



Versorgungswerk der
Landesärztekammer
Mecklenburg-Vorpommern



Articles of Incorporation

**governing retirement, disability and surviving dependants' pensions for members
of the veterinary medical associations of Mecklenburg-West Pomerania,
Brandenburg and Berlin**

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Part I
Functions of the Pension Fund,
members

Article 1
Legal form, registered office and functions

(1) The Pension Fund is a fund of the Veterinary Medical Association of Mecklenburg-West Pomerania, a statutory corporation (*Landestierärztekammer Mecklenburg-Vorpommern, Körperschaft des öffentlichen Rechts*). It has its registered office in Dummerstorf.

(2) The Pension Fund is represented in and out of court by the President and, if the President is unavailable, by the Vice President of the Association. The chairperson of the Management Committee of the Pension Fund or, if they are unavailable, the respective deputy chairperson, shall have the same representative authority as the President (section 30 (1) and (2) of the Health Care Professions Act (*Heilberufsgesetz, "HeilberG"*)).

(3) Members of the Veterinary Medical Association of Brandenburg (*Landestierärztekammer Brandenburg*) and the Veterinary Medical Association of Berlin (*Tierärztekammer Berlin*) also participate in the Pension Fund of the Veterinary Medical Association of Mecklenburg-West Pomerania by virtue of Charters of Affiliation (*Anschlusssatzungen*). The provisions of the Articles of Incorporation of the Pension Fund of the Veterinary Medical Association of Mecklenburg-West Pomerania shall apply to the extent that the Charters of Affiliation of the Veterinary Medical Association of Berlin and the Veterinary Medical Association of Berlin do not contain any conflicting provisions.

To the extent that the Articles of Incorporation of the Pension Fund of the Veterinary Medical Association of Mecklenburg-West Pomerania provide for legal rights or obligations attaching to membership in the Veterinary Medical Association of Mecklenburg-West Pomerania, those same rights or obligations shall attach to members of the Veterinary Medical Association of Brandenburg and the Veterinary Medical Association of Berlin arising from their membership in those associations.

(4) The role of the Pension Fund is to provide members of the Veterinary Medical Association of Mecklenburg-West Pomerania in accordance with section 5 HeilberG with pension benefits in accordance with these Articles of Incorporation; its funds and assets are designated for a specific purpose and must be managed separately. It must provide its members with an explanation of their rights and obligations as well as information about membership matters.

(5) Notices of the Pension Fund are published in the German Veterinary Gazette (*Deutsches Tierärzteblatt*) and in the Mecklenburg-West Pomerania Gazette (*Amtsblatt von Mecklenburg-Vorpommern*).

(6) Association members and recipients of benefits have an obligation to provide the Pension Fund with the information required under these Articles of Incorporation, and must particularly notify the Pension Fund without undue delay of any changes that affect membership or benefits. The Pension Fund may check the information and supporting documents and, if necessary, request further documents or initiate its own enquiries.

(7) The Pension Fund is entitled to take out a reinsurance policy.

Article 2 Governing bodies

The Pension Fund's governing bodies are:

- a) the Delegates Assembly (*Vertreterversammlung*);
- b) the Supervisory Board (*Aufsichtsausschuss*);
- c) the Management Committee (*Verwaltungsausschuss*).

Article 3 Delegates Assembly

(1) The Delegates Assembly adopts resolutions on:

- a) adoption of the annual financial statements;
- b) formal ratification of the actions of the members of the Management Committee and the Supervisory Board;
- c) assessment of expense allowances and the reimbursement of costs for members of the Management Committee and the Supervisory Board;
- d) amendments to these Articles of Incorporation submitted by the board and committee subject to a majority of 2/3 of all elected members of the Delegates Assembly;
- e) changes to contributions and pension benefits as well as the base pension (*Rentenbemessungsgrundlage*) determined annually in accordance with article 12 (2), any other improvement of pension benefits as referred to in article 33 (4) and the adjustment of current pensions as referred to in article 33 (5);
- f) dissolution of the Pension Fund, subject to a majority of 4/5 of all elected members of the Delegates Assembly, and the measures necessary for winding up the fund;
- g) affiliation of members of another veterinary medical association subject to a majority of 2/3 of the elected members of the Delegates Assembly and the dissolution of such affiliation subject to a majority of 4/5 of the elected members of the Delegates Assembly.

(2) The Delegates Assembly consists of nine members. It must comprise an equal number of members from each of the veterinary medical associations affiliated by charter with Mecklenburg-West Pomerania.

(3) The members of the Delegates Assembly representing the affiliated veterinary medical associations are elected and delegated by simple majority of the delegates assembly of the respective veterinary medical association for the duration of an election term. Members of the Delegates Assembly must be members of the Pension Fund. They may not be members of the Management Committee or the Supervisory Board. The members of the Delegates Assembly are elected in individual ballots by a simple majority of votes.

The term of office of the Delegates Assembly is four years. The term of office commences upon its first meeting. After their term of office expires, the members of the Delegates Assembly shall continue to hold office until new delegates are elected and a new Delegates Assembly convenes. If a member leaves office, the delegates assembly of the veterinary medical association elects a successor at its next meeting.

(4) The Delegates Assembly elects a chairperson and a deputy chairperson from among its ranks by a simple majority of votes.

(5) The Delegates Assembly shall convene at least once annually, no later than three months after the Supervisory Board presents the annual report. It shall also convene at the written request of the Management Committee, the Supervisory Board or 1/3 of the members of the Delegates Assembly. The Delegates Assembly shall be convened by its chairperson in writing with a notice period of two weeks, stating the agenda.

(6) Delegates Assembly meetings are not open to the public. Members of the Management Committee and the Supervisory Board have the right to attend the meetings as guests and to speak and ask questions. The president or vice president of the respective associations as well as the representatives of the supervisory ministries shall be invited to attend the meetings of the Delegates Assembly.

(7) The Delegates Assembly is deemed to have quorum if more than half of its members are present. If a matter was postponed because the Delegates Assembly lacked quorum and the Delegates Assembly convenes for a second time to discuss the same matter, it shall be deemed to have quorum regardless of the number of persons present. Express reference to the above provision must be made in the call to that meeting.

(8) Unless these Articles of Incorporation provide for a special majority, resolutions of the Delegates Assembly are adopted by a simple majority of the votes. Abstentions and invalid votes shall not be counted in calculating the majority. If voting is tied, the motion shall be rejected. Votes may not be delegated.

(9) Resolutions of the Delegates Assembly on paragraph (1) (d), (f) and (g) require approval by the competent ministry for agriculture; resolutions of the Delegates Assembly on paragraph (1) (e) require approval by the competent ministry for insurance supervision.

(10) The members of the Delegates Assembly act in an honorary capacity. Expense allowances and cost reimbursements are governed by the Remuneration Rules (*Entschädigungsordnung*) of the association which delegated the member to the Delegates Assembly.

Article 4 Supervisory Board

(1) The Supervisory Board consists of six members. It must comprise an equal number of members from each of the veterinary medical associations affiliated by charter with Mecklenburg-West Pomerania.

(2) The members of the Supervisory Board representing the veterinary medical associations affiliated by charter are elected and delegated by simple majority of the delegates assembly of the respective veterinary medical association for the duration of an election term. The members of the Supervisory Board representing the Veterinary Medical Association of Mecklenburg-West Pomerania shall be elected by the delegates assembly of the Veterinary Medical Association of Mecklenburg-West Pomerania in individual ballots for the duration of the election term by a simple majority of votes. The Supervisory Board shall manage affairs until the new Supervisory Board elected by the delegates assemblies of the veterinary medical associations takes over. If a member leaves office, the delegates assembly of the respective veterinary medical association elects a successor at its next meeting.

(3) The Supervisory Board elects a chairperson and a deputy chairperson from among its ranks by a simple majority of votes.

(4) The Supervisory Board meets regularly one month prior to the presentation of the annual report and audit report, and otherwise at any time at the request of at least three members of the Supervisory Board or two members of the Management Committee.

Meetings of the Supervisory Board are convened by the chairperson or, if the chairperson is unable to do so, by the deputy chairperson. In cases falling under the second half of sentence 1, the meeting is convened within two weeks.

