

Leica Pension Fund

Supplement no. 1

(Division of pension assets in the event of divorce)

The Pension Regulations of the Leica Pension Fund, version of 1 January 2015, are amended as follows:

3. Terms

3.1 *Additional terms:*

- FZV: Ordinance on Vesting in Pension Plans;
- PartG: Federal Act on the Registration of Partnerships for Same-Sex Couples;
- ZGB: Swiss Civil Code;

4. Definitions

4.6 *Additional component of capital:*

- any incoming payments (transferred vested benefits or annual pension components) following a divorce or the dissolution of a registered partnership by a court;

14. Surviving spouse's pension

- 14.8 After the death of an insured person or pensioner, the divorced spouse is treated on the same footing as the widow or widower, provided that the marriage lasted for at least ten years and the divorce decree awarded the divorced spouse a pension pursuant to Art. 124e para. 1 or Art. 126 para. 1 ZGB.

If the deceased was formerly in a registered partnership, his/her former registered partner is treated on the same footing as the widow or widower, provided that the registered partnership lasted at least ten years and the court order dissolving the registered partnership awarded the registered partner a pension pursuant to Art. 124e para. 1 ZGB or Art. 34 para. 2 PartG.

The claim to survivors' benefits is valid for as long as a pension would have been payable.

However, the Pension Fund's benefits are limited to the share of the alimony payment under the divorce decree or court order dissolving the registered partnership that exceeds the benefits due from the AHV and/or a foreign social insurance scheme. In this case, survivors' benefits paid by the AHV are only credited if they exceed the beneficiary's own claim to a pension from the IV or AHV.

F. Divorce, dissolution of registered partnership by a court

26. Benefits in the event of a divorce or dissolution of a registered partnership by a court

- 26.1 In the event of a divorce or the dissolution of a registered partnership by a court, the share of the benefits (vested benefits or pension share) that the court calculates to have been accrued during the term of the marriage or registered partnership is transferred to the pension fund of the divorced spouse or former registered partner in accordance with the statutory provisions (division of pension assets).
- 26.2 The transfer of part of the vested benefits to the divorced spouse results in a reduction in the insured benefits in the same way as an advance withdrawal to finance residential property.
- 26.3 If part of the pension is transferred for retirement pensioners and disabled persons who are older than the regular retirement age, the retirement pension or the new disability pension that falls due after the insured reaches the regular retirement age is reduced by the transferred share of the pension from the date on which the divorce decree takes legal effect.
- 26.4 The pension share allocated to an eligible spouse is converted into a lifelong pension in accordance with the provisions of Art. 19h FZV. The conversion is carried out on the date on which the divorce takes legal effect. If the eligible spouse is entitled to a full IV pension or has reached the minimum age under the BVG for early retirement, he/she can request a cash payment. If not, the annual amount of the lifelong pension plus interest pursuant to Art. 19j para. 5 FZV is transferred to the pension fund of the eligible spouse on 15 December every year until he/she reaches the regular AHV retirement age. The provisions of Art. 19j para. 2 FZV are reserved.

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- 26.5 If the Pension Fund is not provided with the details of the eligible spouse's pension fund, it shall transfer the amount (vested benefits awarded or annual amount of lifelong pension every year) to the Substitute Occupational Benefit Institute at the earliest after six months but not later than two years after the scheduled date for the transfer. The lifelong pension shall continue to be paid to the Substitute Occupational Benefit Institute until the Pension Fund is provided with the details of the eligible spouse's pension fund.
- 26.6 If the liable spouse takes regular retirement during the divorce proceedings, the share of the vested benefits and retirement pension that have to be transferred is reduced by the amount by which the pension payments would have been lower until the divorce decree took effect if the calculation had been based on the savings capital minus the vested benefits that have to be transferred. The reduction is divided equally between the two spouses.
- 26.7 If the liable spouse draws a disability pension and reaches regular retirement age during the divorce proceedings, the share of the vested benefits and the pension that have to be transferred pursuant to Art. 124 para. 1 ZGB is reduced by the amount by which the pension payments would have been lower for the period from the date on which the spouse reached regular retirement age to the date on which the divorce decree took effect if the calculation had been based on the savings capital minus the vested benefits that have to be transferred. The reduction is divided equally between the two spouses.
- 26.8 The division of pension assets does not affect any claims to child's pensions that exist when the divorce proceedings are initiated or any resulting orphan's pensions.

27. Compensation of transferred vested benefits

The insured person can compensate the transferred vested benefits by way of voluntary purchases. Disabled persons are not entitled to make any purchases following the transfer of an amount pursuant to Art. 124 para. 1 ZGB.

30. Reduction of pension benefits in the event of overinsurance

- 30.1¹⁰ If a disability pension is divided during a divorce, the share of the pension that was awarded to the eligible spouse is still taken into consideration when calculating the reduction of the liable spouse's disability pension, if any.

36. Information obligations

- 36.1¹⁰ Insured and pensioners who were awarded a lifelong pension under a divorce decree must inform the Pension Fund of their lifelong pension claim and provide the details of the liable spouse's pension fund. They have to inform the pension fund of the liable spouse by 15 November of the relevant calendar year at the latest if they leave the Pension Fund.
- 36.5¹⁰ In the event of a divorce or the dissolution of a registered partnership by a court, the Pension Fund shall provide the information pursuant to the provisions of Art. 24 para. 3 FZG or Art. 19k FZV (information needed to calculate the pension claims that have to be divided) upon the request of the insured person or the court.
- 36.5¹⁰ The Pension Fund informs the Second Pillar Central Unit by the end of January every year of the names of all persons for whom savings capital or a credit account was managed in December of the previous year.

This Supplement no. 1 enters into force on 1 January 2017.

Heerbrugg, 14 November 2016

Foundation Board
of the Leica Pension Fund

Transitional provision

In 2017, the notice pursuant to Art. 36.5^{ter} must be submitted by the end of March.