full pension in accordance with Subsections 4 and 5 will receive a deferred old-age pension upon application.

(7) Pension benefits in accordance with Subsections 4 to 6 may also be granted on application as a partial pension of 30%, 50% or 70%; a further application for a partial pension is only permissible in respect of the part missing for a full pension; Section 29(6) does not apply in this respect.

(8) In the event of a full pension being granted in accordance with Subsections 4 to 6, an application for an incapacity pension is not admissible.

## **SECTION 25a PENSION BENEFITS (ADDITIONAL BENEFITS)**

(1) In addition to the pension, participants receive a child supplement for each child born in wedlock, declared to be born in wedlock, born out of wedlock and each adopted child during their period of participation subject to contributions before reaching the early retirement age. The child supplement is granted until the child reaches the age of 18.

(2) Furthermore, the child supplement is granted until the child reaches the age of 25 at the latest for children who

- a) are unable to support themselves and are in school or vocational training, are doing a voluntary social year or federal volunteer service;
- b) are unable to support themselves as a result of physical or mental infirmity.

## **SECTION 26 PENSION BENEFITS (DEATH BENEFITS)**

(1) The surviving spouse is entitled to death benefits if the marriage continued until the death of the participant. If there is no surviving spouse, the entitlement will be vested in the children born in wedlock, declared to be born in wedlock, born out of wedlock and adopted children; payment to one of the entitled children will release the Versorgungsanstalt.

(2) If there are no survivors within the meaning of Subsection 1, the Versorgungsanstalt will pay the costs of the funeral up to the amount of the death benefit.

(3) Death benefits will not be paid and funeral expenses will not be covered if death benefits have been partially paid in advance to the participant.

## **SECTION 27 PENSION BENEFITS (SURVIVORS' BENEFITS)**

(1) Those entitled to survivor's benefits are

- a) the surviving spouse if the marriage continued until the death of the participant (widow's or widower's pension);
- b) upon request, a former spouse whose marriage to the participant was divorced, annulled, or dissolved before July 1, 1977, if the marriage lasted at least five years during the participant's participation and if the participant was obligated to support the participant at the time of his or her death (divorcee's pension);

- c) children for whom the participant would have been entitled to the child supplement (Section 25a) during his or her lifetime (half-orphan's or orphan's pension).
- (2) The widowed spouse will not be entitled to survivor's benefits if
- 1. the marriage did not last at least six months, unless the death was caused by an accident or a criminal offence;
  - 2. the marriage took place while the participant was already receiving a pension pursuant to Section 25(4) to (6). If the marriage took place while a partial pension was being drawn, the survivor's benefits are only excluded to that extent.
- (3) If the widowed spouse was more than fifteen years younger than the deceased participant, the widow's or widower's pension will be reduced by 5 percent for each full additional year of age difference, but by no more than 50 percent. After ten years of marriage, 5 percent of the widow's or widower's pension will be added to the reduced amount for each full year of further duration until the full amount is reached again. The reduction does not apply if a child is born of the marriage.
- (4) If there are several beneficiaries under Subsection 1 a) and b), each of them will receive in perpetuity that part of the widow's or widower's pension to be calculated which, in relation to the other beneficiaries, corresponds to the duration of the marriage to the participant during his participation. In this case, the surviving spouse is entitled to at least 30% and the other beneficiaries to a maximum of 70% of the widow's or widower's pension to be calculated.
- (5) Entitled persons under Subsection 1 a) and b) who have remarried after 31 December 1991 will be entitled to a survivor's pension after the penultimate spouse under the other conditions if the last marriage has been dissolved or declared null and void. Existing claims after the last spouse to a widow's or widower's pension, maintenance, other pensions and benefits based on an equalisation of pensions will be offset against such a revival pension for the same period. There is no entitlement to a revival pension if the beneficiary has applied for a settlement. The application is only admissible during the following marriage. In the event of remarriage before the age of 50, the settlement amounts to 60 times the monthly pension due in the month of remarriage and 48 times the monthly pension due before reaching the age limit. The entitlement to a settlement is excluded if the beneficiary has already reached the age limit at the time of remarriage.

