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Gateway Policy Explorer: Retirement Series

Germany

Spousal Old-Age Benefit Plan Details

2001-2023

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Preface

This document is intended for researchers who want to understand the evolution of policy or the policy in place at a particular point in time. This document is not intended for financial advice or to aid in decision-making. The authors have made significant effort to identify and collect historical information pertaining to these policies, to accurately represent these policies, and to communicate how policies may interact to determine legal requirements, eligibility for benefits, and/or benefits levels. The policies presented in this document focus on rules applicable to most individuals aged 50 and older from 1992. Many systems include special policies or alternative eligibility rules for specific groups. We encourage all users to complete their own review of literature in this area depending on the research questions they have in mind.

If you have feedback or questions or identify an error, please contact policy@g2aging.org.

Background — Gateway Policy Explorer: Retirement Series

The *Gateway Policy Explorer* (<http://g2aging.org/policy-explorer>) is part of the Gateway to Global Aging Data (<http://g2aging.org>) project. The *Retirement Series* captures historical policy that affects the birth cohorts of respondents in the surveys covered by the Gateway. It was motivated by the rapid evolution of policies affecting older people across the world. As the Health and Retirement Study (HRS) began in 1992 and many of the international network of studies (HRS-INS) cover more than a decade, understanding the policies in place at the time of the survey has become more demanding for researchers.

Why are we tracking past policy? Individuals make choices based on current policies and the outcomes we see today may reflect responses to past policies. When interpreting the survey responses of individuals, an understanding of the policy environment under which those individuals operate is critical. The collection of contextual information in the *Gateway Policy Explorer* aims to support researchers who want to understand or use policy changes in their research and provide context for longitudinal or cross-country differences. Over the period 2023–2026 the *Gateway Policy Explorer* will be expanded to include information on retirement, long-term care, education, and other policies affecting the life cycle.

The key dimensions to the *Gateway Policy Explorer: Retirement Series* are country and time. We prioritize data collection for each country based on its first interview wave and are continuing to expand our data collection back in time to 1992, the earliest survey date in the HRS-INS.

A separate document, like this one, is developed for each country and each broad category of policies covered in the *Gateway Policy Explorer: Retirement Series*.

Author and Contributor Disclaimers

† The opinions expressed here are those of authors and do not necessarily reflect the views of the OECD or of its member countries.

Germany

Spousal Old-Age Benefits
Plan details 2001-2023 * †

Gesetzliche Rentenversicherung (GRV) is the German compulsory old age public pension system. Prior to 2002, there were no supplementary old-age benefits provided to spouses of GRV beneficiaries while the primary beneficiary was alive. Since 2002, spouses or civil partners can split the pension points accrued during their marriage into equal parts if both have at least 25 contribution years. This increases the old-age benefit income of the spouse with fewer pension points. Couples that split pensions forgo rights to a survivor's benefit.

Key Dates

First law: 2001

Major changes since 2001: None

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* If you have questions or suggestions, please contact policy@g2aging.org.

† Detailed information and definitions are provided in tables, formulas and a glossary at the end of this document. To facilitate switching back and forth, this document is designed with hyperlinks. Most PDF readers have shortcuts that permit a reader to return to the previous location after selecting a hyperlink. In Adobe Acrobat on a PC: "Alt" + "←"; In Adobe Acrobat on a MAC: "command" + "←"; In Preview on a MAC: "command" + "[".

Chapter 1: Policy enacted 2001-2023

Overview

Gesetzliche Rentenversicherung (GRV) is the German compulsory old-age public pension system. This system depends on current contributions to make current benefit payments (i.e., it is “pay as you go”). Pension benefits are based on a worker’s accumulated pension points. A worker accrues pension points each year based on the ratio of their taxable earnings relative to the average earnings of all GRV-covered workers. For retirement income beyond GRV, individuals may also contribute to voluntary occupational pension schemes (Betriebliche Altersvorsorge) through their employers that supplement GRV or to voluntary private savings schemes.

