

Statutes
**of the Lawyers' Pension Fund in Saxony-
Anhalt**
(Lawyers' Pension Fund)
from 27 July 2006

On the basis of Section 17 of the Law on the Pension Fund for Lawyers in Saxony-Anhalt (RAVG LSA) of 27 July 2005 (GVBl. LSA No. 45/2005), the first Assembly of Representatives adopts the following Statutes:

amended by:

the 1st amendment of the Statutes according to the announcement of 22 March 2007, MBL. LSA No. 17 of 26 April 2007, p. 382

the 2nd amendment to the Statutes pursuant to the announcement of 18 October 2007, MBL. LSA No. 41 of 26 November 2007, p. 834

the 3rd amendment to the Statutes as announced on 28 May 2009, MBL. LSA No. 19 of 8 June 2009, p. 355

the 4th amendment to the Statutes pursuant to the announcement of 24 August 2009, MBL. LSA No. 30 of 31 August 2009, p. 609

the 5th amendment of the statutes according to the announcement of 01 September 2011, MBL. LSA No. 31 of 19 September 2011, p. 435 f.

the 6th amendment to the Statutes pursuant to the announcement of 17 September 2012, MBL. LSA No. 32 of 8 October 2012, p. 543

the 7th amendment to the Statutes as published on 22 October 2013, MBL. LSA No. 37 of 18 November 2013, p. 650, corrected by announcement of 20 November 2013, MBL. LSA No. 39 of 29 November 2013, p. 720

the 8th amendment to the Statutes as announced on 20 August 2015, MBL. LSA No. 33 of 14 September 2015, p. 508

the 9th amendment to the Statutes as announced on 9 November 2016, MBL. LSA No. 42 of 5 December 2016, p. 640

the 10th amendment to the Statutes pursuant to the announcement of 22 November 2017, MBL. LSA No. 48 of 4 December 2017, p. 745

the 11th amendment to the Statutes pursuant to the announcement of 6 December 2018, MBL. LSA No. 42 of 17 December 2018, p. 484 f.

the 12th amendment to the Statutes pursuant to announcement of 1 October 2019, MBL. LSA No. 38 of 27

October 2019, p. 363

the 13th amendment of the Statutes according to the announcement of 9 October 2020, MBL. LSA No. 37 of 2 November 2020, p. 386.

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I. Organisation

Section 1

Legal form, registered office and tasks

- (1) Pursuant to section 1 of the Lawyers' Pensions Act (RAVG), the Lawyers' Pension Fund is a public corporation with legal capacity and its registered office in Magdeburg.
- (2) The Pension Fund shall have the task of providing its members and their surviving dependants with

pensions in accordance with the RAVG and these Statutes.

**Section 2
Organs**

The organs of the Pension Fund are:

1. the Assembly of Representatives,
2. the Executive Board.

**Section 3
Assembly of Representatives**

- (1) The Assembly of Representatives consists of 9 members of the Pension Fund. The activities of the members are honorary. The representatives are independent and not bound by instructions.
- (2) The members of the Assembly of Representatives and the substitute members shall be elected by the members of the Pension Fund by postal vote. The election regulations shall determine the details. The order of entry of the substitute representatives shall be determined by the number of votes received.
- (3) 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.
- (4) Members who meet the requirements of section 13 of the Federal Election Act are not eligible to vote.
- (5) All eligible voters are eligible to vote.
- (6) Not eligible is
 1. who is in a service or permanent consultancy relationship with the Lawyers' Pension Fund,
 2. who is restricted in the disposal of his or her assets as a result of a court order,
 3. who is subject to a ban on practising or representing the profession or who has been sentenced to disbarment [sections 114, 150, 161 a German Federal Lawyer's Act (BRAO)],
 4. the person against whom a notice of withdrawal of admission to the Bar or of withdrawal of authorisation to act in the legal affairs of others has been issued,
 5. anyone who has been publicly charged with an offence that may result in incapacity to hold public office,

6. who has been convicted of a property offence in the last five years or against whom such proceedings have been discontinued pursuant to section 153 a of the German code of Criminal Procedure (StPO).
- (7) The Assembly of Representatives shall elect its chairperson and deputy chairperson from among its members.
- (8) The Assembly of Representatives shall meet at least once a year, no later than two months after the presentation of the annual financial statements. Its meetings are not open to the public. Members of the Executive Board and the Managing Director of the Pension Fund shall be entitled to attend the meetings in an advisory capacity. Other persons may be permitted to attend.
- (9) The Assembly of Representatives shall be convened by its Chairperson with at least three weeks' notice and with written notification of the agenda. The Executive Board and one third of the members of the Assembly of Representatives may request a convocation at any time. The Assembly of Representatives shall adopt its own rules of procedure.
- (10) The Assembly of Representatives shall constitute a quorum if more than half of its members are present. It shall pass resolutions by a simple majority of the representatives present, unless the RAVG or these Statutes provide otherwise. In the event of a tie, a motion shall be rejected.
- (11) The term of office of the Assembly of Representatives shall be five years and shall begin with its first meeting. After the expiry of the term of office, the representatives shall continue in office until new representatives are elected and a new Assembly of Representatives convenes.
- (12) Membership of the Assembly of Representatives shall end upon termination of membership of the Pension Fund or upon ineligibility pursuant to section 6.

