

Law
on the Cologne Notaries' Public Pension Fund
(NotVG NW)

of 4 November 1986
(Version dated 23 July 2019)

(GVBl. NW. (Law and Ordinance Gazette, North Rhine-Westphalia) p. 680 pursuant to Public Notice dated 27 November 1986) amended by first amendment pursuant to Public Notice (GVBl. NW. S. 377) dated 18 May 1995; GVBl. NW. p. 155 second amendment pursuant to Public Notice dated 20 May 1999; GVBl. NW. p. 135 third amendment pursuant to Public Notice dated 5 April 2004; GVBl. NW. p. 500 fourth amendment pursuant to Public Notice dated 25 May 2005; GVBl. NW. p. 366, fifth amendment pursuant to Public Notice dated 23 July 2019

The State Parliament has passed the following law, which is hereby pronounced:

Section 1

Establishment, Purpose

- (1) A public corporation is set up under the name of "Notarversorgungswerk Köln", Cologne Notaries' Public Pension Fund.
- (2) The institution's registered office is in Cologne.
- (3) The Pension Fund provides its members and further entitled persons with benefits in accordance with this law and the Statutes.
- (4) The Pension Fund provides its financial benefits exclusively from its own means.

Section 2

Membership

- (1) Members of the Pension Fund are members of the Rhenish Notaries' Chamber appointed as Notaries Public in full-time exercise of office and Notarial Assessors in employment relationship with the State of North Rhine-Westphalia. Membership is not possible for persons having reached the age of 45 years.
- (2) The statutes may provide that
 1. members who can prove they have made other pension arrangements can, on application, be exempt in total or partially from being members or from their liability to contribute;
 2. membership will continue to exist, if the conditions stated in subsection 1, clause 1, are no longer fulfilled by the relevant person.

Section 3

Organs

Organs of the Pension Fund are:

1. the President,
2. the Executive Board,
3. the Assembly of Representatives.

Section 4

President

- (1) On a proposal from the Executive Board, both the President and the Vice President are appointed by the President of the Rhenish Notaries' Chamber for a period of four years. Their dismissal for good cause also resides with the President of the Rhenish Notaries' Chamber.
- (2) The President and the Vice President must have held the office of a Notary of the Rhenish Notaries' Chamber appointed for life and in full-time exercise of office over a period of five years minimum and must be members of the Pension Fund. They cannot, at the same time, be members of the Executive Board.
- (3) The President conducts the affairs of the Pension Fund and executes the resolutions of the Executive Board. The President represents the Pension Fund judicially and extra-judicially.
- (4) In the absence of the President or in the case of premature termination of the presidential term the relevant duties shall be performed by the Vice President.

Section 5

Executive Board

- (1) The Executive Board consists of nine members appointed for a period of four years from the ranks of Notaries of the Rhenish Notaries' Chamber appointed for life and in full-time exercise of office. They must have been members of the Rhenish Notaries' Chamber for a minimum of five years and must be members of the Pension Fund.
- (2) The members of the Executive Board and nine alternate members are appointed by the President of the Rhenish Notaries' Chamber on a proposal from the Chamber Assembly of the Rhenish Notaries' Chamber. The alternate members will substitute ordinary members who are leaving in the order defined by the Chamber Assembly.

- (3) The Executive Board is in charge of supervising the conduct of affairs and, apart from matters otherwise defined by Law or Statute, of resolutions as to
 1. approval of the Annual Financial Statements,
 2. approval of the activities of the President,
 3. determination of contributions and pension benefits.
- (4) The President will convoke the Executive Board as needed. A minimum of two meetings per year are deemed necessary. The Executive Board must be convoked, if at least three of its members request such a convocation in writing by indicating the matter to be dealt with in the relevant meeting.

Section 6

Assembly of Representatives

- (1) The Assembly of Representatives consists of the President, the Vice President, the members of the Executive Board and the alternate members of the Executive Board.
- (2) The Assembly of Representatives decides on and approves amendments of the Statutes. The decisions require a majority of two thirds of the members of the Assembly of Representatives.
- (3) The President convokes the Assembly of Representatives at least once a year. One third of the members of the Assembly of Representatives can demand a convocation of the Assembly of Representatives at any time.

Section 7

Duties of Members and Beneficiaries

- (1) The members of the Pension Fund are obliged to pay the statutory contributions. The contributions are determined by notice. Insofar as the amount of contributions is determined by remuneration and income from employment, sections 14 and 15 of the Fourth Book of the German Social Code (SGB) shall apply mutatis mutandis.
- (2) For contributions which have not been paid two weeks after the due date, surcharges for late payment may be levied in accordance with the Statutes. In the event of a delay in payment of more than three months, interest may additionally be charged in accordance with the Statutes. The surcharge for late payment and interest shall be determined by notice.

