T R A N S F E R A G R E E M E N T

(Sample)

§ 1

(1) For members who, due to an obligation ordered by law or based on law, were members of one of the above-mentioned public-law insurance or pension institutions and have left it (transferring institution) because, by taking up an activity that, due to an obligation ordered by law or based on law, leads to membership in the other institution, they have become a member there (receiving institution), the monetary payments previously paid by the member or on behalf of the member to the transferring institution shall be transferred to the receiving institution on the basis of this Transfer Agreement. Upon transfer, the rights and obligations of the member vis-à-vis the transferring institution shall expire. The member's obligation to pay any outstanding contributions to the transferring institution shall remain unaffected.

(2) The monetary payments made for the member include, in particular:

1. Subsequent insurance contributions paid for the member, including the indexation surcharges pursuant to Section 181(4) SGB VI,
2. Contributions to statutory or private long-term care insurance,
3. Contributions paid by the Federal Employment Agency,
4. Contributions for military and alternative civilian service as well as military and aptitude exercises, and
5. Contributions paid by the Federal Insurance Office for maternity leave.

(3) Excluded from the transfer are:

1. Interest accrued by the transferring institution from the monetary payments pursuant to paragraph 1.
2. Contributions underlying entitlements or pensions that, in the course of a pension equalization decision, have been established to the detriment of the entitlements of the member applying for the transfer. Upon application by the member liable for equalization, and subject to compliance with the provisions of Section 37 VersAusglG, they shall be transferred, for the benefit of the member liable for equalization, to the pension scheme with which the member liable for equalization is a member at the time the requirements of Section 37 VersAusglG are met, as soon as the requirements of Section 37 VersAusglG have been met. The application must be submitted to the pension scheme with which the person liable for equalization is a member at the time the requirements of Section 37 VersAusglG are met. This scheme is responsible for determining the claims under Section 37 VersAusglG.
3. Late payment surcharges, default interest or costs charged by the transferring pension scheme to the detriment of the member.

§ 2

(1) The transfer is excluded if the member:

1. Has already reached the age of 50 at the time they acquire membership in the receiving institution;
2. Has paid contributions to the transferring institution for more than 96 months. If membership began or ended during a month, that month shall be counted as a full month; the same applies if contributions were not paid for an entire month. If the member was subsequently insured with the transferring institution or if a transfer took place for the benefit of the member with the transferring institution, the periods of subsequent insurance or transfer shall be taken into account accordingly.
3. At the time their membership in the transferring institution ended, has already submitted an application to the transferring or receiving institution for the granting of an occupational disability pension.

The transfer is also excluded if and for as long as the member's claims against the pension institution have been garnished.

(2) The transfer is not excluded by the fact that:
1. During the period of membership with the transferring institution, as a result of divorce proceedings that have already been legally concluded
   a) Entitlements have been established, to the detriment of the entitlements of the member applying for the transfer, with the transferring institution, for the benefit of an entitled party with the transferring institution or another pension institution or with a statutory pension insurance provider.
   b) Entitlements have been established for the benefit of the member with the transferring institution.
2. At the time the membership of the member applying for the transfer ends with the transferring institution, divorce proceedings are pending but have not yet been legally concluded.

§ 3

The application for transfer must be submitted in writing to one of the two pension institutions within a period of six months, calculated from the start of membership with the receiving institution. Compliance with the deadline shall be determined by receipt of the application by one of the two pension institutions. If the member does not exercise, within the aforementioned period, their right to have the monetary payments paid to the transferring institution transferred, the right to transfer these monetary payments shall lapse. It shall not revive even if the member later becomes a member of another pension institution.

§ 4

(1) The transferring institution shall provide the member and the receiving institution, by means of an administrative act including information on legal remedies, with a transfer statement. This should include, with reference to the start and end of membership, a detailed insurance record from which the following should be evident:
1. The contributions paid each year, specifying their type in more detail,
2. Periods during which an activity giving rise to compulsory membership was not carried out, e.g., periods of receipt of an occupational disability pension or use of child-care periods;

3. The indexation surcharges paid in the course of subsequent insurance pursuant to Section 181(4) SGB VI.

If the member for whose benefit the transfer is carried out was exempt from compulsory insurance in the statutory pension insurance scheme in favor of their professional pension scheme, the transferring pension scheme shall, together with the transfer statement, provide the receiving pension scheme with a copy of the exemption notice. In addition, the transferring institution shall inform the receiving institution whether pension equalization proceedings are pending or have been legally concluded for the benefit of or to the detriment of the member applying for the transfer. If a decision by a family court has already been issued with regard to pension equalization proceedings, the transferring institution shall provide the receiving institution with copies of that decision together with the transfer statement.

(2) The contributions paid each year within the meaning of Section 4(1) no. 1 shall be increased, depending on the time of payment, in accordance with the following table:

Contribution paid in	**Increase factor**
Year of the transfer statement	1,0000
1st calendar year before transfer	1,0200
2nd calendar year before transfer	1,0404
3rd calendar year before transfer	1,0612
4th calendar year before transfer	1,0824
5th calendar year before transfer	1,1041
6th calendar year before transfer	1,1262
7th calendar year before transfer	1,1487
8th calendar year before transfer	1,1717
9th calendar year before transfer	1,1951
10th calendar year before transfer	1,2190
11th calendar year before transfer	1,2434
12th calendar year before transfer	1,2682
13th calendar year before transfer	1,2936
14th calendar year before transfer	1,3195
15th calendar year before transfer	1,3459

When transmitting the documents referred to in paragraph 1, the transferring institution shall also inform the receiving institution of the total amount of the increase.

(3) Any outstanding contributions shall be collected by the transferring institution and, immediately upon receipt, forwarded to the receiving institution, which shall provide administrative assistance in collecting the outstanding contributions insofar as necessary.

(4) The monetary settlement between the transferring and the receiving institution shall take place immediately upon preparation of the transfer statement.

(5) The transfer of risk, i.e., the risk of the occurrence of a benefit event, shall take effect at the beginning of the day on which the transferred amount is credited to the receiving institution.

(6) If, after submission of the application or after the transfer of risk pursuant to paragraph 5, it should become apparent that the member did not become a member of the receiving institution, the transfer shall be reversed accordingly pursuant to Section 4(1). Section 1(3) nos. 1 and 2 and Section 5 shall apply accordingly.

§ 5

Taking into account the insurance record completed by the member with the transferring institution, the receiving institution shall place the member in the position they would have been in if the transferred contributions had been paid to it at the times they were paid to the transferring institution.

§ 6

Transfers that

1. Are applied for by members whose membership in the receiving institution began within six months prior to the entry into force of this Transfer Agreement and whose application for transfer has not yet been finally decided,
2. Are applied for within a period of six months after termination of this Transfer Agreement,

shall be processed in accordance with the preceding provisions.

§ 7

This Transfer Agreement may be terminated by either pension institution by registered letter with six months' notice to the end of any calendar year.

§ 8

This Transfer Agreement shall enter into force on 1 July 2012. At the same time, the Transfer Agreement existing between the pension institutions shall cease to have effect.