## **SECTION 28 CALCULATION OF PENSION BENEFITS (GENERAL)**

- (1) The amount of the monthly pension is calculated by multiplying the sum of the annual benefit amounts (Subsection 3) by the point value (Subsection 4).
- (2) The widow's, widower's or divorcee's pension amounts to 60%, the orphan's pension amounts to 30%, the half-orphan's pension and the child supplement to the retirement pension amount to 15% if the event upon which the pension becomes due occurs before the early retirement age, otherwise the child supplement amounts to 10% of the sum of the annual benefit amounts; the death benefit amounts to two monthly pension payments.
- (3) A participant's annual benefit amount is the ratio, expressed as a percentage, of the benefit contribution payable by him in the year in question to the average annual contribution (Section 23(5)); in the case of retrospective insurance (Section 30), it is calculated on the basis of the ratio of the contributions paid for the year in question to the average contribution for the year in which the contributions are received.
- (4) The point value is calculated in such a way that, assuming unchanged conditions, the net income from pension contributions accruing up to the steady state and their interest plus the existing cover fund and its interest correspond to the total benefit obligations to be expected up to the steady state according to the point value. The point value is calculated on 1 July of each year, taking into account any changes in the assumed unchanged conditions that have occurred in the meantime.
- (5) The Board of Directors may, by resolution, spread the point-value burden evenly over a period of up to ten years when calculating the point value. It may take greater account of the burden in individual years if this does not result in a reduction in the point value.

## **SECTION 29 CALCULATION OF PENSION BENEFITS (ALLOCATION – DEDUCTIONS – SURCHARGES)**

- (1) If the event upon which the pension becomes due occurs before the early retirement age, annual benefit amounts up to early retirement age will be added to the calculation of the total (Section 28(1)) in the amount of the average of the annual benefit amounts acquired to date, but at the most annual benefit amounts at 100%. This does not apply as long as the obliga-

tion to pay contributions is suspended in accordance with Section 22(1) c) or d), and in the case of participants under Section 24(1), second sentence. If a former participant is a member of other statutory pension institutions within the scope of Regulation (EC) No. 883/2004 who is liable to pay contributions when the event upon which the pension becomes due occurs, the pension benefit will be granted on a pro rata basis in accordance with the period of participation in the Versorgungsanstalt to the total insurance period with all statutory pension institutions, with the exception of German Statutory Pension Insurance, in accordance with Article 52(1) of Regulation (EC) No. 883/2004 if the other pension institutions involved also calculate their pension benefits in accordance with this regulation. If a participant also has entitlements in the event of incapacity or death with other statutory pension institutions within the scope of Regulation (EC) No. 883 / 2004, the pension benefit with attribution will only be granted on a pro rata basis; sentence 3 applies accordingly.

(2) When calculating the average, up to five annual benefit amounts will be disregarded if this results in a higher value. The same also applies for the three years following the birth of a child (childcare period) for participants who prove that they have cared for the child alone or predominantly. In the attribution, those parts of the annual benefit amounts are not taken into account which were acquired in the year in which event upon which the pension becomes due occurs and in the preceding year by means of additional payments in accordance with Section 23(4) a).

(3) If the incapacity occurs during the first 36 months of an activity corresponding to a full-time occupation, a pension benefit with attribution is only granted for a total of 60 months. This applies only if and as long as the participant is still able during this period to engage in gainful employment with a certain degree of regularity or to earn more than a marginal income from gainful employment; Section 25(2) second sentence applies *mutatis mutandis*.

(4) If the event upon which the pension becomes due occurs after reaching the age of 45 but before reaching the early retirement age, the sum of the annual benefit amounts is reduced by 0.1 percent for each month after reaching the age of 45.