Section 4 Tasks of the Assembly of Representatives

- (1) The Assembly of Representatives shall decide in particular on
 1. adopting and amending the Statutes and the Election Regulations,
 2. approval of reconciliation agreements,

3. election and dismissal of the Chairperson of the Assembly of Representatives and the Deputy Chairperson,
 4. election of the members of the Executive Board as well as their dismissal in the cases provided for in the Statutes,
 5. adoption of the annual accounts and discharge of the Executive Board as well as the budget,
 6. 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,
 7. expense allowance and reimbursement of expenses of the Executive Board,
 8. appointment and dismissal of the auditor.
- (2) The amendment of the Statutes and the election or dismissal of members of the Executive Board require a majority of two thirds of the representatives present.
 - (3) Resolutions of the Assembly of Representatives on subsection 1 number 1 shall require the approval of the Ministry of Justice in agreement with the Ministry of Economics. Resolutions of the Assembly of Representatives on subsection 1 number 6 and number 8 shall require the approval of the Insurance Supervisory Authority.

Section 5 Executive Board

- (1) The Executive Board consists of 3 members. The members of the Board must be members of the pension fund and of the Saxony-Anhalt Bar Association. They may not be members of the Assembly of Representatives at the same time; their work is honorary.
- (2) The members of the Executive Board shall be elected individually by the Assembly of Representatives by secret ballot for the duration of their term of office (section 3 subsection 11). Elected persons who are present at the election shall declare their acceptance of office immediately after the election of all members of the Executive Board; absent persons may only be elected if their declarations of acceptance are submitted in writing at the time of the election.
- (3) If a member of the Executive Board retires, the Assembly of Representatives shall elect a successor for the remaining term of office of the Executive Board at its next meeting. A member of the Execu-

tive Board may only be dismissed by the Assembly of Representatives for good cause.

- (4) The meetings of the Executive Board shall not be public. The Board may allow experts and members of the Assembly of Representatives to be present at its meetings for the purpose of professional consultation.
- (5) The Executive Committee shall constitute a quorum if at least two of its members are present. Resolutions may be passed by written procedure if all members agree. Resolutions shall be passed by simple majority.

Section 6 Duties of the Executive Board

- (1) The Executive Board shall manage the Pension Fund. It shall execute the resolutions of the Assembly of Representatives. It shall decide on the reimbursement of expenses and costs of the members of the Assembly of Representatives and on other matters of the Pension Fund, unless the RAVG or these Statutes provide otherwise. After the expiry of its term of office, the Board shall continue to manage the business until the election of a new Board.
- (2) The Executive Board is obliged to submit annually, at the latest seven months after the end of the financial year, a management report and the balance sheet audited by an auditor together with the profit and loss account (annual accounts) to the Assembly of Representatives for adoption.
- (3) The Executive Board decides on the technical business plan on the basis of an actuarial report. This requires the approval of the Insurance Supervisory Authority.
- (4) The Board shall elect a Chairperson and a Deputy Chairperson from among its members;
- (5) The Executive Board may appoint one or more managing directors. With the consent of the Assembly of Representatives, it may also assign the administration and management of the pension fund to suitable legal entities under private or public law.

Section 7 Duties of the Chairperson

- (1) The Chairperson shall lead the Board and represent the Pension Fund judicially and extrajudicially. He or she shall appoint the managing director upon resolution of the Board and shall supervise the managing director.

- (2) The Chairperson shall appoint the actuarial expert upon resolution of the Board.

Section 8 Duties of the Managing Director

- (1) 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 execute the resolutions of the Executive Board.
- (2) The Managing Director shall attend the meetings of the Executive Board in an advisory capacity.

II. Membership

Section 9 Compulsory membership

- (1) The members of the Pension Fund are the lawyers who
 1. are members of the Bar Association of Saxony-Anhalt when the RAVG comes into force (1 August 2005) and have not yet reached the age of 45, or
 2. have become a member of the Bar Association of Saxony-Anhalt after the RAVG came into force (1 August 2005) until 30 June 2018 and have not yet reached the age of 45 at that time, or
 3. become a member of the Bar of Saxony-Anhalt after 30 June 2018 and have not yet reached the age limit of section 18 subsection 1 at that time.
- (2) A person who is incapacitated on the day on which compulsory membership would commence cannot become a compulsory member.

Section 10 Membership upon application

- (1) Members of the Saxony-Anhalt Bar who are not compulsory members of the Pension Fund pursuant to section 9 subsection 1 number 1 shall be admitted to the Pension Fund upon application if they have not yet reached the age of 55 when the Statutes come into force. The application shall be made in writing within one year of the entry into force of the Statutes; the date of receipt by the Pension Fund shall be decisive.

- (2) Any person who became a member of the Saxony-Anhalt Bar Association before 1 July 2018 and who did not become a compulsory member of the Lawyers' Pension Fund pursuant to section 9 subsection 1 number 2 may be admitted to the Lawyers' Pension Scheme upon application if he or she is under 55 years of age at the time of application. The applicant shall enclose with his/her application, at his/her own expense, a certificate from a medical officer of the Lawyers' Pension Fund stating that the applicant's state of health at the time of application gives no cause for concern. The application shall be submitted in writing within six months of the date on which the applicant became a member of the Saxony-Anhalt Bar Association; the date of receipt by the Pension Fund shall be decisive.
- (3) A person who is incapacitated at the time of application cannot become a member upon application.

Section 11 Occupational disability at entry

Any person who has become a member of the Pension Fund in contravention of section 9 subsection 2 and section 10 subsection 3 shall be neither entitled nor obliged to pay contributions and shall not be entitled to benefits from the Pension Fund for as long as the incapacity continues.

Section 12 Exemption from compulsory membership

- (1) Upon application, a person shall be exempt from membership in the Lawyers' 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 an exemption from membership in another professional public insurance or pension institution ordered by law or based on law, if the facts which led to the exemption still exist, or
 3. is a compulsory member of the statutory pension insurance,
- (2) An application for exemption from membership may only be made within six months of commencing membership of the Saxony-Anhalt Bar Association.

