Explanatory Note No. 22
concerning
Refund of Contributions and Lump-Sum Settlement
(shortened version)

N.B.:
The present Explanatory Note describes the legal situation as from January 1st 1998. If your insurance subject to compulsory contributions ended before January 1st 1998 you are instead subject to guaranteed refund or reimbursement in compliance with the statutes valid prior to December 31st 1997.

1. Prerequisites
You are entitled to a refund of contributions or to lump-sum settlement if you have completed a minimum of 12 paid-up months but have not yet achieved 120 paid-up months, 60 paid-up months after December 31, 2000 or 36 paid-up months after December 31, 2017 and have fulfilled one of the following conditions:

− you have been subject to non-contributory insurance during the past 24 months and have finally given up your theatrical profession within the scope of the Fund, or
− you became permanently occupationally disabled or unable to work during a non-contributory insurance period, or
− you are no longer subject to compulsory insurance when taking up further employment with a Member because you can no longer attain 120 paid-up months, 60 paid-up months after December 31, 2000 or 36 paid-up months after December 31, 2017 before reaching your retirement age, or
− you are exempted from compulsory insurance with the Fund, or
− you have withdrawn from an insurance subject to compulsory contributions (insurance through a Member or continued insurance) due to permanent occupational disability or invalidity and cannot receive a disability pension because the required qualifying period of 36 paid-up months has not been achieved. (This alternative constitutes a special case, please read para. 4 below)

2. Procedure
Contributions are refunded upon application. Applications may be made at any time, they are not subject to any deadline (by contrast with permanent professional disability c.f. para. 4). The application can be obtained on the Internet site www.buehnenversorgung.de under “Downloadcenter → Nebenleistungen → Beitragserstattung”.

3. Amount of refund
All contributions you made shall be refunded, i.e. the employee’s share of the contributions paid in by the Member and the voluntary contributions.

As far as the employee’s share of contributions and voluntary contributions paid in as from January 1st 2003 are concerned you are entitled to old-age pension. If you have not achieved 36 paid-up months you don’t have to wait until you reach the retirement age but you can claim a lump-sum settlement. The preconditions listed under para. 1 above have to be fulfilled. The lump-sum settlement also consists in the refund of all contributions you made ex interest.
4. Special case: Occupational disability
If you have accumulated at least 12 paid-up months and have withdrawn from insurance subject to compulsory contributions due to permanent occupational disability or invalidity before fulfilling the statutory qualifying period of 36 months required for disability pension benefits (insurance through a Member or continued insurance), you will receive all contributions paid for you by the Member, i.e. both the employer’s and the employee’s share, plus voluntary contributions).

You must make your application for this within two years after the event which gave rise to the claim for benefits. If you fail to observe this period, your entitlement to a full refund will lapse; you may then only apply for a partial entitlement (employee’s share of contributions paid by the member, voluntary contributions).

5. Paying back refunded contributions
You can pay your refunded and paid back contributions back to the Fund if you subsequently resume employment which is subject to compulsory insurance with a Member for at least 6 months and undertake in writing - within one month of taking up said employment - to the Fund management to pay them into the Fund. The refunded contributions must be paid in within 6 months of resumption of an occupation subject to compulsory insurance. Interest amounting to an annual rate of 6% of the sum refunded must be paid for the period dating from the day on which the refund of contributions was paid out and the date on which it was paid in again. The period allowed for paying in may be extended upon request for good reason. Applications may also be made to pay the contributions back in instalments.

The term of one month for the written undertaking and the six-month term for repaying are preclusive time limits. If they are allowed to lapse, it is no longer possible to pay back the refunded contributions. An exception can only be made if you are unable to meet the time-limits through no fault of your own. In this case, the Fund management can, upon application, grant you “restoration to the previous status”.

If, after submitting the written undertaking, but before the end of the 6-month term for paying back, an event occurs giving rise to the claim for pension benefits, you or your dependant survivors may pay in the remaining amount owed within a new term as defined by the Fund management. This is also a preclusive time limit.

Repayment revives the entitlement to retirement benefits previously acquired (contributions and paid-up periods).

Example:
On July 1st 2012 A gets a refund of contributions and a lump sum settlement of totaling EUR 5,000. On September 1st 2015 he resumes his insurance through a Member on the basis of a seasonal contract. If he wishes to pay back the refunded contributions and lump-sum settlement he has to undertake to do so within one month, i.e. by September 30th 2015. Having submitted the written undertaking within this term, he must pay in the refunded amount of EUR 5,000 plus 6% interest since July 1st 2012 within 6 months of taking up the new occupation which is subject to compulsory insurance, i.e. by February 29th 2016.

If A pays back the refunded contributions in time, the previously acquired entitlement to pension benefits is revived (contributions amounting to EUR 9,000 and an insured period of 42 paid-up months).

6. Transfer and statutory equalization of pensions
Refund of contributions and lump-sum settlement are precluded if you can use the paid-up months to complete the paid-up months in another pension fund (Versorgungsanstalt der deutschen Kulturorchester - VddKO -, Versorgungsanstalt des Bundes und der Länder - VBL -).

Refund of contributions and lump-sum settlement are precluded if contributions, in case of a divorce, have been taken into account during the statutory equalization of pensions. In this case the refund will be reduced accordingly.
7. **Note to supported contributions under the Retirement Assets Law**

Supplementary allowances granted under the Retirement Assets Law (“Riester support measures”) must be repaid if a case of “misuse” exists according to the provisions of the Income tax law (refund of contributions is considered as such a case). In this case the allowances credited have to be transferred by the VdBB back to the “Central Office”. The refund can not be paid out until this procedure has been completed.