



Baden-Württemberg

LANDESAMT FÜR BESOLDUNG UND VERSORGUNG

Antrag auf Befreiung von der Pflichtversicherung in der Zusatzversorgung des öffentlichen Dienstes (§ 2 Abs. 2 Tarifvertrag Altersversorgung -ATV-) - *Application for an Exemption from Compulsory Insurance under the Supplementary Pension Scheme of the Public Service (Section 2 Subsection 2 Collective Agreement on Pensions)*

Please note:

1. The following information is necessary for the payment of your remuneration. Please visit <https://lbv.landbw.de/das-lbv/kontakt/datenschutz> for information on data protection and the relevant legal provisions on the basis of which your data are collected. All questions must be answered, unless marked (optional).
2. Please read the attached explanatory notes.

1. Personal data

Please check or fill in as appropriate

Last name	First name	Personnel number / area of work
Date of birth	Phone number (optional)	

2. Application of the employee

For my employment commencing/commenced on _____ I hereby apply for an exemption from compulsory insurance under the supplementary pension scheme of the public service with the Versorgungsanstalt des Bundes und der Länder – VBL (Pension Institution of the Federal Republic and the Länder).

I took note of the attached explanations and filed these with my records. In particular, I am aware that

- it is not possible to get an exemption if I have previously been insured with VBL or with a different supplementary pension provider of the public service (without a reimbursement of contributions having taken place); this does not apply to me.
- the application for an exemption from compulsory insurance may not be revoked.
- an exemption may lead to disadvantages in case of future obligations to pay compulsory insurance.
- my employer pays contributions for me into a voluntary capital-funded insurance with VBL and I have the option to take out my own voluntary insurance with VBL.
- the exemption is terminated as soon as the temporary employment contract is extended to over five years.
- there are differences between the benefit legislations of the compulsory insurance and the voluntary insurance (VBLextra) which may lead to differing pensions.

I have been informed of the VBL information sheet on section 2 subsection 2 ATV (VBLspezial Wissenschaftler West).

Date, Signature

3. Confirmation by the department

The employee has an academic position within the meaning of section 2 subsection 2 ATV.

The employer is a higher education institution or a research institution within the meaning of section 2 subsection 2 ATV.

Date, Signature

Stamp:

**Landesamt für Besoldung und
Versorgung Baden-Württemberg
70730 Fellbach**

LBV 46201 – 10/18

Explanatory Notes:

1. The wording of section 2 subsection 2 ATV is as follows (please take note of the disclaimer in the footer):

(2) Upon written request, employees must be granted an exemption from compulsory insurance if they are working in an academic position at a higher education institution or a research institution, are employed on a temporary basis, are unable to fulfill their qualifying period under section 6 subsection 1 due to the limitation of the employment term and had no previous insurance under the supplementary pension scheme. The employee has to submit the application within two months of the commencement of the employment. For the benefit of employees who are exempt from compulsory insurance according to sentence 1, deferred entitlement to benefits under voluntary insurance (according to section 26 subsection 3 sentence 1) accrue with the contributions in the amount of the employer's share for compulsory insurance, including the employee's share, if any, according to section 37a subsection 2; however, the amount is limited to a ceiling of 4 percent of the employee's pensionable income. If the employment within the meaning of sentence 1 is renewed or continued for a period of more than five years, the compulsory insurance shall substitute the voluntary insurance on the first day of the month in which the renewal or continuation of employment is agreed upon. The beginning of the compulsory insurance cannot be backdated to the beginning of the employment.

2. An exemption from compulsory insurance may be granted if the following requirements are met:

- a) You entered into your employment contract after 31 December 2002.
- b) The employment contract has a limited term and it is not possible for you to fulfill the qualifying period of 60 calendar months.
- c) You must submit your application within two months of the commencement of your employment. The date on which your application is received by your department or by the LBV shall be decisive. If your application is received at a later time, you will not be granted an exemption.
- d) You must work in an academic position. An academic position for this purpose shall mean any academic or artistic services performed by academic or artistic personnel at higher education institutions under section 42 of the Framework Act on Higher Education (Hochschulrahmengesetz, HRG) or at research institutions. This includes, in particular, university teachers, academic staff members and lecturers for special tasks. As a rule, a higher education degree is a prerequisite for an academic position.
- e) The academic activity must be carried out at a higher education institution or a research institution. Higher education institutions include all universities, colleges of education, colleges of art, universities of applied science, and other educational institutions which are classified as higher education institutions under the laws of the individual Länder. Research institutions include state research institutions as well as research institutions supported by the state. In particular, this includes the Max Planck society, the Fraunhofer society, the institutions joined as Hermann von Helmholtz Gemeinschaft Deutscher Forschungszentren as well as "Blaue Liste" institutions.
- f) Until now, you do not have any previous compulsory membership periods under a supplementary pension scheme of the federal public service.
- g) The prerequisites for compulsory insurance must be met (this will be verified by LBV).