Section 13

Cancellation of the exemption

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

Section 14 Exemption from the obligation to pay contributions

- (1) Upon application, a person shall be exempt from the obligation to pay contributions in whole or in part who
 1. is a compulsory member of the statutory pension insurance,
 2. pays income-related contributions to an insurance or pension institution in a member state of the European Union or of the European Economic Area which is prescribed by law or based on law for his/her professional group,
 3. is entitled to a pension and survivor's benefits under civil service law on the basis of a permanent employment relationship under public law,
 4. is on maternity or parental leave and is not in gainful employment.
- (2) An application for exemption under subsection 1 may only be made in writing within a preclusive period of six months after the prerequisites have been met. Proof of the prerequisites must be provided. The exemption shall take effect at the time when the prerequisites are fulfilled.
- (3) The exemption from the obligation to pay contributions shall depend on the financial circumstances of the member as proven in the individual case, in particular taking into account proven other precautionary measures. The minimum contribution in the cases of subsection 1 number 1 shall be one tenth of the respective applicable maximum contribution in the statutory pension insurance according to sections 157 to 160, 228 a of the Sixth Book of the

German Social Code (SGB VI) in conjunction with the respective legal ordinances of the Federal Government in the respective version.

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

Section 15

Beginning, end and continuation of membership

- (1) Compulsory membership shall commence on the day on which the requirements for compulsory membership have been met or the requirements for exemption have ceased to apply. Membership on application shall commence on the date on which the application is received by the Pension Fund.
- (2) Members shall leave the Pension Fund if they no longer belong to the Saxony-Anhalt Bar Association. Membership shall be maintained if the member applies for this within a preclusion period of six months after leaving. The application may no longer be made after the conditions for the case of benefit have arisen, unless the conditions for the case of benefit had already arisen before the member left. The application for continuation of membership is excluded if a refund has been made in accordance with section 25.
- (3) Membership continued in accordance with subsection 2 may be declared terminated by the member by giving three months' notice in writing to the Lawyers' Pension Fund to the end of the calendar quarter by registered letter.
- (4) The complete exemption from the obligation to pay contributions shall terminate the membership in the Lawyers' Pension Fund; exceptions are the cases of section 14 subsection 1 number 4.
- (5) Membership does not end with the occurrence of the insured event.

III. Benefits

Section 16

Types of benefits

- (1) The Pension Fund shall provide the following benefits to its members and other persons entitled to benefits in accordance with the RAVG and these Statutes upon application if the requirements are met:

1. Occupational disability pension (sections 17 and 19),
2. Retirement pension (sections 18 and 19),
3. Survivor's pension (sections 20 to 23),
4. Death grant (section 24),
5. Refund and transfer of contributions (section 25),
6. Lump-sum settlement for surviving spouses and civil partners pursuant to section 1 subsection 1 German Law on civil partnership (LPartG) whose pension entitlement expires due to remarriage or entering into a civil partnership (section 27),
7. Lump-sum settlement in the event of low pension entitlements (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 (section 29).
- (3) For the purposes of the right to benefits, former members who have neither submitted an application in accordance with section 25 subsection 1 nor received a refund in accordance with section 25 subsection 2 shall be deemed to be members.
- (4) Decisions on benefits and subsidies are made by means of notice.
- (5) All pensions are paid for the full month at its start.

Section 17

Occupational disability pension

- (1) A member shall receive an occupational disability pension if, for health reasons, he/she is not only temporarily incapable of properly exercising his/her profession as a lawyer if he/she
 1. ceases his/her professional activity for this reason and renounces his/her licence or his/her licence has been revoked in an enforceable manner for these reasons, and
 2. has not yet reached the age of 63, and
 3. has paid contributions for at least one month before the onset of occupational disability.
- (2) Members who have established membership in accordance with section 10 or section 13 must,

notwithstanding subsection 1 number 3, have paid contributions for at least 36 months before the onset of occupational disability.

- (3) The cessation of professional activity shall not be precluded by the fact that the practice of an exclusively self-employed person is continued by a general representative for a maximum of five years from the onset of the occupational incapacity; admission may be maintained for this period. Income from this activity shall be offset against the occupational disability pension.
- (4) The occupational disability pension is granted on application from the month following the month in which the conditions for entitlement are met, if the application is made within 6 months of the onset of occupational disability, otherwise from the month in which the application is made. After the occupational disability has ceased, an application can no longer be made.
- (5) The occupational incapacity shall be proven by submission of a specialist medical report. The Pension Fund may have a further expert opinion drawn up at its own expense and order follow-up examinations at reasonable intervals. The member shall be obliged to undergo the examinations ordered by the Pension Fund. Insofar as is necessary for the assessment of occupational incapacity, the member shall release all doctors, medical institutions and insurance companies from their duty of confidentiality vis-à-vis the experts appointed by the Pension Fund, vis-à-vis each other and vis-à-vis the Pension Fund. If the member does not comply with these obligations, the Lawyers' Pension Fund may reject the application for an occupational disability pension or cancel its decision on benefits.
- (6) Upon reaching the age of 65, the occupational disability pension is replaced by the retirement pension of the same amount.
- (7) The occupational disability pension ends
 1. with the month in which the requirements of subsection 1 are no longer fulfilled,
 2. if a follow-up examination has shown that there is no occupational disability,
 3. with the transition to the retirement pension or
 4. with the death of the beneficiary.
In the cases of numbers 1 and 2, the member shall be obliged to pay contributions again.
- (8) If the beneficiary does not undergo an ordered follow-up examination within a set period, the pension payment may be discontinued.