(5) The Supervisory Board is deemed to have quorum if at least four of its members are present. It adopts resolutions by simple majority. In urgent cases, resolutions may be adopted by circular resolution (*Umlaufverfahren*) provided that all members of the Supervisory Board approve.

If voting is tied, the resolution is deemed to have been rejected. Abstention from voting is not permitted.

(6) The functions of the Supervisory Board are:

- a) to oversee business activities;
- b) to review and approve the balance sheet and the income statement;
- c) to select the publicly appointed auditor;
- d) to select the actuary;
- e) to draw up investment guidelines for the Pension Fund;
- f) to decide on appeals against administrative decisions by the Pension Fund of the Veterinary Medical Association of Mecklenburg-West Pomerania.

(7) The members of the Supervisory Board act in an honorary capacity. Expense allowances and the reimbursement of costs are determined by resolution of the Delegates Assembly.

(8) The president or vice president of the respective association shall be invited to attend the meetings of the Supervisory Board.

Article 5 Management Committee

(1) The Management Committee consists of six members. It must comprise an equal number of members from each of the veterinary medical associations affiliated by charter with Mecklenburg-West Pomerania.

(2) The members of the Management Committee representing the veterinary medical associations affiliated by charter are elected and delegated by simple majority of the delegates assembly of the respective veterinary medical association for the duration of an election term. The members of the Management Committee representing the Veterinary Medical Association of Mecklenburg-West Pomerania shall be elected by the delegates assembly of the Veterinary Medical Association of Mecklenburg-West Pomerania in individual ballots for the duration of the election term by a simple majority of votes. The Management Committee continues to manage affairs after its term of office expires until the new Management Committee elected by the delegates assembly of the respective veterinary medical association takes over.

(3) The Management Committee elects a chairperson and a deputy chairperson from among its ranks by simple majority.

(4) The Management Committee is deemed to have quorum if at least four of its members are present. It adopts resolutions by simple majority. If voting is tied, the resolution is deemed to have been rejected. In urgent cases, resolutions may be adopted by circular resolution (*Umlaufverfahren*) provided that all members of the Management Committee approve.

(5) The members of the Management Committee may not concurrently serve as members of the Supervisory Board.

(6) If a member of the Management Committee leaves office, the delegates assembly of the respective veterinary medical association elects a successor at its next meeting.

(7) The members of the Management Committee act in an honorary capacity. Expense allowances and the reimbursement of costs are determined by resolution of the Delegates Assembly.

(8) The Management Committee manages the affairs of the fund, unless management is delegated to other governing bodies under these Articles of Incorporation. It is responsible for implementing the resolutions of the delegates assembly of the Veterinary Medical Association and the Supervisory Board. Every year, no later than seven months after the end of the financial year, it must present an annual report showing the fund's assets and liabilities and an income and expenditure statement to the Supervisory Board for review.

(8) The Management Committee of the Pension Fund of the Veterinary Medical Association of Mecklenburg-West Pomerania constitutes the fund management committee (*Versorgungsausschuss*) within the meaning of section 30 (2) HeilberG.

Article 6 Membership

(1) All members of the Veterinary Medical Association of Mecklenburg-West Pomerania who at the time the Articles of Incorporation enter into force have not yet reached 45 years of age and are not unable to practise due to ill-health/disability (*berufsunfähig*) shall automatically be members of the Pension Fund.

(2) Any person who joins the Veterinary Medical Association of Mecklenburg-West Pomerania after the Articles of Incorporation enter into force and have not yet reached 65 years of age shall automatically be a member of the Pension Fund provided they are not unable to practise due to ill-health/disability.

(3) All persons who become members of the Veterinary Medical Association of Mecklenburg-West Pomerania after 31 December 2013 and at the time of joining have not reached the applicable standard retirement age under article 12 (1) sentence 3 and are not medically unable to practise due to ill-health/disability shall automatically be members of the Pension Fund.

Article 7 Automatic exemption (*Ausnahme*) from membership

(1) Exempt from membership are members of the Veterinary Medical Association of Mecklenburg-West Pomerania who are public servants (*Beamte*); the same applies to members who are public employees (*Angestellte*), provided they are not subject to mandatory insurance

under the statutory pension scheme and are not entitled to a retirement pension and surviving dependants' pension or an additional retirement and surviving dependants' pension under their employment or service agreement.

If members of the Veterinary Medical Association of Mecklenburg-West Pomerania who were not a member of the Pension Fund under sentence 1 leave the employment pursuant to which they were exempt from membership, they shall only become a member of the Pension Fund if, at such time, they have not yet turned 65 years of age (for persons who joined the Veterinary Medical Association on or before 31 December 2013) or not yet reached the applicable standard retirement age under article 12 (1) sentence 3 (for persons who joined the Veterinary Medical Association after 31 December 2013) and they are not medically unable to practise due to ill-health/disability.

(2) Exempt from membership are members of the Veterinary Medical Association of Mecklenburg-West Pomerania who could not become a member of the Pension Fund of Mecklenburg-West Pomerania or another prescribed or statutory domestic occupational public insurance or pension scheme based on article 37 (10) of the Articles of Incorporation applicable up until the amendment to the Articles of Incorporation entered into force because they had turned 45.

Article 8

Exemption from membership upon application (*Befreiung*)

(1) Upon application, the following persons will be granted a full or partial exemption from membership:

- a) members of the Pension Fund of the Veterinary Medical Association of Mecklenburg-West Pomerania who upon joining under article 6 (1) are not engaged in any veterinary medical practise ("veterinary medical practise" is any professional activity in which expertise and skills are acquired in the course of studying veterinary medicine);
- b) members of the Pension Fund of the Veterinary Medical Association of Mecklenburg-West Pomerania who had applied and were exempted from an obligation to join another prescribed or statutory domestic occupational public insurance or pension scheme outside the German state (*Land*) of Mecklenburg-West Pomerania, provided that the reason for the exemption still applies;
- c) persons who are a member of the Veterinary Medical Association at the time the Articles of Incorporation enter into force, provided that, within six months of that date, they demonstrate that, as at the time the Articles of Incorporation enter into force, they
 - are subject to compulsory membership in the statutory pension scheme and have not applied for any exemption in accordance with section 6 (1) of the German Social Security Code, Vol. VI (*Sozialgesetzbuch VI*, "SGB VI");
 - have taken out a life insurance policy as a self-employed person for themselves and their surviving dependants in the event of their death and survival to the age of 55 or older with an insurance premium equivalent to the contribution that would be payable to the Pension Fund upon joining by a person subject to compulsory membership in the statutory pension scheme. A partial exemption of 5/10 is possible if an insurance premium equivalent to at least half of the aforementioned contribution is paid;
 - have otherwise purchased adequate retirement insurance.

Proof must be furnished by submitting a certificate from the life insurance company or, where compulsory insurance is concerned, the certificate from the insurance

carrier. An insurance policy must have been taken out prior to the entry into force of the Articles of Incorporation;

d) members who took up marginal employment (*geringfügige Beschäftigung*) as defined in section 8 (1) no. 1 SGB IV in the version applicable as at 31 December 2012 and who have not given notice to their employer waiving their exemption from mandatory insurance, as well as members who took up marginal employment as defined in section 8 (1) no. 1 SGB IV on or after 1 January 2013 and have applied for exemption from mandatory insurance under the statutory pension scheme in accordance with section 6 (1) (b) SGB VI.

(2) Exemption applications under paragraph (1) (a), (b) and (d) must be lodged within six months of the criteria being met. The exemption applies from the time the criteria are met. It ceases to apply as soon as the criteria are no longer met.

Decisions on membership exemption applications are made by the Management Committee.

Any person who is exempted from joining the Pension Fund may, by giving written notice to the Management Committee, waive the exemption with effect from the beginning of the following month, provided they have not yet turned 45 years of age. Such waiver can only be accepted if a medical examination requested by the Management Committee has been conducted at the applicant's expense. The Management Committee decides on the validity of the waiver based on the outcome of the medical examination.

Article 9 Exit from the Pension Fund

Members cease to be members of the Pension Fund when:

- a) they cease to be members of the Veterinary Medical Association of Mecklenburg-West Pomerania;
- b) they fulfil the criteria under article 7 (1) during their membership.

The right to continue the membership on a voluntary basis under article 10 shall remain unaffected.