Before 2002, GRV did not provide benefits to a worker’s spouse based on their earnings records, although survivor benefits were available. The [Retirement Asset Supplement Act \(Bundesgesetzblatt, 2001\)](#) enacted in March 2001 introduced pension splitting starting in 2002. Married couples have the option to split half of their GRV old-age benefit entitlements accumulated during marriage. In place of the conventional provision for survivors (each receiving their own old-age pension while alive and, when one spouse dies, the survivor receives a survivor’s pension in addition to their own old-age pension), married couples may jointly declare that the total pension entitlements accumulated during marriage be split evenly between them. The pension split usually comes into effect while both spouses are still alive (when the second spouse claims the full old-age pension). Pension splitting gives the spouse with fewer pension points a larger own old-age benefit that is exempt from the income-test for survivor’s benefits and are not forfeited in the event of remarriage. The right to opt for pension splitting may only be exercised by married couples if both spouses have 25 years of pension credits each. Equivalent entitlements apply for life partnerships (from 2005) and divorced couples (determined by the family court).

In this policy area (document), we define spousal benefits as the pension splitting option. If this option is exercised, it affects each spouse’s own benefits. The policy details associated with eligibility and benefit levels of own old-age benefits are covered in the separate policy document: *Germany, Own Old-Age Benefit Plan Details* ([Gateway to Global Aging Data, 2023](#)).

Eligibility

Are divorced spouses entitled to benefits based on their ex-spouses contribution or earnings history? Answer: Yes

Age requirements to start benefits without penalty

- **Full eligibility age (FEA)**
 - Age 65 to 67 depending on birth year although earlier ages are possible:
 - Age 60 for [women](#) and [unemployed and part-time workers](#) born before 1952 (increasing to age 65 depending on birth year)
 - Age 63 [long-term insured](#) and [severely disabled](#) (increasing to age 65 for long-term insured depending on birth year)
- **Does FEA vary by sex?** Answer: Yes
- **Does FEA vary by birth year?** Answer: Yes
- **Details by birth year:** In 2007, eligibility for old-age benefits were reformed to gradually increase the retirement ages. Changes varied based on [eligibility track](#) for own old-age benefits, which are covered in greater detail in *Germany, Own Old-Age Benefit Plan Details* ([Gateway to Global Aging Data, 2023](#)). Here we summarize special cases for eligibility tracks that vary by birth year.
 - Before 2007
 - * [Long-term insured](#): [Table 2](#)
 - * [Women](#): [Table 3](#)
 - * [Unemployed and part-time workers](#): [Table 4](#)
 - On or after 2007
 - * [Long-term insured](#) (35+ contribution, consideration, and credit years): [Table 5](#)
 - * [Women](#): [Table 3](#)
 - * [Unemployed and part-time workers](#): [Table 4](#)
 - * [Particularly long-term insured](#) from July 2014 (45+ contribution and consideration years): [Table 6](#)

Requirements to be eligible to receive benefit

- **Currently married spouses**
 - Pension splitting is allowed if one of the following conditions is satisfied:
 - the marriage or partnership ended after 2001
 - the marriage or partnership existed on December 31, 2001 and both spouses (or civil partners since 2005) were born after January 1, 1962

Additionally, the spouses or civil partners must each have at least 25 contributions years and satisfied one of the following conditions for eligibility of own old age benefits (see *Institutional Rules Explorer: Germany, Own Old-Age Benefit Plan Details* for details on these eligibility conditions):

1. one spouse is entitled to a full pension (i.e., satisfied one of the [eligibility tracks](#) for full benefits) and the other spouse has reached the statutory retirement age for the regular old-age pension ([Eligibility track 1](#) for own old-age benefits, see [Table 1](#) for ages by birth year)
2. both spouses are entitled to a full pension
3. a spouse dies before the 1st or 2nd requirement are met — In this case, the surviving spouse can split the pension.

Laws pertaining to eligibility for pension splitting are detailed in §120a SGB VI ([BMJV, 2023](#)).

• Divorced spouses

Pension splitting is determined by the family court at the time of divorce. As with benefits for married individuals, each person must have 25 contribution years.