Section 18

Retirement pension

- (1) Every member is entitled to a lifelong retirement pension from the month following his or her 65th birthday. This also applies to former members whose contributions have neither been reimbursed nor transferred.
- (2) Upon application, the retirement pension shall be granted even before reaching the age limit pursuant to subsection 1, but not before reaching the age of 60. If a membership relationship is established after 31 December 2011 in a professional public insurance or pension institution prescribed by law or based on law, an early retirement pension may be granted at the earliest from the completed 62nd year of life. The retirement pension is reduced for each month of early claiming between the 60th and the completion of the 65th year of life.

The reduction for each month between the age of 64 and the age of 65 shall be 0.46 of one hundred,

for each month between the age of 63 and 64. year of age and the 64th year of age, 0.42 of one hundred,

for each month between the age of 62 and the 63rd year of age, 0.37 of one hundred,

for each month between the age of 61 and the 62nd year of life, 0.34 of one hundred,

for each month between the completion of the 60th year of age and the 61st year of age, 0.32 per cent of the entitlement reached at the actual start of the pension.

- (3) Upon application, the start of pension payments shall be deferred beyond the age limit, but no longer than until the member reaches the age of 68. The member is entitled, but not obliged, to continue to pay contributions at the previous level upon application. The application for deferment of the pension or the application for continued payment of contributions must be submitted by the member before reaching the age of 65.

The contributions paid, if any, as well as the pension amounts not claimed after the attainment of the age limit in accordance with subsection 1 shall be converted into a pension increase per calendar year. The amount of the increase is calculated as follows:

Age* at which the payment was made and the pension not claimed	For every € 1000.00 contributed or pension not claimed, an entitlement to additional pension arises in the amount of
65	3.93 €
66	4.02 €
67	4.11 €
68	4.21 €

*Calendar year./. Year of birth

- (4) Upon application, a member or former member shall receive a supplement amounting to 20 per cent of the retirement pension if there were no other persons entitled to a pension within the meaning of section 20 subsection 1 from the beginning of membership until the beginning of the retirement pension. This permanently excludes all other claims under the Statutes, with the exception of the claim to a death grant. The supplement shall not be granted if the member receives or has received an occupational disability pension.
- (5) Applications under subsections 2 to 4 shall take effect from the first day of the month following receipt of the application.
- (6) For members under section 10, the prerequisite for the granting of the retirement pension is a membership of at least five years and the payment of contributions for at least 60 months; to this extent, periods during which an occupational disability pension has been paid shall be deemed to be covered by contributions.
- (7) The retirement pension is paid at the beginning of each month. Payment begins in the month following the month in which entitlement arises and ends at the end of the month in which entitlement ceases.

Section 19

Amount of the occupational disability and retirement pension

- (1) The monthly amount of the occupational disability or retirement 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 financial year in which the Statutes

come into force shall be 25 euros. The pension increase amount for pension cases after the end of the first year following the entry into force of the Statutes 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. The decision shall be published by the pension fund after approval by the Insurance Supervisory Authority.

- (3) The insurance years 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 received if a contribution obligation arose again after this,
 3. a) for members who founded their membership before 1 July 2018, periods of
 - 8 years upon entry into the Pension Fund until the age of 45,
 - 7 years on entry after reaching the age of 45 until reaching the age of 46,
 - 6 years upon entry after completion of 46 years of age until completion of 47 years of age,
 - 5 years upon entry after completion of 47 years of age until completion of 48 years of age,
 - 4 years upon entry after reaching the age of 48 until reaching the age of 49 years,
 - 3 years upon entry after completion of 49 years of age until reaching the age of 50,
 - 2 years upon entry after completion of 50 years of age until completion of 51 years of age,
 - 1 year upon entry after reaching the age of 51 years of age until completion of 52 years of age.
 - b) for members who have established their membership for the first time or again after 30 June 2018, periods of
 - 8 years upon entry into the Pension Fund until the age of 39,

7 years upon entry after the age of 39 until completion of the 40th year of life,

6 years upon entry after the age of 40 until completion of the 41st year of life,

5 years for entry after the age of 41 until completion of the 42nd year of life,

4 years upon entry after the age of 42 until completion of the 43rd year of life,

3 years upon entry after the age of 43 until completion of the 44th year of life,

2 years upon entry after the age of 44 until completion of the 45th year of life,

1 year for entry after the age of 45 until completion of the 46th year of life.

4. if the occupational disability occurs before the insured person reaches the age of 60, the years that lie between the time the occupational disability occurs and the insured person reaches the age of 60 (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 one twelfth of an insurance year; if contributions were only due for part of the month, this month shall be deemed to be a contribution month. In the case of persons who have left the Pension Fund and have not received a refund of contributions, only insurance years according to number 1 shall be taken into account.

- (4) The personal average contribution quotient is 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 in accordance with section 34 subsection 2, 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 consideration of contributions paid through supplementary insurance leads to a lower pension than the one resulting without consideration of the supplementary insurance, the supplementary insurance as a whole shall not be considered.
- (6) For the care of each child, 3 calendar years shall be disregarded in favour of the member, namely those with the lowest average contribution quotient within 5 calendar years (year of birth and the subsequent

4 calendar years), if taking these calendar years into account would result in a lower entitlement. Calendar years for which the assessed contributions due have not been paid in full before the benefit claim are not included in the comparative calculation. Childcare within the meaning of this provision presupposes that the member

1. notifies the Pension Fund within six months of the birth of the child that he/she is taking over the care of his/her child,
2. proves the parenthood,
3. proves that no corresponding childcare benefit is claimed elsewhere for this child.

If both parents are members of the Pension Fund, the childcare period can only be taken into account for one member.