Article 10 Voluntary membership

(1) Any person who was a member of the Pension Fund under these Articles of Incorporation and ceases to be a member of the Pension Fund for the reasons referred to in article 8 (a), (b) and (d) and article 9, may apply to continue their membership thereafter on a voluntary basis. The foregoing shall not apply if they are required to become a member of and make compulsory contributions to another pension fund in Germany. Persons who are exempt from membership under article 7 (1) may join on a voluntarily basis provided that they have not yet reached the applicable standard retirement age under article 12 (1) sentence 3.

(2) In both cases, a corresponding application must be lodged in writing within six months of the date specified in paragraph (1).

(3) Members may not terminate voluntary membership.

(4) For members within the meaning of article 27 (b), (c) and (d), article 10 in the version applicable until 31 December 2013 shall apply.

Part II Benefits provided by the Pension Fund

Article 11 Pension benefits

(1) The Pension Fund grants the following benefits upon written application, subject to the relevant criteria being met:

- a) retirement pension;
- b) disability pension;
- c) surviving dependants' pension;
- d) child supplement;
- e) lump sum payment of widows'/widowers' pensions or *de minimis* pensions (*Kleinstrenten*)
- f) contribution rollover;
- g) death benefit.

The Pension Fund may continue to pay additional medical rehabilitation benefits to restore the ability to practise.

(2) Any person who applies for or receives disability or rehabilitation benefits should submit to medical examinations at the Pension Fund's request, provided these are necessary for a decision to be made in relation to the benefits, they are proportionate having regard to the benefit claimed and are reasonable for the individual concerned. Any person who applies for or receives disability or rehabilitation benefits should undergo treatment at the request of the Pension Fund if it is anticipated that such treatment would improve the person's health or prevent their health from deteriorating.

(3) If the person who applies for or receives a benefit culpably fails to comply with their duties of cooperation and this makes it substantially more difficult to ascertain the facts or prevents or renders any improvement in their circumstances impossible or causes their circumstances to deteriorate, the Pension Fund may after setting a reasonable grace period refuse or withdraw the benefit until the person agrees to cooperate

(4) The benefits referred to in paragraph (1) (a), (c) and (d) are generally paid when the applicable criteria are met. If the benefits are applied for more than six months after that, payment will commence on the first of the month following receipt of the application.

(5) Claims for pension benefits become time-barred four years after the end of the calendar year in which they arise. The provisions of the German Civil Code (*Bürgerliches Gesetzbuch*, "BGB") apply *mutatis mutandis* to determining the suspension, resumption and effect of limitations periods.

Article 12 Retirement pension

(1) Every member of the Pension Fund is entitled to a retirement pension for life when they reach the standard retirement age.

Members born prior to 1 January 1950 reach standard retirement age when they turn 65. The standard retirement age increases as follows for members born after 31 December 1949:

Year of birth	Standard retirement age
1950	65 years + 2 months
1951	65 years + 4 months
1952	65 years + 6 months
1953	65 years + 8 months
1954	65 years + 10 months
1955	66 years
1956	66 years + 2 months
1957	66 years + 4 months
1958	66 years + 6 months
1959	66 years + 8 months
1960	66 years + 10 months
1961 and later	67 years.

The standard retirement age remains 65 for members who were born prior to 1 January 1955 and who, prior to 1 January 2009, agreed to a semi-retirement arrangement (*Altersteilzeit*) as defined in sections 2 and 3 (1) no. 1 of the German Semi-retirement Act (*Altersteilzeitgesetz*).

Upon written application, a reduced retirement pension may be paid before the standard retirement age is reached, however no earlier than 60 months prior to the member reaching the applicable standard retirement age set forth in paragraph (1) sentences 1–3. If a person becomes a member of the Pension Fund or another prescribed or statutory domestic occupational insurance or pension scheme after 31 December 2011, then upon application, the retirement pension will be paid before reaching the standard retirement age, but no earlier than the month following the member's 62nd birthday. Payment will commence on the first of the month following receipt of the application.

The early retirement pension will be calculated on the basis of the contributions paid up until payment of the pension starts. The amount of the pension is reduced by a fixed discount of 0.35 percentage points for each month by which payment of the pension is brought forward. The foregoing shall apply *mutatis mutandis* to future entitlements for which the contribution has been waived within the meaning of article 12 (5).

Members may also apply in writing to receive part of their retirement pension (30%, 50% or 70%) early. The annual amount of any part pension is calculated based on the contributions paid up until payment of the pension starts and in accordance with paragraph (4) sentences 1 to 6. The part pension will be discounted by 0.35% for each month earlier than the standard retirement age under sentence 3 that the part pension is claimed. Application may be made for

another part pension, but only up to the amount of the full retirement pension; it may also be applied for early in accordance with sentences 5 to 10.

(2) For members who joined the Pension Fund on or before 31 December 2016, the general base pension in the year of entry is equal to 1% of the contribution base to be assessed for each financial year in accordance with article 28. For members who joined the Pension Fund after 31 December 2016, the pension is calculated based on the general base pension approved annually by the Delegates Assembly. The increase in the general base pension is reassessed annually by the Delegates Assembly based on the recommendation of the Supervisory Board and the Management Committee for all members who had already joined the Pension Fund at the end of the previous year, based on the financial statements for the previous financial year.

(3) By paying contributions, each member acquires an accumulation unit (*Steigerungszahl*) for each financial year. This annual accumulation unit is calculated by dividing the contributions paid in a given financial year by the contribution base to be determined under article 28 for the same financial year, multiplied by the multiple determined by the member's age at the time of joining the Pension Fund ("age-based multiplier"). Annex 1 of these Articles of Incorporation sets out the age-based multiplier, however in the case of all members whose membership did not lapse prior to 31 December 2004 pursuant to article 9 and who did not maintain voluntary membership, this multiplier is multiplied in each case by an individual factor. This factor is determined by taking the future entitlement calculated in accordance with article 13 (5) of the version of the Articles of Incorporation that applied until 31 December 2004 and dividing this figure by the same future entitlement but without taking into account eight times the value of the average accumulation unit acquired as referred to in article 12 (4) sentence 1 of the version of the Articles of Incorporation that applied until 31 December 2004.

For members who joined the Pension Fund in the period between 1 January 2005 and 31 December 2008, the age-based multiplier is set forth in Annex 2 of these Articles of Incorporation.

For members who joined the Pension Fund on or after 1 January 2009, the multiplier based on the member's age at the time of joining and year of birth is set forth in Annex 3 of these Articles of Incorporation.

For the purpose of Annexes 1, 2, and 3 of these Articles of Incorporation, the age at the time of joining is the difference between the calendar year in which the member joined the Pension Fund and their year of birth.

(4) The annual amount of the retirement pension is calculated individually based on the total accumulation units acquired. The accumulation units that the eligible claimant would have acquired had they continued to receive their average accumulation unit under sentences 1, 3 and 4 during any period of recognised disability will be added to the resulting total.

For the purpose of determining the average accumulation units acquired, periods during which the member is exempt from paying contributions are also taken into account. The foregoing does not include:

- a) periods of any recognised disability;
- b) periods of compulsory military or civil service;
- c) periods of statutory maternity leave (also applies to self-employed persons);
- d) periods spent caring for children ("home care leave") (*Kinderbetreuungszeit*) of up to 365 days after the child's birth unless the contributions made during this period would increase the average. The foregoing shall apply *mutatis mutandis* for children born after 1 January 1996 subject to the proviso that periods of home care leave of up to 36 months after the child's birth will be recognised.

By way of derogation from the foregoing, the accumulation units for the first five years of membership are disregarded provided this increases the average accumulation units acquired in the other years; even if the first of the five years of membership did not begin on 1 January, it will be deemed a full year for the purpose of determining the first five years of membership.

The accumulation units that the eligible claimant would have acquired had they continued to receive the average of the accumulation units acquired pursuant to sentences 1 and 2 during a period of recognised disability will be added to the resulting amount. The annual amount of the retirement pension is calculated by multiplying the total accumulation units by the general base pension under paragraph (2).

For the purpose of determining the member's future entitlement to the retirement pension, the accumulation units that the member would have acquired had they continued to receive their average accumulation unit until they reached the applicable standard retirement age under paragraph (1) sentences 1–3 (determined as at the calculation date) will be added ("deemed accumulation period") (*Hinzurechnungszeit*).

