

**To our full member companies, associate member companies, associate member companies with partial membership as well as partial members**

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## **Change in the German Employment Documentation Act – what you need to know**

Bulletin VIII/2022

Company no.

Dear Sir/Madam,

We regularly inform you about relevant legal changes and the practical implementation for your company pension scheme via BVV. Today, we would like to draw your attention to changes in the German Employment Documentation Act with regard to your membership in BVV and point out any action required.

On 23/06/2022, the German parliament, the Bundestag, passed the “Act implementing Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union in the field of civil law”. The changes relate in particular to the German Employment Documentation Act. The main topics are as follows:

- Extensive expansion of the employer’s record-keeping obligations
- Shortening the deadlines for providing documentation
- Sanctions in the event of a breach of the record-keeping obligations

All the record-keeping obligations listed in the German Employment Documentation Act are employer obligations. Sanctions include fines of up to 2,000 euros per violation.

Therefore, we would like to draw your attention below to the effects on occupational pension provision at BVV.

BVV Versicherungsverein  
des Bankgewerbes a.G.  
Handelsregister: Amtsgericht  
Berlin-Charlottenburg,  
HRB 1570 B  
Sitz des Vereins: Berlin

BVV Versorgungskasse  
des Bankgewerbes e.V.  
Vereinsregister: Amtsgericht  
Berlin-Charlottenburg,  
VR 19126 B  
Sitz des Vereins: Berlin

BVV Pensionsfonds  
des Bankgewerbes AG  
Handelsregister: Amtsgericht  
Berlin-Charlottenburg,  
HRB 113087 B  
Sitz der Gesellschaft: Berlin

Vorsitzender der Aufsichtsräte:  
Heinz Laber  
Vorstände: Dr. Helmut Aden,  
Frank Egermann,  
Marco Herrmann

**Principle:**

If an employer promises the employee a company pension through a pension provider, the name and address of the pension provider must be documented. The record-keeping obligation shall not apply if the pension provider is obligated to provide this information. Direct insurance companies, pension schemes and pension funds have regulatory obligations to report this information.

**But what exactly does this mean for you?****1. In relation to the BVV Unterstützungskasse:**

In our opinion, the employer is obligated to document the name and address of the provident fund – this can be done in the employment contract, for instance. The information may also be replaced by a qualified reference to relevant collective agreements or works agreements. This means that specific reference must be made to the relevant collective agreement for the area in question, even if it is not necessary to mention the specific provision.

**We ask you to check how you can comply with the legal requirements and, if necessary, make the appropriate adjustments.**

The company name and address of BVV Unterstützungskasse required for this is:

BVV Versorgungskasse des Bankgewerbes e.V.  
Kurfürstendamm 111–113  
10711  
Germany

Berlin

**2. In relation to the BVV Pensionskasse:**

The facts outlined above mean that there is no record-keeping obligation if the pension scheme is implemented via BVV Pensionskasse. You don't have to do anything in this regard.

**When do the changes come into force?**

The necessary adjustments apply to employment relationships that begin on or after 01/08/2022. Employers are also obligated to hand over the documentation to employees with whom an employment relationship already existed before 01/08/2022 within seven days or one month after receipt of the corresponding request, depending on the type of information.

All documentation must be provided in writing. Even a portal solution does not meet the written form requirement in this respect. Documentation can be provided in the employment contract.

The changes shall come into force on 01/08/2022 – provided that the publication occurs on 31/07/2022 at the latest, in case of later publication on the day after the publication.

If you have any questions, please do not hesitate to contact us.

Yours sincerely,  
BVV

A handwritten signature in black ink, appearing to read "ppa. Dr. Buchwald". The script is fluid and cursive.

ppa. Buchwald

A handwritten signature in black ink, appearing to be a stylized "Höfer".

By order Höfer