Section 20 Survivor's pension

- (1) Survivor's pensions are
1. Widow's pension and widower's pension,
 2. Pension for surviving partners of a partnership within the meaning of section 1 subsection 1 LPartG (surviving partners),
 3. Full orphan's pension and half-orphan's pension.
- (2) Survivor's pensions are granted if the member has paid contributions for at least three months at the time of death, or for at least 36 months in the case of section 10 subsection 1 or subsection 2.
- (3) Survivor's pensions shall also be granted if the member of the Lawyers' Pensions Fund is declared dead.
- (4) Surviving dependants are not entitled to a pension if they intentionally caused the member's death.

Section 21 Widow's and widower's pensions, pensions for surviving life partners

- (1) After the death of the member, widows, widowers and surviving civil partners receive a pension in accordance with section 1 subsection 1 LPartG.
- (2) If the marriage or civil partnership was entered into 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 entitle-

ment to a pension. If in such a marriage or civil partnership the member is more than ten years older than his/her spouse or civil partner, the marriage or civil partnership must have lasted at least four years, and if he/she is more than 20 years older than his/her spouse or civil partner, the marriage or civil partnership must have lasted at least five years, in order to be entitled to a pension. This shall not apply to such marriages or civil partnerships from which children have been born who are entitled to a pension within the meaning of section 22 subsection 4.

Section 22 Orphan's pension

- (1) Orphan's pensions are paid after the death of the member to his/her 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 persists.
- (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 reaching the age of 27.
- (3) The entitlement to an orphan's pension for vocational training in accordance with 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 right to an orphan's pension shall not be renewed if the orphan takes up further or different training which, from the point of view of the general public, 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). 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) Recipients of an orphan's pension in accordance with subsection 1:
 1. legitimate children,
 2. children declared legitimate,

3. children adopted as children, provided the adoption took place before the member reached the age of 55,
 4. illegitimate children, but those of a male member only if his paternity is recognised or legally established.
- (5) Remuneration from an apprenticeship is offset against the orphan's pension if the remuneration exceeds a monthly allowance of € 670 gross.

Section 23 Amount and duration of the survivor's pension

- (1) The survivor's pension within the meaning of section 20 subsection 1 numbers 1 - 2 shall amount to 60 per cent of the pension entitlement or the pension expectancy which the member had reached at the time of his/her death.
- (2) The survivor's pension within the meaning of section 20 subsection 1 numbers 1 - 3 ceases at the end of the month in which the beneficiary marries or enters into a civil partnership pursuant to section 1 subsection 1 LPartG.
- (3) The orphan's pension shall amount to twenty per cent per child in the case of half-orphans and thirty per cent per child in the case of full orphans of the pension entitlement or pension expectancy which the member had attained at the time of his/her death.
- (4) Survivor's 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.
- (5) The sum of the survivor's pensions may not exceed the retirement or occupational disability pension to which the member would have been entitled at the time of his/her death. Any reduction of the pensions required hereunder shall be made in proportion to each other.

Section 24 Death benefit

- (1) After the death of the member, a death grant shall be paid to his/her survivors in the amount of two monthly pensions which the member was receiving at the time of his death or to which he/she would have been entitled in the event of occupational disability.
- (2) Entitled to the death grant are in successive order

1. the member's surviving spouse or civil partner,
2. other natural persons insofar as they have paid the funeral costs.

Section 25
Reimbursement and transfer of the Contributions

- (1) If a membership entered into in accordance with section 10 ends before the expiry of the waiting period in accordance with section 17 subsection 2, 60 per cent of the contributions paid to date shall be refunded. The surviving dependants of members who die before the end of the qualifying period shall, on application, be reimbursed 60 per cent of the contributions paid to date. If contributions are in arrears, the Lawyers' Pensions Fund shall be entitled to offset them or to demand payment of arrears. The application in accordance with clause 1 may no longer be withdrawn after the pension has been paid.
- (2) If the qualifying period for the retirement pension (section 18 subsection 6) is not fulfilled, contributions paid in accordance with subsection 1 shall be refunded even without an application. The entitlement expires with the payment of the refund amount.
- (3) If the membership ends and a new membership in another professional pension scheme arises, the contributions previously paid to the Pension Fund shall, upon application, be transferred in whole or in part to the receiving pension scheme 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 in accordance with clause 1.
- (4) Notwithstanding subsections 1 to 3, during pending divorce proceedings, the reimbursement obligation or transfer obligation shall be suspended until the decision on the pension equalisation has become final.
- (5) No interest shall be paid on the contributions to be reimbursed or transferred.

Section 26
Pension rights adjustment

- (1) If, in connection with the divorce of a member, pension equalisation is carried out in accordance with the German 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.

Amount of change =

$$\frac{\text{Transferred entitlement} \times \text{pension increase amount}}{\text{Pension increase amount at the end of the marriage period}}$$

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 equalisation 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 18 subsections 1 to 3, 5, 7. 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 Marriage end date	Surcharge %
25	27.87
26	27.80
27	27.73
28	27.65
29	27.56
30	27.45
31	27.33
32	27.19
33	27.03
34	26.86
35	26.67
36	26.48
37	26.27
38	26.06
39	25.84
40	25.60
41	25.35
42	25.08
43	24.79
44	24.48
45	24.14
46	23.79
47	23.42

48	23.02
49	22.60
50	22.14
51	21.64
52	21.08
53	20.46
54	19.75
55	18.94
56	18.00
57	16.93
58	15.71
59	14.35
60	12.84
61	11.22
62	9.52
63	7.76
64	6.20
65	6.03

- (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 equalisation becomes final, special payments can only be made in deviation from clause 2 if the member becomes liable to pay contributions again within 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 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 twice the value of the standard compulsory contribution (section 34 subsection 2). Special payments can only be made if there are no contribution arrears.
- (4) Section 26 in the version applicable on 31 August 2009 shall continue to apply to proceedings on the equalisation of pensions in which the previous law is applicable in accordance with section 48 VersAusglG.
- (5) Subsections 1 to 4 shall apply mutatis mutandis to civil partnerships under section 1 subsection 1 LPartG.