(5) If the event upon which the pension becomes due occurs after reaching the early retirement age but before reaching the retirement age, the sum of

the annual benefit amounts is reduced by 0.45%, in the case of permanent, complete cessation of work and in the case of incapacity by 0.3% for each month or part thereof missing from the first of the following month until reaching the retirement age. The reduction factor of 0.3 % will be increased for participants born in

1950 to 0.3033

1951 to 0.3066

1952 to 0.31 percent

1953 to 0.3133

1954 to 0.3166

1955 to 0.32 percent

1956 to 0.3233

1957 to 0.3266

1958 to 0.33 percent

1959 to 0.3333

1960 to 0.3366

For all participants born in 1961 and later, the reduction factor is 0.34%. If an early retirement pension has been granted in the event of permanent cessation of work and the person concerned resumes work before reaching the retirement age, the pension benefit decision may be cancelled. Services already rendered will be reimbursed; Section 49a(2) and (3) State Administrative Procedure Act (LVwVfG) apply mutatis mutandis.

(6) If a further event upon which the pension becomes due occurs, annual benefit amounts are added when calculating the total (Section 28 (1)) to the extent that annual benefit amounts have been added in accordance with Subsection 1 for the period during which the pension was previously drawn; if contributions have been paid by third parties for this period, the annual benefit amounts are calculated on the basis of the contributions paid if this is more favourable for the participant. If the further event upon which the pension becomes due occurs after reaching the early retirement age, the sum of the annual benefit amounts, insofar as they already formed the basis of the previous event upon which the pension becomes due, is reduced to the extent to which the sum of the annual benefit amounts was reduced in the previous event upon which the pension becomes due in accordance with Subsections 4 and 5.

(7) If the event upon which the pension becomes due occurs after reaching the age limit, the sum of the annual benefit amounts increases by 0.45% for each full calendar month following the age limit.

## SECTION 30 RETROSPECTIVE INSURANCE

If the Versorgungsanstalt has received retrospective insurance contributions in accordance with SGB VI for the benefit of a participant, these are deemed to be benefit contributions made on time.

## SECTION 31 TRANSITION

(1) If the participation ends and the professional becomes a member of another statutory pension scheme, the benefit contributions paid by and on behalf of him will, at his request, be transferred to that scheme, with 2% interest per annum, if

1. the application has been received by the Versorgungsanstalt or the other pension institution within six months of the commencement of membership of the new pension institution,
2. the participation period has not exceeded 96 full months,
3. a transfer agreement exists with the other pension institution and
4. the provisions of this Agreement do not preclude transition.

Once the transfer has taken place, all claims of the member of the profession against the Versorgungsanstalt will lapse.

(2) If a professional ceases to be a member of another statutory pension scheme and becomes a mandatory participant in the Versorgungsanstalt, the contributions paid by and on behalf of him will, at his request, be transferred to the Versorgungsanstalt at 2% interest per annum, if

1. the application has been received by the Versorgungsanstalt or the other pension institution within six months of the beginning of the mandatory participation,
2. the membership subject to contributions at the transferring pension institution has not exceeded 96 full months,
3. the participant has not, at the beginning of the mandatory participation, reached the age of 50,

4. a transfer agreement exists with the other pension institution and
5. the provisions of this Agreement do not preclude transition.

Transferred contributions will be deemed to have been made in a timely manner; they will not be increased by transferred interest. If the transfer includes retrospective insurance contributions, the provisions applicable to retrospective insurance apply.

## **SECTION 32 REIMBURSEMENT**

(1) Former participants who do not fall within the personal scope of Regulation (EC) No 883 / 2004 may, on request, have part of their pension contributions reimbursed if their participation ended after 31 December 2001 and the period of participation was less than five years.

(2) The reimbursement will be 60% without interest; it will be reduced by the amount of pension benefits drawn and by the amount of benefit contributions reimbursed. The reimbursement will extinguish all claims against the Versorgungsanstalt.

(3) The request for a reimbursement is admissible if one year has elapsed since the end of the participation. The claim expires if the beneficiary becomes a participant again.

## **SECTION 33 LIMITATION**

The entitlement to pension benefits and reimbursement expires after two years. The limitation period commences at the end of the year in which the benefit becomes due. It is suspended from the time the claim is filed with the Versorgungsanstalt until receipt of the written decision of the Versorgungsanstalt.