Alternative eligibility requirements that permit starting benefits early, but with a penalty

- **Can an individual start benefits before FEA?** Answer: No

Benefits

- **To receive a benefit, does an individual have to claim it?** Answer: Yes —a couple must choose to split their pension
- **To continue to receive a benefit, does an individual have to remain qualified?** Answer: No —once pensions are split, subsequent changes in circumstance do not alter their value

Payment type

- **Payment options (i.e., Annuity, cash balance, or lump sum):** Annuitable (indirectly) —split pensions contribute pension points towards the recipient's own old-age benefit; the own old-age pension is an annuitable benefit.
- **If cash balance, does it depend on market returns or demographic conditions?** N/A

Factors effecting computation of benefit entitlement

- **Does the formula for computing benefit entitlement differ by birth year?** Answer: No
- **Is the formula for computing benefit entitlement progressive?** Answer: No
- **Does the benefit entitlement depend on the surviving spouse's own contribution/work history?** Answer: Yes
- **Does the benefit entitlement depend on the contribution/work history of the deceased spouse?** Answer: Yes
- **Are future benefit entitlements adjusted for cost of living?** Answer: Yes
- **If so, what measure is used for adjustment?**

Once pension points are split, a person's own benefit is adjusted annually according to the adjustment rules for own old-age benefits. For details on that adjustment, see the separate policy area (document): *Germany, Own Old-Age Benefit Plan Details* ([Gateway to Global Aging Data, 2023](#)).

Benefit formula for claiming at FEA

If spouses or civil partners elect to split their pension rights, pension points accrued during the marriage are divided equally between the couple. Benefits are then computed according to each person's own old-age benefit rules considering the increase or decrease due to pension splitting. See the policy area (document) *Germany, Own Old-Age Benefit Plan Details* ([Gateway to Global Aging Data, 2023](#)) for specifics on how to compute own old-age benefits.

Adjustments for starting benefits before FEA (Early claiming or retirement)

- **Are benefits reduced for starting benefits before FEA?** Answer: No

Adjustments for starting benefits after FEA (Delayed claiming or retirement)

- **Are benefits increased for starting benefits after FEA?** Answer: Yes
- **If so, what is the latest claiming age where benefits are adjusted?** Answer: Benefits may be split at any time after eligibility.
- **Adjustment formula**

Once pension points are split, a beneficiary may increase their own old-age benefit by delaying retirement past the statutory retirement age. Please refer to the policy area (document) *Germany, Own Old-Age Benefit Plan Details* ([Gateway to Global Aging Data, 2023](#)) for additional information.

Adjustments for starting benefits and continuing to work (Earnings Test)

- **Are benefits reduced or eliminated while working?** Answer: No

Tables and Formulas

Table 1: Statutory Retirement Age (SRA) by Birth Year for Regular Old-Age Pension (Eligibility Track 1)

Birth Year	SRA
Before 1947	65 years
1947 - 1957	Varies, increases by one month per year. Formula: y months + 65 years where y is the number of years a person was born after 1946 Example: $y = 6$ if a person was born in January 1952, so they would be eligible at age 65 and 6 months (July 2017)
1958	66 years
1959-1963	Varies, increases by two months per year. Formula: $2 \times y$ months + 66 years where y is the number of years a person was born after 1958 Example: $y = 4$ if a person was born in January 1960, so they would be eligible at age 66 and 4 months (May 2026)
After 1963	67 years

Source: §235 of SGB VI ([BMJV, 2023](#)).