(5) If membership has lapsed pursuant to article 9 and is not continued on a voluntary basis and if article 13 (7) or (8) does not apply, the retirement pension will be paid solely based on the actually acquired accumulation units and the accumulation units to be added under paragraph (4) sentence 2.

(6) If the retirement pension at the time that payment of the pension starts does not exceed 1% of the monthly reference figure under section 18 SGB IV, the member may apply to receive a lump sum payment instead of pension payments. The application for a lump sum payment must be lodged within three months of the date specified in sentence 1. The lump sum payment entitlement is 60% of the contributions paid. Once the lump sum payment has been made, all rights and obligations of the member as against the Pension Fund shall lapse.

(7) The retirement pension is paid in monthly instalments equivalent to one-twelfth of the annual pension. Pension payments begin on the first of the month following the month in which the entitlement vests and end in the month of the beneficiary's death.

Article 13 Disability pension

(1) Every member of the Pension Fund

- a) whose ability to engage in gainful employment to which veterinary training qualifies them and in which the knowledge acquired during veterinary training can largely be applied is completely compromised on a not merely temporary basis for health reasons (disability) (*Berufsunfähigkeit*); and
- b) who ceases all veterinary medical practise for this reason; and
- c) who has paid contributions for at least one month; and
- d) who is not yet receiving early retirement benefits;

is entitled to a disability pension. The foregoing also applies to members who most recently have not practised the veterinary profession, but engaged in another activity instead or have not engaged in any activity at all.

A person shall not be deemed to have ceased veterinary medical practise if the practise continues to be run by a locum or with an assistant. A member's inability to engage in veterinary

medical practise must be demonstrated by a medical certificate. The Management Committee has the right to require additional medical opinions at the Pension Fund's expense.

(2) The Supervisory Board decides on any objections lodged against the decision of the Management Committee under paragraph (1). The Supervisory Board may base its decision on an additional medical assessment.

(3) The entitlement to the disability pension commences in the month in which the written application is lodged, otherwise on the date on which the criteria under paragraph (1) are met. By way of derogation from sentence 1, employed veterinary medical practitioners will become eligible for the disability pension when their entitlement to salary payments ends, however, where applicable, not until the month in which they lodge the application if this occurs more than six months after the criteria under paragraph (1) are met. The entitlement ends upon the death of the applicant, or at the end of the month in which the criteria for receiving the benefits are no longer met, or upon transition to the retirement pension.

The Management Committee may require follow-up examinations in order to determine whether the criteria for receiving the disability pension continue to be met.

(4) If a member is no longer able to demonstrate that the physical affliction or deterioration of physical or mental capacity which caused them to completely discontinue veterinary practise, the disability pension shall end in the month in which such proof can no longer be provided.

(5) Subject to the overriding transitional provision under paragraph (13), the disability pension will amount to 80% of the member's future entitlement to the retirement pension calculated in accordance with article 12 at the time of the onset of the disability. The average of the acquired accumulation units is calculated within the first six years after membership commences by taking the accumulation unit for the previous year as the average accumulation unit, provided that this is higher than the average accumulation unit acquired. By way of derogation from article 12 (4) sentence 9, for the purpose of the deemed accumulation period however, the accumulation units acquired by virtue of contributions as defined in article 24 (2) sentence 2 in the year in which payment of the disability pension starts and the year before that will be disregarded.

(6) If membership has lapsed and is not continued on a voluntary basis and if paragraph (7) or (8) does not apply, the disability pension will be paid solely based on the actually acquired accumulation units and the accumulation units to be added under article 12 (4) sentence 2.

(7) If, when the qualifying event (*Versorgungsfall*) occurs (disability or death), a former member who is not yet receiving the pension is required to make compulsory contributions to another statutory pension institution which falls within the scope of Regulation (EEC) No 1408/71 (with the exception of *Bundesversicherungsanstalt für Angestellte* (BvA) and *Landesversicherungsanstalt*), then instead of paying the pension based on the non-contribution-based entitlement, the pension fund will pay a higher pro rata benefit, provided the other pension institutions involved calculate their pension benefits in accordance with this method.

The pro rata benefit will be calculated based on the ratio between the period of membership in the Pension Fund to date and the total period of insurance with all statutory pension institutions in accordance with Article 46(2) of Regulation (EEC) No 1408/71 up until the qualifying event.

The pension is calculated in such a way that both the periods of insurance prior to joining the Pension Fund and the period between leaving the Pension Fund and reaching the applicable standard retirement age under article 12 (1) sentences 1–3 are taken into account.

These periods are taken into account as follows: the accumulation units that the eligible claimant would also have received during these periods if they had received the average accumulation units acquired previously are added to the total accumulation units acquired during membership (article 12 (4) sentences 1 and 2).

(8) Where a member of the Pension Fund is also entitled to benefits in the event of disability or death from other statutory pension institutions falling within the scope of Regulation (EEC) No 1408/71, only a pro rata benefit will be paid.

The pro rata benefit will be calculated based on the ratio between the period of membership in the Pension Fund and the total period of insurance (paragraph (7) sentence 2).

Periods of insurance prior to joining are also taken into account in calculating the pension.

These periods are taken into account in accordance with paragraph (7) sentence 4.

(9) If the medical prognosis indicates that it will not be possible for the member to resume practise, a permanent disability pension is granted. In all other cases, the disability pension is paid for a limited term and ends at the latest when that term expires. The maximum term for payment of the disability pension is two years from the start of the pension, and this term may be repeated. A permanent disability pension will also be paid if it is immediately preceded by receipt of a temporary pension for a period totalling six years.

(10) The disability pension is paid in monthly instalments equivalent to one twelfth of the annual pension. Payment begins in the month in which the entitlement vests under paragraph (3).

(11) Members are not entitled to the disability pension if they intentionally cause their disability. The Supervisory Board is responsible for making a finding to this effect after review by the Management Committee.

(12) When the standard retirement age is reached, the disability pension is replaced by a retirement pension of an equivalent amount.

(13) For members who joined the Pension Fund on or after 31 December 2008, the amount of the disability pension will be as follows for a transitional period of 10 years commencing on 1 January 2009: the future entitlement to the retirement pension calculated in accordance with article 12 will be reduced by 2 percentage points per year on a monthly straight-line basis. The foregoing applies *mutatis mutandis* to members whose membership commenced prior to 1 January 2009 and for whom contributions were transferred to the Pension Fund by way of a rollover or as retrospective contributions for the purpose of back-dating membership.

No discount will be made for members who began receiving the disability pension on or before 31 December 2008.

Article 14

Rehabilitation measures

(1) A member of the Veterinarians' Pension Fund who has a future entitlement to or receives the disability pension may, upon application, be granted a one-off or recurring additional benefit to cover the costs of rehabilitation measures that are of necessity particularly expensive, if their ability to practise is at risk, partially or completely compromised due to a physical affliction or an addiction or deterioration of physical or mental capacity, and it is expected that such rehabilitation measures would preserve, substantially improve or restore the member's ability to practise.

(2) The applicant must demonstrate the necessity of the rehabilitation measures and the prospects of their success by submitting a medical opinion. The Veterinarians' Pension Fund may require an additional assessment at its expense. It may make its coverage of a share of the costs subject to conditions relating to the commencement, duration, location and manner of treatment.

(3) The applicant must demonstrate the reason for and amount of the necessary costs of the rehabilitation measures or provide an estimate by attaching supporting documents (quotes/invoices/receipts) in due time before the intended start of the measures. Such costs will not be accepted to the extent that another agency has an obligation to reimburse them by law or under its articles of incorporation. The Management Committee decides on whether to grant the additional benefit and, if so, the amount to be contributed towards costs at its discretion having regard to all of the circumstances of the specific case.

(4) The Management Committee is authorised to issue, with the agreement of the Supervisory Board, guidelines for granting additional benefits for medical rehabilitation measures.

Article 15

Surviving dependants' pension

(1) The surviving dependants' pensions are:

- a) widow's pensions;
- b) widower's pensions;
- c) double orphan's pension;
- d) half-orphan's pension.

(2) Surviving dependants' pensions are granted if, at the time of the member's death, the member had a future entitlement or an entitlement to a retirement pension or disability pension.

(3) Surviving dependants are not entitled to a pension if they intentionally brought about the death of the member of the Pension Fund.