## **SECTION 34 DUTIES TO COOPERATE AND POWER OF INVESTIGATION**

(1) Mandatory participants must register with the Versorgungsanstalt in writing.

(2) Participants and beneficiaries must, at any time, provide the Versorgungsanstalt with the information necessary to fulfil the purpose of the institution, in particular with regard to their professional income. The



Versorgungsanstalt is entitled and obliged to check the information and to demand the submission of suitable proof.

(3) The Versorgungsanstalt may require a person who has applied for or is in receipt of an incapacity pension to undergo a medical examination, treatment, further training or other qualifying measure if it is expected that this measure will eliminate the incapacity or prevent the threat of incapacity and is reasonable for the participant.

(4) If the participant or a beneficiary fails to fulfil his obligation in accordance with

- a) Subsections (1) and (2) or the second sentence of Section 24(5), the Versorgungsanstalt may enforce its rights by means of compulsory enforcement under the State Administrative Enforcement Act and withhold, refuse or withdraw pension benefits in whole or in part;
- b) (3), the Versorgungsanstalt may refuse or withdraw the pension in whole or in part if it has previously notified the participant of the consequences in writing and set a reasonable deadline.

(5) The Versorgungsanstalt is authorised to collect the personal data provided by Deutsche Post AG in accordance with Section 101a SGB X in order to fulfil its tasks pursuant to Section 2 of the Act on the Versorgungsanstalt and to conclude private-law contracts with Deutsche Post AG for this purpose.

## **D. Transitional and special provisions**

### **SECTION 35 DISCRETIONARY BENEFITS**

The Board of Directors may, in individual cases and within the framework of the purpose of the institution, grant benefits for reasons of equity to which there is no legal entitlement. All voluntary benefits shall not exceed 1% of the benefit contributions payable in the year.

### **SECTION 36 TRANSITIONAL PROVISION ON VOLUNTARY PARTICIPATION**

(omitted)

### **SECTION 37 TRANSITIONAL PROVISION ON THE EXEMPTION FROM MANDATORY PARTICIPATION**

(1) If a professional is exempt from mandatory participation in accordance with Section 18(3) in the version applicable on 31 December 2001, he/she will continue to be exempt until he/she has obtained German nationality, approval, the right of asylum or permission to practise the profession independently.

(2) If a professional is not a participant on 31 December 2004 and has already reached the age of 45 by that date, he/she will be exempt from mandatory participation; this does not apply to professionals who take up new professional employment subject to social insurance after 31 October 2012.

(3) If a professional is exempt from mandatory participation on 31 December 2004 due to Section 18(3) in the version valid at that time, he/she will continue to be exempt as long as the conditions of this provision are met.

(4) The mandatory participation will take effect in accordance with Subsections 1 to 3, provided that the prerequisites of Section 7(1) of the Act are met and there is no reason for exemption in accordance with Section 18.

## **SECTION 38 TRANSITION OF THE UNTERSTÜTZUNGSEINRICHTUNG DER ÄRZTEKAMMER WÜRTTEMBERG-HOHENZOLLERN (1952)**

- (1) The Versorgungsanstalt takes over the assets of the Ärztekammer Württemberg-Hohenzollern, insofar as they are on the account of the „Unterstützungseinrichtung der Ärztekammer Württemberg-Hohenzollern“ (Benevolent Fund of the Ärztekammer Württemberg-Hohenzollern); these assets are credited by the Versorgungsanstalt to the accounting for doctors.
- (2) Participants in the „Unterstützungseinrichtung der Ärztekammer Württemberg-Hohenzollern“ for whom the event upon which the pension becomes due had already occurred on 1 April 1952 and their survivors have the same legal claims against the Versorgungsanstalt as its medical participants and their survivors. The sum of the annual benefit amounts will be 1515%.