§ 27

Capital settlement for surviving spouses and civil partners

Widows, widowers or surviving civil partners pursuant to section 1 subsection 1 LPartG who are entitled to a sur-

vivor's pension pursuant to section 20 and remarry or enter into a civil partnership pursuant to section 1 subsection 1 LPartG shall receive the following lump-sum settlement upon application:

1. In the event of remarriage or entering into a civil partnership pursuant to section 1 subsection 1 LPartG before reaching the age of 35, sixty times their last monthly pension received,
2. in the event of remarriage or entering into a civil partnership pursuant to section 1 subsection 1 LPartG up to the age of 45, forty-eight times their last monthly pension received,
3. in the event of remarriage or entering into a civil partnership pursuant to section 1 subsection 1 LPartG after reaching the age of 45, thirty-six times their last monthly pension received.

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 marriage or entering into a civil partnership pursuant to section 1 subsection 1 LPartG and shall take effect back to the day of marriage or entering into a civil partnership pursuant to section 1 subsection 1 LPartG; the pension paid since then shall be credited against the settlement.

Section 28

Lump-sum settlement in the case of low pension entitlements

For retirement pensions that do not exceed one percent of the monthly reference amount according to section 18 SGB IV at the time of entitlement to payment, an immediate lump-sum settlement in the amount of the existing actuarial reserve shall be paid instead of the future pension payment.

Section 29

Rehabilitation measures

- (1) A member of the Lawyers' Pension Fund who has paid contributions for at least three months or who receives an occupational disability pension may, upon application, be granted a one-off or repeated subsidy towards the costs of necessary, particularly costly medical rehabilitation measures. The prerequisite is that his/her occupational incapacity is not only temporary for health reasons, that the proper exercise of his/her profession as a lawyer is endangered, reduced or excluded and that the occupational capacity can probably be maintained, improved or restored by the rehabilitation measure. The grant must be applied for in writing 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 certificate. 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 costs of the examinations and assessments, with the exception of the costs of an examination and assessment ordered by the Lawyers' Pension Fund, shall be borne by the member. 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 in terms of reason and amount or estimated in advance by enclosing receipts. They shall not be taken into account insofar as there is a legal, statutory or contractual obligation to reimburse 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 30

Assignment, pledge, attachment, set-off, statutory subrogation

- (1) Claims to benefits may neither be transferred nor pledged. Section 54 SGB I shall apply mutatis mutandis to the attachment.
- (2) Section 51 subsection 1 SGB I shall apply mutatis mutandis to the set-off of contributions that have become due against claims for benefits.
- (3) Section 67 of the German Insurance Contract Act shall apply accordingly.

IV. Obligation to provide information and to cooperate

Section 31

Duties of cooperation of the members

- (1) Members and other persons entitled to benefits shall be obliged to provide the Pension Fund with all information required for membership, the obligation to pay contributions and for entitlement to benefits, and to submit the evidence required for this purpose. Members and other persons entitled

to benefits shall notify the Pension Fund of any changes without delay.

- (2) The Pension Fund shall be informed of changes of residence and subsequent changes which are significant for determining the type and extent of the obligation to pay contributions or the pension benefits without being asked to do so.
- (3) Members shall work towards their initial registration if the Lawyers' Pension Fund has not allocated them a membership number within three months of acquiring membership.
- (4) As long as a member or other beneficiary fails to comply with an obligation to provide information, the Lawyers' Pension Fund may estimate the basis for calculating contributions and withhold pension benefits in accordance with the Statutes.

Section 32

Duties of cooperation and obligations of the beneficiaries

- (1) Anyone who applies for or receives benefits has
 - 1. to state all facts which are relevant for the benefit and, at the request of the Pension Fund, to 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, produce or agree to produce 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 on account of illness or disability shall, at the request of the Lawyers' Pension Fund, undergo curative treatment if it is to be expected that it will bring about an improvement in his/her state of health or prevent a deterioration.
- (4) The obligations pursuant to subsections 2 and 3 do not apply insofar as
 - 1. their fulfilment is not proportionate to the benefit claimed, or

2. their fulfilment cannot be expected of the person concerned for an important reason, or
 3. the Pension Fund can obtain the necessary knowledge itself by incurring less expense than the member or other person entitled to benefits.
- (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 involve 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/her necessary expenses and loss of earnings to an appropriate extent.
 - (7) If the person applying for or receiving a benefit fails to comply with his or her duties to cooperate or obligations under subsections 1 to 3 and if, as a result, the clarification of the facts is made considerably more difficult or an improvement is prevented or made impossible or a deterioration is brought about, the Lawyers' Pension Fund may, without further investigation, refuse or withdraw the benefit to the extent that the requirements are not proven or the impairment is not improved or worsened until the cooperation is made up.
 - (8) Benefits may only be refused or withdrawn in whole or in part due to lack of cooperation if the person entitled to benefits has been informed of this consequence in writing and he/she has not fulfilled his/her obligation to cooperate within a reasonable period of time set for him/her.

Section 33

Administrative assistance of the Bar Association

- (1) The Bar Association of Saxony-Anhalt shall notify the Pension Fund of the admission or re-admission as a lawyer, as well as of the expiry or withdrawal of the admission. In addition, it shall, upon request, provide all other information required for membership and the obligation to pay contributions, insofar as this information cannot be obtained from the member or the person entitled to benefits.