Article 16

Widow's and widower's pension

(1) Following the death of an eligible recipient under article 15 (2), their surviving spouse receives either a widow's or a widower's pension. No entitlement to the pension exists if the marriage was entered into after the eligible recipient's 60th birthday or after the onset of the eligible recipient's disability, and the marriage did not last for at least five years.

(2) The widow's or widower's pension is no longer paid to widows or widowers who remarry. Entitlement to the pension is extinguished upon expiry of the month in which the widow or widower remarries.

(3) Widows and widowers who remarry will receive, upon application, a lump sum payment as follows:

- a) equal to 60 times their previous monthly pension if they remarry before turning 35 years of age;
- b) equal to 48 times their previous monthly pension if they remarry between 35 and before 45 years of age;
- c) equal to 36 times their previous monthly pension if they remarry after turning 45 years of age.

(4) Section 46 (4) SGB VI shall apply *mutatis mutandis* to entitlements to a widow's or widower's pension and death benefits.

Article 17 **Double orphan's and half-orphan's pension**

(1) Following a member's death, their children receive a double orphan's pension or half-orphan's pension until they reach 18 years of age. For children of the member who are completing schooling or vocational education, the double orphan's pension or half-orphan's pension will continue to be paid until, but not beyond, the child's 27th birthday, or for children who are unable to earn their own living when they turn 18 years of age due to a physical or mental condition, the half-orphan's pension will continue to be paid for as long as the condition persists.

Work placements only qualify as education if they are required under the applicable education, study or examination regulations.

The criteria for entitlement after age 18 must be demonstrated to the Pension Fund regularly every six months by submitting appropriate supporting documents.

(2) The following persons are deemed children:

- a) legitimate children;
- b) legitimated children;
- c) adopted children, provided they are adopted before the eligible recipient turns 55 years of age;
- d) the illegitimate children of an eligible recipient, provided the eligible recipient has an established legal obligation to pay maintenance;
- e) the illegitimate children of an eligible recipient.

Article 18 **Components and calculation of surviving dependants' pensions**

(1) The widow's or widower's pension amounts to 60% of the retirement pension or disability pension that the member was receiving. If the member was not receiving a pension and died before reaching the standard retirement age under article 12 (1), the widow's or widower's pension amounts to 60% of the future entitlement to the retirement pension to be calculated in accordance with article 12.

(2) The orphan's pension is 30% for double orphans and 10% for half orphans of the retirement or disability pension that the member was receiving. Paragraph (1) sentence 2 shall apply *mutatis mutandis* subject to the proviso that the double orphan's pension amounts to 30% and the half-orphan's pension amounts to 10%.

Article 19

Child supplement

- (1) Disability pensions are supplemented for each child (article 17 (2)) by a child supplement. Child supplements paid on top of the retirement pensions that commenced prior to 1 January 2009 will continue to be paid in the amount of 10% of the retirement pension as long as the criteria under article 17 are met. Child supplements are paid as an additional pension benefit.
- (2) The criteria for payment of the child supplement are based on the terms of article 17.
- (3) The child supplement for each child is 12.5% of the disability pension the member is receiving.

Article 20

Rollover of contributions

If a veterinarian's membership in the Pension Fund ends because they leave the jurisdiction of the Veterinary Medical Association of Mecklenburg-West Pomerania, the contributions previously paid to the Pension Fund may, upon application, be rolled over to the new pension fund in the jurisdiction of the new veterinary medical association provided that contributions were not paid for more than 60 months. The prerequisite is that a contractual agreement to this effect is in place between the Pension Fund and the pension fund in the relevant jurisdiction in accordance with article 34 of these Articles of Incorporation. The rollover agreement constitutes an integral part of these Articles of Incorporation.

Article 21

Apportionment of pension entitlements on divorce (*Versorgungsausgleich*)

- (1) Since the entry into force of the German Act on the Apportionment of Pension Entitlements on Divorce (*Versorgungsausgleichsgesetz*, "VersAusglG"), acquired pension entitlements are either apportioned internally (*interne Teilung*) or a share is transferred to an external pension fund (*externe Teilung*) based on the decision of the Family Court (*Familiengericht*).
- (2) Internal apportionment under sections 10 to 13 VersAusglG is carried out as follows: once the Family Court's decision on the apportionment of pension entitlements becomes final and binding, pension entitlements that accrued during the marriage (converted to accumulation units) are deducted from the spouse who is obligated to transfer a share of their entitlements ("obligated spouse") and allocated to the spouse entitled to receive the entitlements ("beneficiary spouse") as the beneficiary spouse's own pension entitlements. These entitlements are treated as though they had accrued in the periods for which the apportionment is carried out. For the purpose of determining age at the time of joining, the relevant date is the start of the marriage as referred to in section 1587 (2) BGB, however it shall not be earlier than the date on which the obligated spouse joined the Pension Fund.

If both spouses are members of the Pension Fund and the entitlements of both spouses with the Pension Fund are subject to internal apportionment by the Family Court, the Pension Fund will offset the respective apportionments against each other and transfer the difference to the relevant party.

If only one spouse is a member, and provided the other spouse is not licensed to practise as a veterinary medical practitioner, the other spouse's entitlement established by the apportionment of the pension benefits is limited to the retirement pension under article 12 and does not extend to the other benefits set forth in article 11 (1).

To compensate for this limitation of benefits, the other spouse's entitlement to the retirement pension is supplemented in accordance with the following table, whereby the amount of the supplement is determined based on the age of the beneficiary spouse at the end of the marriage.

Supplement table:

Age	Supplement	Age	Supplement
up to 25	21.2%	54	15.5%
26	21.0%	55	15.0%
27	21.0%	56	14.6%
28	20.9%	57	14.1%
29	20.9%	58	13.6%
30	20.8%	59	13.1%
31	20.7%	60	12.6%
32	20.7%	61	12.2%
33	20.6%	62	11.7%
34	20.5%	63	11.4%
35	20.4%	64	11.0%
36	20.3%	65	10.8%
37	20.1%	66	10.7%
38	20.0%	67	10.6%
39	19.8%	68	11.2%
40	19.6%	69	11.7%
41	19.5%	70	12.4%
42	19.2%	71	13.0%
43	19.0%	72	13.7%
44	18.8%	73	14.4%
45	18.5%	74	15.1%
46	18.3%	75	15.9%
47	18.0%	76	16.8%
48	17.7%	77	17.7%
49	17.4%	78	18.6%
50	17.0%	79	19.6%
51	16.7%	80	20.6%
52	16.3%	≥ 81	21.2%
53	15.9%		

(3) The Pension Fund may agree to an external transfer of pension entitlements with the beneficiary spouse or require that the pension entitlements be transferred to an external pension fund if the settlement amount at the end of the marriage is not more than 2% in terms of pension amount or not more than 240% in terms of net present value of the monthly reference figure under section 18 SGB IV. External transfers ordered by the Family Court are governed by sections 15 to 17 VersAusglG.

(4) In cases falling under paragraph (3), where contributions made by the obligated spouse are rolled over in accordance with article 34, the contributions paid during the marriage will be

reduced by a percentage reflecting the ratio between the rolled over monthly amount and the total monthly pension entitlement acquired by the obligated spouse during the marriage. As soon as the Pension Fund has received the Family Court's request for information, the right of rollover is suspended until a final and binding decision is made in relation to the apportionment of pension entitlements and the Pension Fund has implemented the apportionment of pension entitlements.

(5) If the Family Court decisions on the apportionment of pension entitlements are still based on the German Act to Resolve Hardship during the Apportionment of Pension Entitlements on Divorce (*Gesetz zur Regelung von Härten im Versorgungsausgleich*, "VAHRG"), article 21 of the version of the Articles of Incorporation that applied until 31 December 2008 will apply to such final and binding Family Court decisions.

(6) Until such time as the qualifying event occurs, future pension entitlements that are reduced as a result of the apportionment of pension entitlements on divorce may be topped by up by paying a single lump sum or by paying higher recurring contributions. These payments together with the contributions paid for the current year may not exceed 12 times the contributions that would result from a contribution base (*Beitragsbemessungsgrundlage*) of twice the monthly contribution ceiling (*Bemessungsgrenze*) under the *Deutsche Rentenversicherung* statutory pension scheme.

(7) Section 46 (4) SGB VI shall apply *mutatis mutandis*.