Provided the above requirements are met, an exemption may also be granted if you are employed with an experimental institute or a research institute (e. g. within a division of the Ministry of Rural Affairs and Consumer Protection) in the context of a research assignment and if you are unable to complete the qualifying period of 60 calendar days due to the limitation of your employment contract.

3. During the time of exemption from compulsory insurance, entitlements accrue under a voluntary insurance.

The employer is obliged to pay contributions in the amount of 4 percent of the pensionable income into a voluntary capital-funded insurance of the employee under the occupational pension scheme (the contribution cannot be paid into a different pension scheme for the employee). You therefore obtain an entitlement for VBL pension.

In addition, you have the option to obtain your own voluntary insurance with VBL and to increase the abovementioned employer contributions from your own funds. Please contact VBL for more information:

VBL

Freiwillige Versicherung
76240 Karlsruhe

Phone +49 721 93 98 93 5

Fax +49 721 155-1355

E-mail kundenservice@vbl.de

Homepage www.vbl.de

4. An exemption from compulsory insurance may lead to disadvantages in case of future obligations to pay compulsory insurance:

- a) In order to be eligible for benefits under the compulsory insurance scheme, a qualifying period of 60 calendar months in the compulsory insurance must be completed. Membership periods in the voluntary insurance may be taken into account for this if the requirements for vested entitlements under section 1 b subsection 3 in conjunction with subsection 1 and section 30 f of the Occupational Pensions Act (Betriebsrentengesetz, BetrAVG) are met.

Example:

The pension commitment was made after 1 January 2009. The entitlement under section 1 b subsections 3 and 1 BetrAVG is vested by law if

- the employment ends before the risk materializes, however, after you reach the **age of 25** and
- the pension commitment existed at least **five years** at the time you retire from your employment.

An employee takes up a temporary academic position on 1 March 2009 according to section 28 of the VLB statutes (VBLS). He is exempted from compulsory insurance and is registered with VBLextra for two years. After two years, the employment contract is extended to more than five years. He will be registered for compulsory insurance according to section 28 subsection 1 sentence 5 VBLS as soon as his contract is extended. After three years of membership in the compulsory insurance, he retires.

The academic employee is entitled to receive his occupational pension from the two years of membership with VBLextra.

He failed to complete the qualifying period in the compulsory insurance because he accumulated only 36 months during which premiums/contributions were paid. However, he acquired a vested entitlement according to section 1 b subsections 3 and 1 BetrAVG because the pension commitment from the employer existed for five years overall and he had turned 25 before retiring from work. The qualifying period is deemed fulfilled. The occupational pension resulting from compulsory insurance is calculated on the basis of pension points.

- b) In case of premature retirement from work, the vested entitlements under the compulsory insurance scheme are only taken into account for bonus points according to section 19 ATV (Dynamik) if premiums/contributions were paid into the compulsory insurance for at least 120 months.

Example:

An employee is initially insured for four years in the voluntary insurance instead of the compulsory insurance. After four years, the employment contract is extended for another seven years. As for the compulsory insurance, only seven years in which premiums were paid are taken into account and he therefore fails to fulfill the requirements of "Dynamik" in the subsequent non-contributory period; as a result, his entitlement remains "static" from the beginning of the employment until the risk materializes or compulsory insurance is renewed.

- c) Voluntary insurance does not include social components according to section 9 ATV (parental leave or materialization of the risk due to reduced working capacity).

5. Despite an exemption, your insurance may become compulsory at a later date.

In case an employment contract initially limited to a term of less than five years is renewed or continued resulting in employment for more than five years, compulsory insurance will substitute voluntary insurance on the first day of the month in which the renewal or continuation was agreed upon. At this point, your employer's obligation to pay contributions for voluntary insurance ends; otherwise, the voluntary insurance remains in force.

Example:

On 1 February 2003, an employee takes up an employment with a term of four years. The contract expires on 31 January 2007. On 10 January 2007, the parties to the employment contract agree that the employment contract becomes permanent. Consequently, compulsory insurance commences on 1 January 2007. Therefore, no voluntary insurance contributions are to be paid for January 2007 and any voluntary insurance contributions already paid must be reimbursed. Instead, compulsory insurance premiums, contributions and top-up premiums have to be paid.

According to section 2 subsection 2 sentence 5 ATV, compulsory insurance cannot be backdated to the beginning of your employment. In relation to the previous example, this means that compulsory insurance cannot be backdated to a time prior to 1 January 2007.

6. Please contact VBL for further advice.

Please note that there are differences between the benefit legislations of the compulsory insurance and the voluntary insurance (VBLextra) which may lead to differing pensions.

We therefore recommend contacting VBL for advice on the differences between voluntary and compulsory insurance prior to applying for an exemption from the compulsory pension insurance scheme.

PLEASE FILL IN THE GERMAN FORM