



# Naming beneficiaries

## Why should I name my beneficiaries?

Naturally you should be able to reap and enjoy the benefits of your retirement planning yourself. But since there is no guarantee that you will, you should check whether the legal rules that apply in the event of your death operate as you would wish. If not, it is advisable to lodge the details of your beneficiaries, to ensure that you and your surviving dependants are taken care of, whatever happens.

## How do I proceed?

First, consider who should receive your pension assets if you die. Then check whether the people who need to be taken care of after your death are the ones who will receive your pension assets when the legal rules are applied (see below) and in the proportions you desire. If the rules match your intentions, you need do nothing. Otherwise, see whether it is possible to change the order of beneficiaries so as to benefit the right people and allocate the pension assets accordingly. If this is so, you should complete the order of beneficiaries form of the Foundation concerned.

## Where do I lodge the order of beneficiaries form?

Forward the original of your order of beneficiaries form to the relevant pension scheme (Pension Fund, Vested Benefits Foundation and/or Pillar 3a Foundation) and a copy to the beneficiaries. A codicil to your will and certification by a notary will protect against possible legal disputes. Lodge a copy with the notary who is to execute your will or deposit it in another suitable place (e.g. your bank,).

## Legal regulations on “survivors’ benefits” under the BVG \* (Art. 19, 19a, 20, 20a)

(see also the current pension fund regulations)

### Art. 19 Surviving spouse

<sup>1</sup> The surviving spouse is entitled to receive a widow’s or widower’s pension if, at the time of the spouse’s death, he or she:

- a) is responsible for the maintenance of at least one child; or
- b) is older than 45 years and the marriage has lasted for at least five years.

<sup>2</sup> A surviving spouse who meets neither of the conditions in paragraph 1 is entitled to a one-off settlement equivalent to three years’ pension.

<sup>3</sup> The Swiss Federal Council regulates the entitlement of divorced persons to survivors’ benefits (see Art. 20 BV2\*\*).

### Art. 19a Registered civil partners

Surviving registered civil partners have the same rights as widows and widowers.

### Art. 20 Orphans

The children of the deceased are entitled to orphans’ benefits. Foster children are only so entitled if the deceased had to provide for their maintenance.

### Art. 20a Other beneficiaries

<sup>1</sup> As well as the beneficiaries mentioned in Articles 19 and 20, under your scheme the pension fund can provide survivors’ benefits for the following beneficiaries:

- a) individuals whose maintenance was supported by the insured to a significant degree, or a person who was co-habiting with the insured for an unbroken period of at least five years prior to his death or who has to provide for the maintenance of one or more joint children;
- b) in the absence of beneficiaries as per a): any children of the deceased who do not satisfy the condition laid down in Article 20, his parents or siblings;
- c) in the absence of beneficiaries as per a) and b): any other legal heirs, excluding the community, to the extent:
  - 1. of the amounts paid in by the insured person, or
  - 2. 50% of the pension capital.

<sup>2</sup> There is no entitlement to survivors’ benefits pursuant to 1a) where the beneficiary draws a widow’s or widower’s pension.

\*BVG = Swiss Federal Act on Occupational Retirement, Survivors’ and Disability Pension Plans

\*\*BV2 = Ordinance on Occupational Retirement, Survivors’ and Disability Pension Plans

## Order of beneficiaries for J. Safra Sarasin Vested Benefits Foundation

### Article 16 Pension benefits/Beneficiaries of the regulation

The following are deemed to be beneficiaries:

- a) in the event of survival, the account holder himself;
- b) after his decease, the following persons in the order below:
  1. the survivors as defined in Articles 19, 19a and 20 of the BVG;
  2. natural persons for whose maintenance the deceased was primarily responsible or a person who was co-habiting with the account holder for an unbroken period of at least five years prior to his death or who has to provide for the maintenance of one or more joint children;
  3. any children of the deceased who do not satisfy the condition laid down in Article 20 of the BVG, his parents or siblings;
  4. any other legal heirs, excluding the community.

The member can define the beneficiaries' claims in more detail and extend the group of persons mentioned in letter b, number 1 to include those in number 2.

The (civil) partnership must be registered in writing with the vested benefits foundation in the form of an officially certified partnership agreement.

A specim agreement drafted by the Foundation should be used for this purpose, which must be signed by both partners and forwarded to the Foundation while both partners are still alive.

The Foundation must be notified immediately in writing if there is any amendment or nullification of the partnership. If the amendment or nullification of a partnership is notified too late, or not at all, to the Foundation, the Foundation shall not be held liable for benefits already paid out.

In the event of marriage or if the partnership is nullified there is no longer any entitlement to a lump sum payment pursuant to Art. 16 para 2, letter b, point 2 of the Regulations.

Details of the beneficiaries must be lodged with the Foundation in writing by the member.

Where the account holder does not specify the entitlements of beneficiaries in the same group, the Foundation will divide the pension benefits equally among the persons concerned.

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