## **SECTION 39 BENEFICIARIES OF THE ÄRZTEKAMMER (1952)**

- (1) If doctors or survivors (Section 27) of doctors have received ongoing voluntary support from the Württemberg-Hohenzollern Ärztekammer outside the „Benevolent Fund“ of the Ärztekammer prior to 12 August 1951, they will have the same legal claims against the Versorgungsanstalt as its medical participants and their survivors. The sum of the annual benefits will be 1515%.
- (2) Such beneficiaries will have any income they receive from other sources deducted from their pensions.

## **SECTION 39a VOLUNTARY PARTICIPATION FOR TRANSITION (1962)**

- (1) On application, the following will be accepted as voluntary participants with effect from 1 July 1962
- a) doctors, dentists and veterinarians who are incapable of practising their profession and who were established in the territory of the State of Baden-Württemberg, who gave up practising their profession because of incapacity (Section 25(1)) and who thereafter did not practise any other profession, if they had their principal residence in Baden-Württemberg from 19 July 1961 to 1 July 1962 and would have been obliged to participate on 1 July 1962 if they had still practised their profession,

- b) doctors who are incapable of practising and who, up to 1 July 1962, were continuously receiving pensions from the aid institutions of the Kassenärztliche Vereinigungen Nordbaden and Südbaden, as well as doctors from the area of the Kassenärztliche Vereinigung Nordwürttemberg who would have received continuous benefits up to 1 July 1962 if the aid regulations of the Kassenärztliche Vereinigung Nordbaden or Südbaden had been applied,
  - c) doctors and dentists who are incapable of practising their profession, if they have received ongoing benefits up to the first of July 1962
    - 1. from the Landesärztekammer Baden-Württemberg or could have received such benefits according to the most extensive guidelines of a Bezirksärztekammer,
    - 2. from the Landeszahnärztekammer Baden-Württemberg or a Kassenzahnärztliche Vereinigung of the state.
- (2) Applications in accordance with Subsection 1 may only be submitted up to 17 September 1963.
- (3) Pension benefits for voluntary participants in accordance with Subsection 1 and for their survivors are calculated on the basis of the sum of the annual benefit amounts at 1515%. They must take other income into account.

#### **SECTION 40 TRANSITIONAL PROVISION REGARDING SECTIONS 25(4), 25a(2) B) AND 29(5) AND (7)**

(1) Section 25(4) in the version applicable from 1 January 1992 to 31 December 1996 will only apply to an entitlement which arose for the first time during that period. Sections 25(4) and 29(5) as amended by the version in force from 1 January 1997 to 31 December 2001 will only apply to an entitlement which arose for the first time during that period.

Section 29(5) in the version applicable from 1 January 2002 will only apply to an entitlement which arose for the first time after 31 December 2001. Section 29(5) in the version applicable from 1 July 2017 will apply to an entitlement that first arose after 30 June 2017; if a participant has received an early retirement pension as a partial pension with a reduction of 0.5% per

month, Section 29(7) in the version applicable until 30 June 2017 will apply as a further partial pension if the participant receives a deferred pension. For participants whose participation begins after 31 December 2011, the early retirement age is reached at the earliest when they reach the age of 62.

(2) If, on 30 June 1989, a beneficiary is entitled to a child supplement, half-orphan's pension or orphan's pension under section 25a(2) b), that entitlement will continue to exist provided that the child has already reached the age of 27 on that date.

## **SECTION 41 ON THE OVERALL BENEFIT AMOUNT (OMITTED)**

### **SECTION 42 SPECIAL PROVISION ON BENEFIT CONTRIBUTIONS (DEFERMENT, WAIVER)**

(1) The benefit contribution may be deferred, also at reasonable interest, to the extent that payment when due would impose a particular hardship on the participant, unless a deferral would jeopardise the enforcement of the claim.

(2) The benefit contribution may be waived to the extent that its payment would impose a severe and undue hardship on the participant, also taking into account the task of the Versorgungsanstalt, which could not be remedied by a deferral.

### **SECTION 43 TRANSITIONAL PROVISION ON THE CURRENCY CHANGEOVER (OMITTED)**

### **SECTION 44 REGISTERED CIVIL PARTNERSHIPS**

Sections 24(2), 25a, 26, 27 and 46 apply to registered civil partnerships accordingly.