Table 2: Statutory Retirement Age (SRA) by Birth Date for Long-Term Insured (Eligibility Track 2) from 1997

Birth Date	SRA
Before 1937	63 years
January 1937 - November 1938	Varies, increases by one month per month. Formula: m months + 63 years where m is the number of months a person was born after December 1936 Example: $y = 14$ if a person was born in February 1938, so they would be eligible at age 64 and 2 months (April 2002)
After November 1938	65 years

Source: Annex 21 in [BMJV \(1996\)](#)

Table 3: Statutory Retirement Age (SRA) by Birth Date for Women's Old-Age Pension (Eligibility Track 4)

Birth Year and Month	Statutory Retirement Age (Full Benefits)
Before 1939	60 years
January 1940 - November 1944	Varies, increases by one month per month. Formula: $m + 60$ years where m is the number of months a person was born after December 1939 Example: $m = 14$ if a person was born in February 1941, so she would be eligible at age 61 and 2 months (April 2002)
December 1944 - December 1951	65 years
After 1951	Women's old-age pension eligibility track eliminated as part of the 1999 pension reform

Source: §237a and Annex 20 of SGB VI ([BMJV, 2023](#))

Table 4: Statutory Retirement Age (SRA) by Birth Date for Unemployed and Part-Time Workers (Eligibility Track 5)

Birth Year and Month	Statutory Retirement Age (Full Benefits)
Before 1937	60 years
January 1937 - November 1941	Varies, increases by one month per month. Formula: $m + 60$ years where m is the number of months a person was born after December 1936 Example: $m = 26$ if a person was born in February 1939, so she would be eligible at age 62 and 2 months (April 2001)
December 1941 - December 1951	65 years
After 1951	Unemployed or part-time worker old-age pension eligibility track eliminated as part of the 1999 pension reform

Source: §237 and Annex 19 of SGB VI ([BMJV, 2023](#))

Table 5: Statutory Retirement Age (SRA) by Birth Date for Long-Term Insured (Eligibility Track 2) from 2007

Birth Date	SRA
Before 1937	63 years
January 1937 - November 1938	Varies, increases by one month per month. Formula: m months + 63 years where m is the number of months a person was born after December 1936 Example: $y = 14$ if a person was born in February 1938, so they would be eligible at age 64 and 2 months (April 2002)
December 1938 - December 1948	65 years
January 1949	65 years and 1 month
February 1949	65 years and 2 months
March - December 1949	65 years and 3 months
1950 - 1957	Varies, increases by one month per year. Formula: y months + 65 years where y is the number of years a person was born after 1946 Example: $y = 6$ if a person was born in January 1952, so they would be eligible at age 65 and 6 months (July 2017)
1958	66 years
1959-1963	Varies, increases by two months per year. Formula: $2 \times y$ months + 66 years where y is the number of years a person was born after 1958 Example: $y = 4$ if a person was born in January 1960, so they would be eligible at age 66 and 4 months (May 2026)
After 1963	67 years

Source: Annex 21 in [BMJV \(1996\)](#); §236 of SGB VI ([BMJV, 2023](#))

Table 6: Statutory Retirement Age (SRA) by Birth Year for the Particularly Long-Term Insured (Eligibility Track 6) from July 2014

Birth Date	SRA
Before 1953	63 years
1953 - 1963	Varies, increases by two months per year. Formula: $2 \times y$ months + 63 years where y is the number of years a person was born after 1952 Example: $y = 16$ if a person was born in January 1960, so they would be eligible at age 64 and 4 months (May 2024)
After 1963	65 years

Source: §236b of SGB VI ([BMJV, 2023](#))

Sources

This section records key sources consulted when we collected the institutional details reported in this document. Archived versions of these sources are available at the Gateway Policy Explorer website (<http://g2aging.org/policy-explorer>).

Bundesgesetzblatt (1996). Gesetz zur Umsetzung des Programmes für mehr Wachstum und Beschäftigung in den Bereichen der Rentenversicherung und Arbeitsförderung (Wachstums- und Beschäftigungsförderungsgesetz) [Act to implement the program for more growth and employment in the areas of pension insurance and employment promotion (Growth and Employment Promotion Act)], *Federal Law Gazette Part 1*, No. 48 (September 27, 1996), 1461-1475. [\[Link\]](#)

—(2001). Gesetz zur Ergänzung des Gesetzes zur Reform der gesetzlichen Rentenversicherung und zur Förderung eines kapitalgedeckten Altersvorsorgevermögens [Law supplementing the law on the reform of the statutory pension insurance and to promote a funded pension fund]. March 21, 2001. Available only in German. [\[Link\]](#)