V. Contributions

Section 34 Contributions

- (1) The members of the Pension Fund shall be obliged to pay the contributions, which shall be determined by annual notice.
- (2) The monthly contribution for self-employed members corresponds to half of the applicable maximum contribution in the statutory pension insurance according to sections 157 to 160, 228 a SGB VI in conjunction with the respective legal ordinances of the Federal Government in the respective version (standard compulsory contribution), provided the member does not submit an application according to subsection 3.
- (3) For members of the Pension Fund whose income from self-employment (income after deduction of business expenses) or gross remuneration from legal practice does not reach the contribution assessment ceiling of the statutory pension insurance, the standard compulsory contribution shall be reduced upon application in proportion to the respective proven income to the contribution assessment ceiling (personal compulsory contribution).
- (4) Irrespective of subsection 3, every member who has not yet reached the age of 65 and is not receiving a pension shall pay an amount equal to one tenth of the applicable maximum contribution to the statutory pension insurance scheme in accordance with sections 157 to 160, 228 a SGB VI in conjunction with the respective statutory ordinances of the Federal Government as amended from time to time (minimum contribution).
- (5) Proof of income is provided:
 1. by submitting the income tax assessment notice of the calendar year before last or, as long as this is not yet available, by submitting other suitable documents; the total annual income from self-employment within the meaning of the Income Tax Act after deduction of the business expenses of the calendar year before last and before deduction of special expenses, extraordinary charges and tax allowances shall be decisive. If, in the case of self-employed members, the income from work in the current calendar year is significantly lower than in the calendar year before last, the contribution shall be determined on the basis of the income from work in the current calendar year at the request of the member; the income from work must be shown to be credible. The contribution shall be finally fixed after presentation of the income tax assessment, but not exceeding the income of the calendar year before last,
 2. for the year in which the member becomes self-employed for the first time by submitting an income certificate from a member of the tax advi-

sory professions, if necessary, by conscientious self-assessment, as long as the member cannot submit an income tax assessment for the first calendar year of his or her legal practice. 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.

3. in the case of non-self-employed persons, by submitting a remuneration statement from the employer for the contribution period.
- (6) Notwithstanding subsections 2 to 5, a member who is exempt from compulsory insurance in the statutory pension insurance pursuant to section 6 subsection 1 SGB VI shall pay at least the contribution that would be payable to the statutory pension insurance pursuant to sections 157 to 160, 228 a SGB VI in conjunction with the respective statutory ordinances of the Federal Government as amended from time to time.

Section 35 Special contributions

- (1) Members who receive social benefits according to section 11 SGB I from a social benefit 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 benefit institution.
- (2) During the period of military service, members who
 1. are exempt from compulsory statutory pension insurance under section 6 subsection 1 number 1 SGB VI, a contribution equal to the highest compulsory contribution to statutory pension insurance under sections 157 to 160 SGB VI,
 2. are not exempt from statutory pension insurance pursuant to section 6, subsection 1, number 1 SGB VI, a contribution amounting to 40 per cent of the maximum contribution to statutory pension insurance, but not more than the amount of contributions to be granted to them by third parties during their period of compulsory military service. The same applies to civilian alternative service, compulsory service in civil defence or equivalent service.

Section 36 Additional voluntary contributions

- (1) Anyone who becomes a member of the pension fund before reaching the age of 55 may pay addi-

tional voluntary contributions, provided that no compulsory contributions are in arrears; section 37 subsection 5 clause 2 applies accordingly. However, additional voluntary contributions together with the compulsory contributions may not exceed 150 per cent of the maximum contribution in the statutory pension insurance according to sections 157 to 160, 228 a SGB VI in conjunction with the respective legal ordinances of the Federal Government in the respective version; compulsory contributions for previous years shall not be taken into account.

- (2) For additional contributions paid after reaching the age of 55, the further restriction applies that the ratio of the total amount of a month and the standard compulsory contribution (section 34 subsections 2 and 3) does not exceed the personal contribution quotient (section 19 subsection 4) for contribution payments of the last five years until reaching the age of 55.
- (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 26 shall remain unaffected.

Section 37 Contribution procedure

- (1) The contributions are monthly contributions. The compulsory contributions shall be paid by the last day of each month. The obligation to pay contributions shall commence with the calendar month following the day on which membership was obtained.
- (2) In the case of members who are exempt from compulsory insurance under the statutory pension insurance scheme pursuant to section 6 subsection 1 number 1 SGB VI, the obligation to pay contributions to the Pension Fund shall commence on the day on which the exemption from compulsory insurance under the statutory pension insurance scheme takes effect. In the event that the exemption under section 13 is revoked, the obligation to pay contributions shall commence on the day on which the revocation of the exemption takes effect; the same shall apply to sections 12 and 14.
- (3) In the case of members who leave the Pension Fund in accordance with section 15 subsection 2, the obligation to pay contributions shall end on the date of leaving; section 37 subsection 4 shall remain unaffected.
- (4) Arrears of contributions shall be repaid in accordance with section 366 subsection 2 of the 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, any voluntary contribution paid during the financial year shall be set off against these arrears.

- (5) Contributions may no longer be made after the occurrence of the pension case. 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 35; section 38 subsections 4 and 5 shall remain unaffected.
- (6) Surcharges for late payment shall be levied on members who are more than 2 weeks in arrears with the payment of contributions. Section 24 subsection 1 SGB IV shall apply accordingly.
- (7) Contributions and ancillary claims with which a member is in arrears shall be collected on the basis of a contribution notice stating the amount of 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 determined in accordance with section 19 subsection 4.
- (8) The Pension Fund may make arrangements for the repayment of arrears of contributions and, in cases of particular hardship, defer or waive arrears of contributions. The deferral interest rate shall be 6 per cent per annum. The Board shall adopt separate guidelines to determine special cases of hardship in more detail.