### **SECTION 45 SPECIAL PROVISION ON DIVORCEE'S**

pensions A divorcee's pension (section 27(1) b)) will not be payable if the participant died before 1 October 1975.

### **SECTION 46 SPECIAL PROVISION ON PENSION RIGHTS ADJUSTMENT**

(1) If a participant is subject to equalisation in pension rights adjustment proceedings, internal division will take place in accordance with the Pension Equalisation Act (VersAusglG).

(2) If the family court has legally established the pension expectancy or the pension entitlement, the Versorgungsanstalt will determine the underlying benefit amounts and benefit contributions, reduce them for the obligated spouse (participant) and allocate them to the entitled spouse. The reduction can be averted in whole or in part until a full pension is drawn by paying a lump sum, which is currently calculated from the benefit amounts trans-

ferred to the spouse entitled to equalisation. If both spouses are participants in the Versorgungsanstalt and their entitlements are divided internally, they are offset. If only one spouse is a participant, the other spouse does not become a participant by virtue of the internal division alone.

(3) In the case of internal division without offsetting, the entitlement of the spouse entitled to equalisation to a retirement pension is limited in accordance with Section 25(4) to (6); the entitlement is increased by 12% for this purpose when the pension becomes due, to the extent that the spouse entitled to equalisation has not yet reached early retirement age when the pension equalisation decision becomes final. Sections 24(3), (4) and (6), 25(4) to (7), 28(2), 29(5) and (7) and 34(2) and (4) apply mutatis mutandis to the entitlement created by an internal division; the same applies with regard to Sections 25a and 27(1) c) to children from the marriage to the participant. The relevant amount within the meaning of the Pension Equalisation Act is the monthly pension pursuant to Section 28(1).

(4) If the pension equalisation is carried out in accordance with the Act on the Regulation of Hardships in Pension Equalization (VAHRG), Section 46 applies in the version valid until 30 June 2009.

## Fee schedule

### SECTION 1

A fee is charged for the rejection of an appeal.

### SECTION 2

The fee is determined at reasonable discretion in accordance with No. 8.1 of the Schedule of Fees - GebVerz SM (Annex to Section 1 of the Fee Ordinance of the Ministry of Social Affairs (GebVO SM) of 22 March 2011; GBl. p. 131).

### SECTION 3

The fee schedule enters into force on 1 December 2012.

# Act on the Versorgungsanstalt für Ärzte, Zahnärzte und Tierärzte

Of 2 August 1951 (RegBl. Württemberg-Hohenzollern p. 83); amended by the Act of 4 July 1961 (GBI. für Baden-Württemberg p. 207); revised version of 28 July 1961 (GBI. p. 299); amended by the Act of 6 July 1971 (GBI. p. 278); by Section. 1 of the Second Act on the Amendment of the Competences of the Ministries of 25 July 1972 (GBI. p. 400); by the Administrative Enforcement Act of 12 March 1974 (GBI. p. 93); by Section 11 of the Adaptation Regulation of 19 March 1985 (GBI. p. 71); by Section 6 of the 3rd Adaptation Regulation of 13 February 1989 (GBI. p. 101); by Section 6 of the 4th Adaptation Regulation of 23 July 1993 (GBI. p. 533); by the Act amending the Medical Professions Associations Act and the Pension Institutions Act of 14 February 2006 (GBI. p. 23); amended by Section 2 of the Act Amending the Regulations Governing the Medical Profession of 11 October 2007 (GBI. p. 473); amended by Section 49 of the 9th Adaptation Regulation of 23 February 2017 (GBI. p. 99).

## SECTION 1 THE VERSORGUNGSANSTALT

The Versorgungsanstalt für Ärzte, Zahnärzte und Tierärzte (Pension Institution for Doctors, Dentists and Veterinarians) is established as a public law institution with legal capacity with its registered office in Tübingen.

## SECTION 2 TASKS OF THE VERSORGUNGSANSTALT

The Versorgungsanstalt provides benefits to participants and their survivors in accordance with this Act.

