Deutsche Rentenversicherung

Regulation (EC) No. 883/2004
– Reassessment of pensions –

You are in receipt of a German pension that has been established under the European Community law or you have submitted a claim for pension that has been denied because you had not completed the required waiting period under the Community law.

In which countries does the Community law apply?
So far the Regulations (EEC) No. 1408/71 and 574/72 have coordinated the social security systems of the Member States of the European Union (EU).

> Austria, Belgium, Bulgaria, (Southern) Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and United Kingdom.

They also apply to the countries of the European Economic Area - EEA (Iceland, Liechtenstein and Norway) and to Switzerland.

When will the new provisions apply?
Regulations (EC) No. 883/2004 and No. 987/2009 will be replacing the existing regulations as of 1 May 2010. However, with effect from that date the new regulations will only apply in relation to the EU Member States.

In relation to the EEA States and Switzerland as well as to third-country nationals which are covered by the Community law the new Community provisions will first apply after

- the Agreement Creating the European Economic Area (EEA Agreement) or
- the Agreement on the Free Movement of Persons concluded with Switzerland or
- Regulation (EC) No. 859/2003 regarding the extension of the provisions of the Community Law to third-country nationals

have been modified accordingly.

How does this affect my pension?

Basically, the same principles apply to the computation of pensions as under the previous Community law. This means that pensions that have already been assessed will not be changed - except in some exceptional cases.

In individual cases entitlement to a pension may arise for the first time.

The following questions are intended to help you and us to find out if you are affected by the new Community law and if, therefore, it is advisable to file a claim for reassessment.

1.	In addition to your pension from Deutsche Rentenversicherung are you also in receipt of a pension from the German Farmer's Pension Fund (Landwirtschaftliche Sozialversicherung) or have you paid contributions to an agricultural special scheme for self-employed persons?	☐ no	☐ yes[1]
2.	Have you paid contributions to a pension fund organised by a trade or professional organisation for self-employed persons in Spain or Cyprus which have not been taken into account when your German pension was calculated?	☐ no	☐ yes[2]
3.	Are you a recognised ethnic German resettler and did you move from Estonia, Latvia, or Lithuania to Germany after 30. April 2004?	☐ no	☐ yes[3]
4.	a) Are you in receipt of a benefit for orphans (orphan's pension or orphan's pension supplement) based on insurance periods, completed in Belgium Denmark, France, the United Kingdom or Ireland?	☐ no	☐ yes[4]
	b) Are you in receipt of a benefit for orphans (orphan's pension or orphan's pension supplement) and your mother/ father passed away before 1 September 1999?	☐ no	☐ yes[4]

Do I have to file a new claim?

If you answered ‚yes' to at least one of the above questions we recommend that you file a claim for reassessment of your pension. If you are already in receipt of a pension your pension rate will not be reduced due to your claim for reassessment.

From what date will my new pension be paid?

If you file your claim for reassessment before 30 April 2012 you will receive the higher pension rate, if applicable, with effect from 1 May 2010. After expiry of this two-year period the higher pension rate, if applicable, applies first with effect from the date of your claim.

Further information and explanations

[1] You are in receipt of both a pension from Landwirtschaftliche Sozialversicherung (German Farmer‘s Pension Fund) and Deutsche Rentenversicherung in Germany and have also paid contributions to an agricultural special scheme for self-employed persons in another EU Member State. According to the previous community law your insurance periods completed under the agricultural special scheme for self-employed persons in another EU Member State that had already been taken into account for the calculation of your benefit from the German old-age pension scheme for farmers were only taken into account for establishing your entitlement to a pension but not for the calculation of your pension from Deutsche Rentenversicherung.

If Regulation (EC) No. 883/2004 is applied these insurance periods may also be taken into account for the pro-rata calculation of your pension from Deutsche Rentenversicherung. However, this does not always result in a higher pension rate. As a rule, the pension from Deutsche Rentenversicherung will be higher than the previous (pro-rata) pension if you also have German non-contributory periods that will be uprated because of (additional) insurance periods in other EU Member states.

[2] So far periods completed under a pension fund organised by a trade or professional organisation for self-employed persons, the establishment of which is left to these persons‘ initiative, were not covered by scope of the Community law and, therefore, could neither be taken into account for establishing your entitlement to a German pension nor for its calculation. There are such funds for doctors and lawyers in Cyprus and for special professional groups in Spain.

If Regulation (EC) No. 883/2004 is applied these insurance periods may also be taken into account for the pro-rata calculation of your pension from Deutsche Rentenversicherung. However, this does not always result in a higher pension rate. As a rule, the pension form Deutsche Rentenversicherung will be higher than the previous (pro-rata) pension if you also have German non-contributory periods that will be uprated because of (additional) insurance periods in other EU Member states. Please refer to enclosure 2 of your pension award notification (‚Rentenbescheid‘) to check if such periods have already been taken into account for your pension.

[3] Ethnic German resettlers who are recognised under the Bundesvertriebenengesetz (Federal Expellees Act - BFVG) are entitled to benefits under the Fremdrentengesetz (FRG - Foreign Pensions Law). This means that the insurance periods completed in their country of origin are taken into account for their German pension and treated as if they have been completed in Germany. If the pension authorities in the country of origin also provide a pension based on these periods this pension will be deducted from the German pension to prevent any double payments.

Although the new Member States have joined the European Union the Foreign Pensions Law is still to be applied with regard to the relevant states. However, under the previous provisions this applied in relation to the Baltic states Estonia, Latvia, and Lithuania only to those insured persons who had moved to Germany before 30 April 2004 (key date). If the insured person moved to Germany at a later point in time the insurance periods completed in Estonia, Latvia and Lithuania could only be taken into account within the framework of the

Community law, so that each state only provided a pension based on the periods completed under its respective scheme.

According to Regulation (EC) No. 883/2004 this key date regulation no longer applies. Insurance periods that have been completed in Estonia, Latvia, or Lithuania can also be taken into account under the Foreign Pensions Law for a German pension just like German insurance periods if the person concerned has moved to Germany later than 30 April 2004. As a rule, this will result in an increase of the current pension rate. In some cases claimants may be entitled to a pension now even if this has not been the case before.

[4] Under previous European Community Law orphans were exempt from the principle ‚each Member State pays only a pension based on the periods completed under its legislation.‘ In the case of orphan‘s pensions there was one Member State who provided the orphan‘s pension on behalf of all states involved. The responsible Member State added all insurance periods completed under the respective states‘ schemes and paid a totalised pension. As a rule, the Member State in which the orphan resided was responsible for paying the pension. The Member States who did not provide the pension always determined whether a supplement was to be paid in addition to the totalised pension provided by the state responsible for paying the pension.

If the insured person died before 1 September 1999 the provision described above applied to all states that were EU Member States at that time. If insurance periods had been completed in Belgium, Denmark, France, the United Kingdom and/or Ireland this provision also applied in cases in which the insured person had died after 1 September 1999.

Under Regulation (EC) 883/2004 Deutsche Rentenversicherung provides a separate orphan‘s pension based on the German periods also if Belgium, Denmark, France, the United Kingdom and/or Ireland are involved.