

Last name, first name \_\_\_\_\_ date of birth\_\_

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Last updated  
January 2018

**Notes and explanations  
on the application for exemption from statutory insurance  
as part of the supplementary benefits for public servants  
on 2 (2) Collective Agreement on Retirement Pensions – ATV  
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**1. The provision of Section 2 (2) ATV reads as follows:**

(2) <sup>1</sup>Employees in an academic position at colleges, universities or research institutions who are employed on a temporary basis which due to its duration does not allow them to observe the waiting period stipulated in Section 6 (1) and who have not accumulated any previous statutory insurance periods during previous employment in the public sector may be exempted from statutory insurance by the employer upon written request. <sup>2</sup>The application shall be submitted within two months of the date of commencement of employment. <sup>3</sup>Employers shall establish pension expectancies for voluntary insurance [in accordance with Section 26 (3)(1)] for employees exempt from statutory insurance according to Sentence 1; the contributions shall be equivalent to the expenditure resulting from statutory insurance, including a possible employee's contribution according to Section 37 a (2), but shall not exceed a maximum of four percent of the remuneration applicable to supplementary insurance contributions. <sup>4</sup>If the employment relationship is extended or continued within the meaning of Sentence 1, the start of the statutory insurance period begins on the first day of the month in which an agreement was made to extend or continue the employment relationship beyond five years. <sup>5</sup>Backdating statutory insurance to the date of commencement of employment shall be excluded.

**Please note:**

With effect from 1 January 2018, changes regarding the waiting period for statutory insurance in the German Occupational Pensions Act (Betriebsrentengesetz) mean that there is a non-lapsable claim to pension benefits if the employment relationship lasts at least three years. The provision in Section 2 (2) ATV has not yet been adjusted to take the new limits for the waiting period into account. The parties to the collective agreement shall start talks on this subject in due course.

In view of the new statutory regulations governing the waiting period, new employment contracts entered into after 1 January 2018 can only be considered for voluntary insurance if the temporary employment contract has a duration of less than three years.

**2. Exemption from statutory insurance is possible if the following conditions are fulfilled:**

- a) The waiting period of three years cannot be observed due to the duration of the temporary employment contract.
- b) You must submit your request for exemption within two months of the date of commencement of employment. The date of receipt by the employer or the Landesamt für Finanzen shall be decisive. If the application is received after this period, an exemption may no longer be granted.

- c) You must be employed in an academic position. Academic positions are those that involve scientific or artistic activities rendered by scientific or academic personnel at colleges or universities in accordance with Section 42 of the Framework Act for Higher Education (Hochschulrahmengesetz, HRG). This refers in particular to professors, research staff, lecturers and teaching assignments (Lehrkräfte für besondere Aufgaben). A completed university degree is usually a prerequisite for an academic position.
- d) The academic position must be held at a university, college or research institution.
- e) You may not have accumulated any insurance periods with a supplementary pension provider from previous employment in the public sector.
- f) The Landesamt für Finanzen will decide whether to grant the exemption.

**3. During the exempted period of employment, claims to pension benefits are secured through voluntary insurance.**

Employers are obligated to make contributions amounting to 4% of the remuneration applicable to supplementary insurance contributions to a voluntary capital-covered insurance policy for employees as part of the VBL supplementary pension scheme. (Employees may not use the contributions towards an alternative pension scheme). This results in a claim to a VBL supplementary pension when the age of retirement is reached, regardless of whether a waiting period was observed or not.

In addition you have the option of entering into a voluntary insurance contract with the VBL and supplementing the employer's contributions with contributions of your own. Information on this is available upon request from the VBL in Karlsruhe (e-mail: [kundenservice@vbl.de](mailto:kundenservice@vbl.de), website: [www.vbl.de](http://www.vbl.de)).

**4. The pension benefits received through the voluntary insurance are currently considerably lower than those received through the statutory insurance.**

For new contracts concluded from 1 June 2016, the guaranteed interest for the voluntary insurance is only 0.25 percent, while the interest for the statutory insurance is 3.25 percent during the accumulation phase and 5.25 percent during retirement. This means that the guaranteed benefits for the voluntary insurance are considerably lower than for the statutory insurance.

**5. Other disadvantages in supplementary pension benefits may arise through an exemption from statutory insurance. Specifically:**

Voluntary insurance does not result in a claim to any social component within the meaning of Section 9 ATV. This means that no additional pension points according to Section 9 (1) ATV may be taken into account for periods of parental leave. Furthermore, no additional pension points according to Section 9 (2) ATV may be taken into account in case of a reduction in earning capacity or in case of the employee's death during the period of employment.

In cases in which statutory insurance is entered into at a later point and the employee's contract ends before retirement, the statutory insurance benefit claims are only incorporated into the calculation of bonus points according to Section 19 ATV if at least 120 contribution months for statutory insurance have been observed.

Example:

An employee is initially voluntarily insured for two years instead of having statutory insurance. After two years the employment contract is extended by another nine years. As the statutory insurance only takes into account contribution months for nine years, the conditions for the calculation of bonus points are not met. The claim to benefits from the statutory insurance thus remains static from the beginning of the employment contract until retirement or until statutory insurance is entered into again.

**6. Statutory insurance may be entered into at a later point despite successful exemption.**

If the employment contract is extended or continued by over three years, the first day of the month in which an extension or continuation of the employment relationship of over three years was agreed upon shall mark the start of the statutory insurance period. This marks the end of the employer's obligation to pay voluntary insurance contributions; the voluntary insurance shall otherwise remain unaffected.

Backdating statutory insurance to the date of commencement of employment shall be excluded according to Section 2 (2)(5) ATV.

**7. Before requesting exemption, please contact the VBL for further information on the differences between voluntary and statutory insurance (email: [kundenservice@vbl.de](mailto:kundenservice@vbl.de), website: [www.vbl.de](http://www.vbl.de)).**

**I have received and acknowledged this information sheet. I have been advised of the two-month deadline for applications for exemption from statutory insurance.**

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Place, date

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Signature