## SECTION 3 GOVERNING BODIES OF THE VERSORGUNGSANSTALT

The governing bodies of the Versorgungsanstalt are the Representatives' Meeting, the Board of Directors and the Chair of the Board of Directors. Their offices are honorary.



## SECTION 4 THE REPRESENTATIVES' MEETING

- (1) The Representatives' Meeting consists of sixty representatives of the Associations participating in the Versorgungsanstalt. The number of representatives from each Association is determined by the Ministry of Social Affairs in consultation with the Ministry of Rural Affairs and Consumer Protection on the basis of the number of its members participating in the Versorgungsanstalt; no Association may have more than thirty representatives.
- (2) The representatives of the individual Associations are elected for four years by the general assemblies from among the members of the profession participating in the Versorgungsanstalt, taking into account the various interests of the participants, in particular the age structure of these members of the profession. At the end of a term of office, the current representatives continue to hold office until the election of new representatives. The representatives are not bound by instructions of the Associations.
- (3) The Representatives' Meeting elects its Chair and his Deputy for a fixed term. They may not be members of the Board of Directors.
- (4) The Representatives' Meeting adopts the Statutes of the Versorgungsanstalt; provisions of the Statutes which relate exclusively to one profession require a majority of the votes cast by the representatives of the Association for that profession. It resolves on the annual budget, the approval of the annual financial statements and the discharge of the Board of Directors and establishes guidelines for the investment of assets.

## SECTION 5 THE BOARD OF DIRECTORS

- (1) The Board of Directors consists of the Chair, his Deputy and at least five other members; they are elected by the Representatives' Meeting for a fixed term. Each professional group must be represented on the Board of Directors.
- (2) The Board of Directors resolves on all the affairs of the Versorgungsanstalt unless otherwise provided for by the law or the Statutes; it prepares matters that are reserved for resolution by the Representatives' Meeting.
- (3) The Board of Directors may appoint committees from among its members or authorise the Chair to conduct certain ongoing business.
- (4) The Managing Director of the Versorgungsanstalt attends the proceedings of the Board of Directors in an advisory capacity, unless they concern him personally.

## SECTION 6 THE CHAIR OF THE BOARD OF DIRECTORS

The Chair of the Board of Directors manages the administrative business of the Versorgungsanstalt and represents it in and out of court.

### Section 7 Participants

(1) Doctors, dentists, veterinarians and dentists who meet the requirements set out in Section 2(1) Nos 1 to 3 of the Health Professions Associations Act (Heilberufe-Kammergesetz)\* and practise their profession in the State will participate in the Versorgungsanstalt, unless they have a statutory entitlement to a retirement pension or survivor's pension as Beamte.

(2) Participation ends at the end of the month in which the requirements of Subsection 1 cease to apply; it will not end if the requirements for the granting of old-age or incapacity pension (Section 9(1)) are met.

(3) The Statutes determine the conditions under which

1. professionals can be accepted as voluntary participants,
2. participation can be continued on a voluntary basis,
3. exemptions to participation apply,
4. participation ends in cases other than those provided for in Subsection 2.

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\* Section 2(1) of the Heilberufe-Kammergesetz reads: The Landesärztekammer

1. (State Association of Doctors) is made up of all doctors who are qualified or licensed to practise medicine,
2. the Landeszahnärztekammer (State Association of Dentists) is made up of all dentists who are qualified or licensed to practise dentistry, and dentists who have been approved by the state,
3. the Landestierärztekammer (State Association of Veterinarians) is made up of all veterinarians who are qualified or licensed to practise veterinary medicine, or hold a permit to practise the veterinary profession,
4. ...
5. ...

and who practise their profession in the State, or, if they do not practise their profession, have their place of residence in the State.

## **SECTION 8 OBLIGATIONS OF PARTICIPANTS**

The participants are obliged to pay the statutory contributions. The obligation ends upon the death of the participant or upon fulfilment of the conditions for the granting of an old-age pension or an incapacity pension (Section 9(1)).