Absatz gestrichen in der Version Stand 23. Juli 2019

Section 8

Benefits of the Pension Fund

(1) The Pension Fund shall grant the following benefits upon application in accordance with the Statutes:

1. retirement pension,
2. occupational disability pension,
3. survivor's pension.

Benefits in accordance with clause 1 number 1 require a withdrawal from notarial office.

Benefits in accordance with clause 1 number 2 require a withdrawal from notarial office or any service as a junior notary.

(2) The Statutes may provide for further benefits, in particular:

1. reimbursement of contributions,
2. transfer of contributions to another pension provider,
3. lump-sum settlement for surviving spouses or registered civil partners whose pension entitlement lapses due to remarriage,
4. lump-sum payment for members whose pension entitlement does not reach the minimum monthly amount specified in the Statutes.

(3) Section 86 of the German Insurance Contract Act dated 23 November 2007 [Federal Law Gazette (BGBl.) I p. 2631] amended by Article 15 of the Company Pension Enforcement Act dated 17 August 2017 (BGBl. I. p. 3214) shall apply mutatis mutandis.

Section 9

Limitation

The provisions of the German Civil Code (BGB) shall apply mutatis mutandis to the statute of limitations for claims to benefits and contributions under the Statutes.

Section 10

Assignment, Pledge, Attachment

Claims to benefits under section 8 may neither be assigned nor attached. Section 54 of the First Book of the German Social Code (SGB) shall apply mutatis mutandis to the attachment.

Section 11

Enforcement Authority

The Pension Fund shall perform the duties of the enforcement authorities in accordance with section 2 subsection 2 of the NW Administrative Enforcement Act in the version

pronounced on 19 February 2003 (GV.NW. p. 156, amended 2005 p. 818), as amended by the Act of 12 September 2003 (GV.NW. p. 570).

Section 12

The Statutes

- (1) The Pension Fund is entitled to process personal data of its members and other persons entitled to benefits, insofar as the processing is necessary for the fulfilment of the Pension Fund's tasks in particular for the determination of membership as well as the type and scope of the obligation to contribute or the pension benefits. This also applies to the processing of the special categories of personal data referred to in Article 9 subsection 1 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data intended for the free movement of such data and repealing Directive 95/46 EG (General Data Protection Regulation) (paras. L 119 of 4.5.2016, p.1, L 314 of 22.11.2016, p. 72, L 127 of 23.5.2018, p.2) of members and other beneficiaries, in particular health data. Section 15 of the North Rhine-Westphalian Data Protection Act of 17 May 2018 (GV NRW p. 244, p. 278 and p. 404), as amended, shall apply accordingly. The transmission of personal data to public bodies is permissible insofar as it is necessary for the fulfilment of the tasks of the Pension Fund or the public body to which the data is transmitted.
- (2) The Pension Fund may demand from members and other persons entitled to benefits as well as from authorities of the administration of justice and the Rhenish Notaries' Chamber the information and evidence necessary for the fulfilment of its tasks, in particular information on the determination of membership as well as the type and scope of the obligation to pay contributions or the pension benefits.
- (3) Administrative decisions, in particular administrative acts, may be automated provided that there is neither a margin of discretion nor of judgement.

Section 13

Processing of personal data, information

The Pension Fund may obtain information about the persons concerned from the authorities of the judicial administration and the Rhenish Notaries' Chamber, insofar as the information is necessary for the determination of membership as well as the type and scope of the obligation to pay contributions or the pension benefits.

Section 14

Term of Office

Officers of the Pension Fund elected under this Act or the Statutes shall continue to hold office until their successor takes office.

Section 15

Transitional Arrangements

(1) An individual who, at the time this Act comes into force meets the requirements according to section 2 subsection 1 clause 1 and who

1. has not yet reached the age of 45, shall become a member of the Pension Fund, but may, on application, be exempted from membership or from the obligation to pay contributions in whole or in part in accordance with the Statutes;

2. has reached the age of 45 but not the age of 68, shall become a member of the Pension Fund on application in accordance with the Statutes.

Section 16

Entry into force

This Act shall enter into force on the day following its promulgation.

Düsseldorf, 4 November 1986

The Government of the
State of North Rhine-Westphalia

The Prime Minister

Johannes R a u

The Minister of Justice

Rolf K r u m s i e k