Article 22 Death benefit

If a member of the Veterinarians' Pension Fund dies, a death benefit amounting to three monthly amounts of the pension calculated in accordance with article 12 shall be paid to the person who paid the funeral expenses. If a disability pension recipient dies, the death benefit will amount to three monthly amounts of the pension paid under article 13.

Article 23 Right to pension following the death of the eligible recipient

(1)

a) If, when a member dies, the pension has not yet been paid

or

b) a member or a surviving dependant dies after the claim for the pension was made;

the member's beneficiaries are entitled to continue the pension arrangement and claim the pensions payable up until the date of death in the following order of priority:

the spouse, children, parents, siblings and head of household within the meaning of paragraph (2) if they were living in the same household as the member at the time of the member's death or were substantially supported by the member.

(2) Head of the household is the woman who, in the deceased or divorced wife's or any unmarried member's stead, ran the household for at least one year prior to the member's death and had been primarily supported by the member. The foregoing also applies *mutatis mutandis* if the head of household is male.

(3) If there is no eligible recipient, the unpaid pension shall remain with the Pension Fund.

Part III Contributions to the Pension Fund

Article 24 General principles

(1) Every member is required to pay contributions if they generate income from veterinary medical practise. This also applies to members who are temporarily not engaged in any veterinary medical practise but who are engaged in another activity subject to mandatory insurance where such activity is by its nature temporary or limited in advance by contract. Contributions must be received by the Pension Fund no later than the last day of each month.

(2) The contribution shall generally correspond to the standard contribution under article 28 (1). Voluntary contributions may be paid, which together with the compulsory contribution may not exceed 2.0 times the standard contribution. Veterinarians who are not exempt from membership under article 7 and who have not applied for an exemption from the statutory pension scheme in accordance with section 6 (1) SGB VI pay a contribution amounting to 1/10 of the standard contribution under article 28 (1).

(3) The basis for calculating contributions is:

- a) for employees obligated to pay contributions, the gross salary subject to social security contributions from the employment underlying the membership;
- b) for self-employed persons obligated to pay contributions, the income from the activities underlying the membership;
- c) for persons obligated to pay contributions who are engaged in an activity that falls under (a) and (b), the aggregate income from (a) and (b).

(4) Contributions are payable when membership commences until a qualifying event occurs, in the case of a disability pension until the date specified in article 13 (1). Contributions paid after the date specified in sentence 1 are disregarded for the purpose of calculating the pension. Payment of contributions must be resumed after the qualifying event ends, provided that the person is still a member of the Pension Fund at that time.

Article 25 Contributions for self-employed persons and persons in private practice

(1) The contribution rate for self-employed persons and persons in private practice is the same as the contribution rate for the statutory pension scheme.

(2) Members must submit their income tax assessment notice annually for the respective year unless they pay the standard contribution. If the assessment notice is not submitted, the standard contribution is payable. A written disclosure from a tax agent who is legally authorised in compliance with tax laws to represent the member may be submitted instead of the income tax assessment notice.

Article 26

Contributions for persons in an employment relationship

(1) Members who are in an employment relationship shall at least pay the applicable statutory pension contributions under sections 157 to 159, section 228a (1) sentence 1 and section 228b SGB VI.

(2) Employers are deemed authorised by the employed veterinarian to

- a) withhold from the monthly remuneration of the employed veterinarian the amount that would be payable in the relevant month of employment to the statutory pension insurance scheme under sections 157 to 159, 228a (1) sentence 1 and 228b SGB VI, if the employed veterinarian were to maintain unrestricted compulsory membership therein; and
- b) transfer such amount to the Pension Fund, providing the Pension Fund with the data necessary for a more detailed determination.

(3) Members who are exempted from mandatory insurance under the statutory pension scheme and who receive first-stage unemployment benefits (*Arbeitslosengeld I*), sickness benefits (*Krankengeld*), a transition to work allowance (*Übergangsgeld*), workers' compensation (*Verletztengeld*), support payments in the event of employer insolvency (*Insolvenzgeld*), a carer's allowance (*Pflegeunterstützungsgeld*), benefits towards the social security of caregivers or other third party benefits shall pay, while they are receiving such benefits, the contribution that would have been payable to the statutory pension scheme but for this exemption.

Article 27

Contributions for voluntary members and contributions payable in specific cases

The following applies to voluntary members:

- a) those who practice the veterinary profession and who work in the jurisdiction of another public pension fund without being subject to an obligation to join that fund, or who are exempt from compulsory membership of another public insurance scheme or pension fund for their professional group on account of their voluntary membership of the Pension Fund, shall pay contributions based on the analogous application of articles 24 to 26;
- b) those who work as veterinarians with public servant status shall pay at least 0.1 times the standard contribution;

Contributions in specific cases:

- c) Members who live abroad shall pay a monthly contribution of at least 0.1 times the standard contribution; members who demonstrate that they are subject to mandatory insurance or have opted in to a retirement pension scheme of a member state of the European Free Trade Association (EFTA), and where such scheme is comparable with the statutory pension scheme in Germany, may apply for an exemption from compulsory contributions to the Pension Fund for the period during which they are subject to mandatory insurance under the comparable retirement pension scheme.
- d) Members who do not engage in veterinary medical practise but are willing to continue to pay contributions must pay at least 0.1 times the maximum compulsory contribution to the statutory pension scheme under sections 157 to 159 SGB VI.

- e) During periods of voluntary federal government service, members shall pay a contribution equivalent to the amount payable to them by third party agencies during this time.
- f) Members who receive a start-up grant (*Gründungszuschuss*) from the Federal Employment Agency (*Agentur für Arbeit*) shall pay at least 0.1 times the standard contribution.

Article 28 **Standard contribution and contribution base**

- (1) The standard contribution is the maximum compulsory contribution to the statutory pension scheme under sections 157 to 159, 228a (1) sentence 1 and 228b SGB VI in the same month.
- (2) The contribution base is the total of the maximum monthly contributions to the statutory pension scheme determined pursuant to sections 159 and 228a (1) sentence 1 SGB VI in the same year. The applicable contribution base for the period prior to 1 January 1992 is the contribution base for 1992.
- (3) The financial year corresponds with the calendar year.

Article 29 **Back-dated membership based on retrospective contributions (*Nachversicherung*)**

- (1) Upon application, the Pension Fund will back-date membership in accordance with section 186 SGB VI. The retrospective contributions shall be treated as though they had been paid as contributions under article 24 in the periods for which membership is back-dated. This does not apply to the portion of the contributions that is attributable to increases in the wage or salary required to be used as the basis for retrospective contributions as referred to in section 181 (4) SGB VI, which flows to members as a whole.
- (2) Back-dated membership does not affect the contributions paid by the relevant person to the Pension Fund during the period for which membership is back-dated and the resulting pension, provided these contributions together with the retrospective contributions paid in the relevant year for the purpose of back-dating membership do not in aggregate exceed 12 times the contributions that would result from a contribution base of twice the monthly contribution ceiling under the statutory pension scheme. Contributions in excess of this amount will be refunded with the exception of the portion of the contributions that is attributable to increases in the wage or salary required to be used as the basis for retrospective contributions as referred to in section 181 (4) SGB VI. All or a portion of the contributions paid by the relevant person to the Pension Fund during the period for which membership is back-dated will be refunded without interest.
- (3) The person seeking back-dated membership is retrospectively deemed subject to compulsory membership of the Pension Fund. Back-dated membership shall not be precluded by the occurrence of a qualifying event.

Article 30 Performance

(1) Place of performance for payment of contributions is the Pension Fund's registered office in Dummerstorf.

(2) Contributions are deemed paid only if they are credited to a bank, building society or Postbank account of the Pension Fund or a direct debit authorisation is in place and funds are available.

Article 31 Late payment fee and interest

(1) Members who are more than two weeks late with payment of their contribution (calculated from the date of the payment request) may be charged a one-off late payment fee of 2% of the overdue contribution and if they are more than three months late with payment (calculated from the date of the payment request), interest of 8% may be charged from the date on which the contribution was due. The member must also pay the costs incurred in connection with collection of the contribution.

Instalment payments on deferred or overdue contributions will also be charged 8% interest.

Article 32 Contribution and benefit statements

(1) Every year, the Pension Fund shall send members free of charge a statement showing the annual contributions paid and the accumulation units acquired as a result.