## **SECTION 9 PENSION BENEFITS**

(1) Participants are legally entitled to a retirement pension and an incapacity pension, and their survivors to a survivor's pension in accordance with the Statutes.

(2) The Statutes may stipulate that no more than 5% of the contributions may be used in total each year for benefits to which there is no legal entitlement.

(3) Amendments to the Statutes that increase or reduce pension payments also apply to pension that became due before the amendment to the Statutes.

(4) Claims for pension benefits are subject to a limitation period of two years. The limitation period commences at the end of the year in which the benefit becomes due. It is suspended from the time the claim is filed with the Versorgungsanstalt until receipt of the written decision of the Versorgungsanstalt.

## **SECTION 10 REIMBURSEMENT OF CONTRIBUTIONS**

The Statutes regulate the reimbursement of contributions paid if exemptions to participation exist or participation ends in accordance with Section 7.

## **SECTION 11 STATUTES**

Insofar as the conditions of the Versorgungsanstalt are not regulated by law, they are regulated by the Statutes. The Statutes will be published.

## **SECTION 12 ANNOUNCEMENTS**

Announcements of the Versorgungsanstalt are published at its expense in the Staatsanzeiger (State Gazette for Baden-Württemberg).

## SECTION 13 STATE SUPERVISION

(1) The Versorgungsanstalt is subject to the supervision of the Ministry of Social Affairs in consultation with the Ministry of Rural Affairs and Consumer Protection. The provisions of Section 118(1) and (3) and Sections 120 to 125 of the Municipal Code for Baden-Württemberg apply mutatis mutandis.

(2) The following are subject to the approval of the Ministry of Social Affairs in consultation with the Ministry of Rural Affairs and Consumer Protection:

1. the Statutes,
2. the budget,
3. long-term financial investments, incurring debt and disposing of real estate.

(3) The costs of inspections initiated by the supervisory authorities are borne by the Versorgungsanstalt.

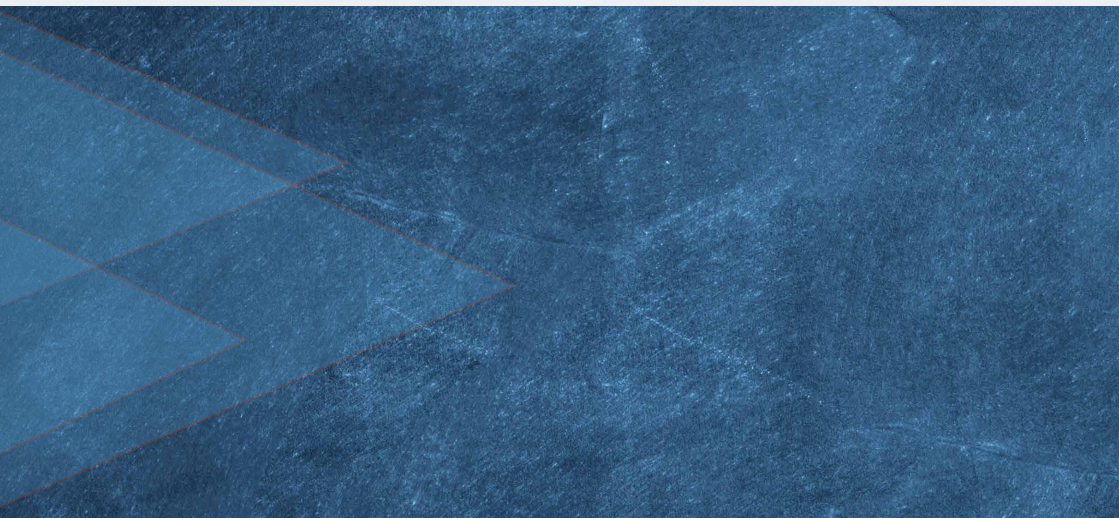
## SECTION 14 BOARD OF APPEAL

The Board of Directors will decide on appeals in the preliminary proceedings.





BADEN-WÜRTTEMBERGISCHE  
VERSORGUNGSANSTALT  
FÜR ÄRZTE, ZAHNÄRZTE UND TIERÄRZTE



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