VI. Subsequent insurance

Section 38 Subsequent insurance

- (1) If the application for the implementation of subsequent insurance is made in accordance with section 186 SGB VI, the subsequent insurance shall be carried out in accordance with subsections 2 to 5.
- (2) Members whose membership in the Lawyers' Pension Fund was established by law at the latest when they left the employment relevant for subsequent insurance or is established within one year of leaving the employment relevant for subsequent insurance may be covered by subsequent insurance if they had not yet reached the age of 40 at the beginning of the employment relevant for subsequent insurance.

- (3) The application for subsequent insurance must 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 has 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.
- (4) The Lawyers' Pension Fund shall accept the supplementary insurance contributions and treat them as if they had been paid as contributions under section 34 in due time during the period for which the supplementary insurance is being carried out. The surcharges pursuant to section 181 subsection 4 SGB VI shall not lead to an increase in the personal entitlement. The contributions actually paid during the period of subsequent insurance shall be deemed to be additional contributions within the meaning of section 36 and shall be refunded on application without interest. Section 36 subsection 2 remains unaffected.
- (5) The subsequently insured person shall be deemed to be a member of the Lawyers' Pension Fund by operation of law retroactively as of the commencement of the subsequent insurance period even if membership of the Lawyers' Pension Fund is only established within one year of leaving the employment relevant for the subsequent insurance. Suspension of the obligation to pay contributions and the occurrence of the insured event shall not prevent subsequent insurance.

VII. Financing procedures, use of funds and accounting

Section 39 Financing, use of funds, investments

- (1) The Pension Fund provides its services exclusively from its own funds.
- (2) The Pension Fund forms an actuarial reserve in accordance with actuarial principles.
- (3) The funds of the Pension Fund may only be used for statutory benefits, necessary administrative costs and for the formation of necessary reserves and provisions.
- (4) The assets of the Lawyers' Pension Fund shall, insofar as they are not to be kept available to cover current expenses, be invested in compliance with section 215 of the Insurance Supervision Act (VAG) as amended and the ordinance issued on the basis of section 217 clause 1 number 6 VAG

as well as the guidelines issued by the insurance supervisory authorities in this respect.

- (5) The Pension Fund shall report on its total assets, broken down into new investments and holdings, in the forms and within the deadlines specified by the Federal Financial Supervisory Authority (BaFin) in conjunction with the Insurance Supervision Act (VAG) and any ordinances issued in this regard. The Insurance Supervisory Authority may declare deviating regulations applicable in Saxony-Anhalt.

Section 40 **Accounting, performance improvements**

- (1) After the end of the business year, the Executive Board shall prepare annual financial statements and a management report in accordance with the applicable principles of proper reporting. 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 Ministry of Justice and the Insurance Supervisory Authority. The adoption of the annual financial statements and the discharge of the Executive Board by the Assembly of Representatives shall be evidenced to the Ministry of Justice and the Insurance Supervisory Authority.
- (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 per cent of the actuarial reserve and shall not exceed a maximum amount of 6 per cent of the actuarial reserve. Any surplus in excess of this amount shall be allocated to the reserve for statutory profit participation.
- (3) The reserve for statutory profit participation may only be used to improve the pension benefits or to adjust the calculation basis if it is not used to cover a deficit. 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 decision 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 com-

pensated by reducing benefits or increasing contributions or by both measures; subsection 3, clauses 3 and 4 shall apply mutatis mutandis.

- (5) The annual financial statements, including the accounting and the management report, shall be audited by an auditor.

VIII. Procedure

Section 41 **Legal action**

- (1) The decisions of the Pension Fund can be challenged in administrative court.

Section 42 **Duty of the Pension Fund to provide information**

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

Section 43 **Financial year**

The financial year shall be the calendar year.

Section 44 **Place of performance, place of jurisdiction**

The place of performance and jurisdiction is Magdeburg.

Section 45 **Announcements**

Announcements of the Pension Fund shall be made in the Ministerialblatt für das Land Sachsen-Anhalt, Ministerial Gazette for the State of Saxony-Anhalt.

IX. Transitional provisions

Section 46 **Exemption from membership or the obligation to contribute**

- (1) Anyone who was a member of the Saxony-Anhalt Bar Association when the RAVG LSA came into force and who had not yet reached the age of 45 at that time shall, on application, be exempt from

compulsory membership of the Lawyers' Pension Fund if he or she provides a lawyer's assurance that he or she has made adequate provision for his or her old age.

Entry into force

The statutes shall enter into force on the first day of the month following their publication in the Ministerial Gazette for the State of Saxony-Anhalt.

- (2) Any person who does not make use of the possibility of exemption from compulsory membership under subsection 1 shall, under the same conditions of subsection 1, upon application, be exempt from compulsory contributions up to a contribution of 1/10, 2/10, 3/10 or 4/10 of the applicable maximum contribution in the statutory pension insurance scheme under sections 157 to 160, 228 a SGB VI in conjunction with the respective statutory orders of the Federal Government as amended from time to time.
- (3) Upon application, the member's contribution reduced in accordance with subsection 2 may be increased up to the full amount of the standard compulsory contribution if the member has not yet reached the age of 55 at the time of application and encloses, at his or her own expense, a certificate from a medical examiner of the Lawyers' Pension Fund stating that the applicant's state of health at the time of application gives no cause for concern.
- (4) Applications in accordance with subsection 1 or 2 must be submitted in writing to the Lawyers' Pension Fund within a preclusive period of one year after the statutes come into force. The exemption shall take effect at the time when the requirements are met.

X. Final provisions

§ 47

Start of the obligation to pay contributions

The obligation to pay contributions begins on 1 January 2007. Rights and obligations only arise from this date.

Section 48

Set-up costs

The costs of its establishment shall be borne by the Pension Fund.

Section 48 a

Linguistic equality

References to persons and functions in these Statutes shall be in the masculine and feminine form.

Section 49