(2) Any time upon written application by a member, the Pension Fund shall at the applicant's expense issue a statement showing the annual contributions paid and the accumulation units acquired as a result.

The Management Committee shall determine the cost for this.

Part IV

Purpose and appropriation of funds

Article 33

(1) The funds of the Pension Fund may only be used to pay the benefits prescribed in these Articles of Incorporation, meet the necessary administrative costs and recognise the requisite provisions and reserves (including the amounts recognised in the technical business plan for technical provisions (*Deckungsrückstellung*), the low interest rate bridging reserve (*Zinsschwankungsreserve*), the provision for adjustments of calculation inputs (*Rückstellung für Anpassung der Rechnungsgrundlagen*), the net income reserve (*Gewinnrückstellung*), contingency reserves (*Sicherheitsrücklage*)).

(2) Where the Pension Fund's assets are not required to be held for the purpose of meeting current expenses, they are to be invested in accordance with section 215 of the German Insurance Supervision Act (*Versicherungsaufsichtsgesetz*, "VAG"). To the extent that the annual income is not used to cover expenses under these Articles of Incorporation, it shall be transferred to the requisite provisions and reserves under article 33 (1) (including the technical provisions and other actuarial provisions). A technical provision in accordance with sentence 2 must be recognised for amounts (pension entitlements) reduced in accordance with article 21 in view of the refund obligation to the statutory pension scheme or other pension funds.

(3) The Pension Fund must arrange for an actuary to prepare an actuarial report each year. If this actuarial report identifies net income, at least 5% thereof is to be allocated to contingency reserves. The contingency reserves may only be used in order to cover losses. The remaining net income is transferred to a net income reserve, from which amounts may be withdrawn only in order to improve pension benefits, to adjust the calculation inputs or to cover losses to the extent that the contingency reserve is not sufficient for that purpose. If the actuarial report identifies a deficit, action must be taken to eliminate the deficit within a period of three years.

(4) The base pension under article 12 (2) is to be adjusted and any other change to pension benefits is to be made if the actuarial report necessitates or allows such action to be taken to an appreciable extent. Such changes will be adopted by resolution of the Delegates Assembly.

(5) Current pensions will be adjusted annually contingent of the net profit/loss for the year by resolution of the Delegates Assembly.

(6) In the event that the members of a veterinary medical association split from the Pension Fund, the fund's assets will be divided up in accordance with actuarial principles. The calculation inputs stipulated in the version of the Articles of Incorporation and the Technical Business Plan (*technischer Geschäftsplan*) of the Pension Fund of the Veterinary Medical Association of Mecklenburg-West Pomerania applicable at the time of exit will apply for the purpose of the division of assets. Total non-actuarial liabilities are to be deducted from total assets. The resulting assets are to be divided according to the ratio of actuarial liabilities attributable to the exiting members to actuarial liabilities for remaining members in the Pension Fund of the Veterinary Medical Association of Mecklenburg-West Pomerania. Where non-actuarial liabilities are assumed by the exiting veterinary medical association, a corresponding amount of funds to cover such liabilities is to be transferred. In the course of dividing the assets, invested assets are to be transferred to the exiting veterinary medical association upon request.

(7) A decision on the exit of the members of a veterinary medical association can only be taken subject to three years' notice to the end of a calendar year. The foregoing shall not affect the mutually agreed exit resolved by the participating veterinary medical associations.

Part V
Miscellaneous

Article 34
Rollover

In the case of veterinarians who move into this jurisdiction from the jurisdiction of another veterinary medical association where they were a member of a prescribed or statutory insurance or pension scheme, their period of membership of and the contributions paid to their previous insurance or pension scheme will apply for the purposes of calculating their pensions. This is subject to the Pension Fund having a contractual agreement with the previous insurance or pension fund governing the rollover of entitlements and contributions. The Management Committee may enter into such agreements with the approval of the Supervisory Board. They require the approval of the supervisory authority. The terms of any such agreements shall constitute an integral part of these Articles of Incorporation upon their publication in the official journal for notifications of the Veterinary Medical Association of Mecklenburg-West Pomerania.

Article 35
Review of pension entitlements

If a subsequent review of pension rates or accrued pension entitlements indicates that a benefit was wrongfully denied, withdrawn, discontinued or incorrectly assessed, it shall be reassessed. Benefits that were paid as a result of an error may not be recovered. Fraudulently obtained benefits must be repaid.

Article 36
Assignment

Pension entitlements and future pension entitlements may not be assigned or transferred.

The Pension Fund is entitled to offset its claims for the refund of benefits paid in error against up to half of a member's claims for the payment of recurring pension benefits, provided the benefits may be the subject of an attachment order.

Part VI

Entry into force of the Articles of Incorporation

Article 37

- (1) These Articles of Incorporation shall enter into force on 1 January 1992.
- (2) The amendment to the Articles of Incorporation based on the resolution of the delegates assembly of the Veterinary Medical Association dated 12 January 1992 shall enter into force following approval by the supervisory authority and publication in the German Veterinary Gazette.
- (3) The amendment to the Articles of Incorporation based on the resolution of the delegates assembly of the Veterinary Medical Association dated 27 June 1992 shall enter into force on 1 July 1992 following approval by the supervisory authority and publication in the German Veterinary Gazette.
- (4) The amendment to the Articles of Incorporation based on the resolution of the delegates assembly of the Veterinary Medical Association dated 4 December 1993 shall enter into force following approval by the supervisory authority and publication in the German Veterinary Gazette.
- (5) The amendment to the Articles of Incorporation based on the resolution of the delegates assembly of the Veterinary Medical Association dated 20 June 1996 shall enter into force following approval by the supervisory authority and publication in the Mecklenburg-West Pomerania Gazette.
- (6) The amendment to the Articles of Incorporation based on the resolution of the delegates assembly of the Veterinary Medical Association dated 23 November 1996 shall enter into force following approval by the supervisory authority and publication in the Mecklenburg-West Pomerania Gazette.
- (7) The amendment to the Articles of Incorporation based on the resolution of the delegates assembly of the Veterinary Medical Association dated 11 November 2000 shall enter into force following approval by the supervisory authority and publication in the Mecklenburg-West Pomerania Gazette.
- (8) The amendment to the Articles of Incorporation based on the resolution of the delegates assembly of the Veterinary Medical Association dated 17 November 2001 shall enter into force on 1 January 2002 following approval by the supervisory authority and publication in the Mecklenburg-West Pomerania Gazette.
- (9) The amendment to the Articles of Incorporation based on the resolution of the delegates assembly of the Veterinary Medical Association dated 22 November 2003 shall enter into force following approval by the supervisory authority and publication in the Mecklenburg-West Pomerania Gazette.
- (10) The amendment to the Articles of Incorporation based on the resolution of the Delegates Assembly dated 2 March 2005 shall enter into force on 1 January 2005 following approval by the supervisory authority and publication in the Mecklenburg-West Pomerania Gazette.
- (11) The amendment to the Articles of Incorporation based on the resolution of the Delegates Assembly dated 12 November 2008 shall enter into force on 1 January 2009 following approval by the supervisory authority and publication in the Mecklenburg-West Pomerania Gazette.

(12) The amendment to the Articles of Incorporation based on the resolution of the Delegates Assembly dated 23 September 2009 shall enter into force on 1 September 2009 following approval by the supervisory authority and publication in the Mecklenburg-West Pomerania Gazette.

(13) The amendment to the Articles of Incorporation based on the resolution of the Delegates Assembly dated 21 September 2011 shall enter into force on 1 January 2012 following approval by the supervisory authority and publication in the Mecklenburg-West Pomerania Gazette.

(14) The amendment to the Articles of Incorporation based on the resolution of the Delegates Assembly dated 21 May 2014 shall enter into force on 1 January 2014 following approval by the supervisory authority and publication in the Mecklenburg-West Pomerania Gazette.

(15) The amendment to the Articles of Incorporation based on the resolution of the Delegates Assembly dated 24 February 2016 shall enter into force following approval by the supervisory authority and publication in the Mecklenburg-West Pomerania Gazette.

(16) The amendment to the Articles of Incorporation based on the resolution of the Delegates Assembly dated 20 September 2017 shall enter into force on 1 January 2009 following approval by the supervisory authority and publication in the Mecklenburg-West Pomerania Gazette and German Veterinary Gazette.

**Charter
of Affiliation
of the members of the Veterinary Medical Association of Brandenburg
with the Pension Fund of the
Veterinary Medical Association of Mecklenburg-West Pomerania
(Charter of Affiliation)
dated 21 March 1992**

On 21 March 1992, pursuant to section 28 (2) in conjunction with section 21 (1) no. 13 of the Health Care Professions Act of 28 January 1992 (Law and Official Gazette for the State of Brandenburg (*Gesetz- und Verordnungsblatt für das Land Brandenburg*, "GVBl. Bbg"): I, p.30), the delegates assembly of the veterinary medical association adopted the following Charter of Affiliation of its members with the Pension Fund of the Veterinary Medical Association of Mecklenburg-West Pomerania.

Article 1

(1) The Charter of Affiliation of the members of the Veterinary Medical Association of Brandenburg with the Pension Fund of the Veterinary Medical Association of Mecklenburg-West Pomerania is based on section 28 (2) of the Health Care Professions Act of 28 January 1992 (GVBl. Bbg: I, p.30).

(2) The Pension Fund of the Veterinary Medical Association of Mecklenburg-West Pomerania provides benefits to members of the Veterinary Medical Association of Brandenburg and their family members in accordance with the Articles of Incorporation of the Pension Fund of Mecklenburg-West Pomerania.

(3) The provisions of the Articles of Incorporation of the Pension Fund of Mecklenburg-West Pomerania, as amended from time to time, shall apply. To the extent that the Articles of Incorporation of the Pension Fund of the Veterinary Medical Association of Mecklenburg-West Pomerania provide for legal rights or obligations attaching to membership in the Veterinary Medical Association of Mecklenburg-West Pomerania, those same rights or obligations shall attach to members of the Veterinary Medical Association of Brandenburg arising from their membership in that association.

Article 2

(1) Membership

a) Any person who at the time this Charter enters into force has not yet reached 45 years of age and is not unable to practise due to ill-health/disability as defined in article 13 (1) of the Articles of Incorporation of the Pension Fund of the Veterinary Medical Association of Mecklenburg-West Pomerania shall automatically be a member of the Pension Fund of the Veterinary Medical Association of Mecklenburg-West Pomerania.

b) Any person who joins the Veterinary Medical Association of Brandenburg after this Charter has entered into force and has not yet reached 45 years of age shall automatically be a member of the Pension Fund of the Veterinary Medical Association of Mecklenburg-West Pomerania provided that they are not unable to practise due to ill-health/disability as defined

in article 13 (1) of the Articles of Incorporation of the Pension Fund of the Veterinary Medical Association of Mecklenburg-West Pomerania.

- c) Any person who is temporarily unable to practise due to ill-health/disability at the time this Charter enters into force shall automatically be a member of the Pension Fund of the Veterinary Medical Association of Mecklenburg-West Pomerania provided that they have not yet reached 45 years of age by that time.
- d) Members of the Veterinary Medical Association of Brandenburg who at the time this Charter enters into force have reached 45 years of age but not 65 years of age may apply to join within 12 months of this Charter's entry into force provided that they are not unable to practise due to ill-health/disability as defined in article 13 (1) of the Articles of Incorporation of the Pension Fund of the Veterinary Medical Association of Mecklenburg-West Pomerania. For veterinarians in this age group who are unemployed at the time this Charter enters into force, the period shall be extended to 24 months.

(2) Exemption:

Any person who is already a member of the Veterinary Medical Association of Brandenburg at the time this Charter enters into force shall be exempted from membership in the Pension Fund upon written application if they can provide supporting documents to show that a reason for exemption under article 8 (d) of the Articles of Incorporation of the Veterinary Medical Association of Mecklenburg-West Pomerania exists within six months of this Charter entering into force.

Article 3

The delegates assembly of the Veterinary Medical Association of Brandenburg adopts resolutions on:

- a) the affiliation with the Pension Fund of the Veterinary Medical Association of Mecklenburg-West Pomerania by simple majority;
- b) the exit from the Pension Fund of the Veterinary Medical Association of Mecklenburg-West Pomerania subject to a 4/5 majority of the elected members of the delegates assembly of the veterinary medical association.

Article 4

This Charter shall enter into force upon its adoption by the Veterinary Medical Association of Brandenburg, publication in the German Veterinary Gazette and approval by the supervisory authority.

**Charter
of Affiliation
of the members of the Veterinary Medical Association of Berlin
with the Pension Fund of the
Veterinary Medical Association of Mecklenburg-West Pomerania
(Charter of Affiliation)
dated 6 May 1992**

**Article 1
Legal basis and
effect of affiliation**

(1) The Charter of Affiliation of the members of the Veterinary Medical Association of Berlin with the Pension Fund of the Veterinary Medical Association of Mecklenburg-West Pomerania is based on section 4 (2) in conjunction with section 10 (1) of the Act on Professional Societies and Jurisdiction of Professional Tribunals for Physicians, Dentists, Veterinarians and Pharmacists (Berlin Act on Professional Societies) (*Gesetzes über die Kammern und die Berufsgerichtsbarkeit der Ärzte, Zahnärzte, Tierärzte und Apotheker (Berliner Kammergesetz)*) in the version dated 4 September 1978 (GVBl. p. 1937, 1980) last amended by the Act dated 28 September 1990 (GVBl. p. 2119).

(2) The provisions of the Articles of Incorporation of the Pension Fund of Mecklenburg-West Pomerania, as amended from time to time, shall apply. To the extent that the Articles of Incorporation of the Pension Fund of the Veterinary Medical Association of Mecklenburg-West Pomerania provide for legal rights or obligations attaching to membership in the Veterinary Medical Association of Mecklenburg-West Pomerania, those same rights or obligations shall attach to members of the Veterinary Medical Association of Berlin arising from their membership in that association.

**Article 2
Membership**

(1) Any person who at the time this Charter enters into force has not yet reached 45 years of age and is not unable to practise due to ill-health/disability as defined in article 13 (1) of the Articles of Incorporation of the Pension Fund of the Veterinary Medical Association of Mecklenburg-West Pomerania shall automatically be a member of the Pension Fund of the Veterinary Medical Association of Mecklenburg-West Pomerania.

(2) Any person who joins the Veterinary Medical Association of Berlin after this Charter has entered into force and has not yet reached 45 years of age shall automatically be a member in the Pension Fund of the Veterinary Medical Association of Mecklenburg-West Pomerania provided that they are not unable to practise due to ill-health/disability as defined in article 13 (1) of the Articles of Incorporation of the Pension Fund of the Veterinary Medical Association of Mecklenburg-West Pomerania.

(3) Any person who is temporarily unable to practise due to ill-health/disability at the time this Charter enters into force shall automatically be a member of the Pension Fund of the Veterinary Medical Association of Mecklenburg-West Pomerania provided that they have not yet reached 45 years of age by that time.

(4) Members of the Veterinary Medical Association of Berlin who at the time this Charter enters into force have reached 45 years of age but not 65 years of age may apply to join within 12 months of this Charter's entry into force provided that they are not unable to practice due to ill-health/disability as defined in article 13 (1) of the Articles of Incorporation of the Pension Fund of the Veterinary Medical Association of Mecklenburg-West Pomerania. For veterinarians in this age group who are unemployed at the time this Charter enters into force, the period shall be extended to 24 months.

Article 3 Exemption

Any person who is already a member of the Veterinary Medical Association of Berlin at the time this Charter of Affiliation enters into force shall be exempted from membership in the Pension Fund upon written application if they can provide supporting documents to show that a reason for exemption under article 8 d) of the Articles of Incorporation of the Veterinary Medical Association of Mecklenburg-West Pomerania exists within six months of this Charter of Affiliation entering into force.

Article 4 Adoption of resolutions

The delegates assembly of the Veterinary Medical Association of Berlin adopts resolutions on:

- a) the affiliation with the Pension Fund of the Veterinary Medical Association of Mecklenburg-West Pomerania by simple majority;
- b) the exit from the Pension Fund of the Veterinary Medical Association of Mecklenburg-West Pomerania subject to a 4/5 majority of the elected members of the delegates assembly of the veterinary medical association.

Article 5 Entry into force

This Charter of Affiliation shall enter into force on the first of the month following its publication in the Berlin Gazette.