Bundesministerium der Justiz und für Verbraucherschutz [BMJV, Federal Ministry of Justice and Consumer Protection] (2023). Sozialgesetzbuch Sechstes Buch, Gesetzliche Rentenversicherung [SGB VI, Social Code Sixth Book, Statutory Pension Insurance]. Available only in German. [\[Link\]](#)

Gateway to Global Aging Data (2023). Gateway Policy Explorer: Germany, Public Own Old-Age Benefit Plan Details, 1992-2023, Version: 2.1 (August 2023), University of Southern California, Los Angeles. [\[Link\]](#)

Glossary of terms

This section summarizes key definitions from the main text. To facilitate switching back and forth, this document is designed with hyperlinks. Most PDF readers have shortcuts that permit a reader to return to the previous location after selecting a hyperlink. In Adobe Acrobat on a PC: “Alt” + “←”; In Adobe Acrobat on a MAC: “command” + “←”; In Preview on a MAC: “command” + “[”.

Annuitable System: A pension system that provides a periodic payment for life after the benefit begins.

Cash Balance System: A pension system that provides each individual an account that is drawn down over time.

Claimable Benefit: A pension where the beneficiary must actively file a claim for benefits with the government’s pension authority.

Cost-of-Living Adjustments (COLA): Adjustments after an individual begins receiving benefits that increase benefit payments, typically in line with consumer prices or average earnings.

Earliest eligibility: Earliest age and/or years of contributions required to be eligible to start receipt of a particular type of benefit. Earliest eligibility is the same as statutory eligibility in countries where there is no benefit penalty for claiming before the statutory retirement age.

Eligibility Track 1: Regular old-age pension (Regelaltersrente) is an eligibility track for unreduced old-age benefits that is based primarily on age with a minimal number of required contribution years.

Eligibility Track 2: Old-age pension for long-term insured persons (Altersrente für langjährig Versicherte) is an eligibility track for unreduced old-age benefits that permits starting benefits at an earlier age than eligibility track 1 if the person has 35 GRV contribution years.

Eligibility Track 3: Old-age pension for severely disabled (Altersrente für schwerbehinderte Menschen) is an eligibility track for unreduced old-age benefits that permits starting benefits at an earlier age than eligibility track 2 if the person has 35 GRV contribution years and is disabled.

Eligibility Track 4: Old-age pension for women (Altersrente für Frauen) is an eligibility track for unreduced old-age benefits that permits women to start benefits at an earlier age than eligibility track 1. In 2007, it is eliminated for women born after 1951.

Eligibility Track 5: Old-age pension for unemployed workers or workers in part-time employment (Altersrente wegen Arbeitslosigkeit oder nach Altersteilzeitarbeit) is an eligibility track for unreduced old-age benefits that permits individuals that are unemployed or working part-time to start benefits at an earlier age than eligibility track 1. In 2007, it is eliminated for persons born after 1951.

Eligibility Track 6: Old-age pension for particularly long-term insured persons (Altersrente für besonders langjährig Versicherte) is an eligibility track for unreduced old-age benefits that permits starting benefits at an earlier age than eligibility track 2 if the person has 45 contribution years. It was first introduced in 2012.

Eligibility Track: Requirements for an individual to start receiving an unreduced old-age pension benefit. An individual typically must satisfy only one eligibility track.

Full Eligibility Age: The age at which individuals are eligible to receive their full benefit. For dependent benefits or social assistance, the full eligibility age may differ from the statutory retirement age for own old-age pension benefits.

FRG: Federal Republic of Germany, also known as West Germany

GDR: German Democratic Republic, also known as East Germany

GKV: German statutory health insurance (Gesetzliche Krankenversicherung) regulated by the Fifth Book of the German Social Code (SGB V)

GRV: German compulsory old-age public pension system (Gesetzliche Rentenversicherung)

Latest claiming age: Latest age where a benefit may be claimed such that benefit payments are increased as an incentive for delaying the start of benefits past the statutory retirement age. Latest claiming age is the same as statutory retirement age in countries where there is no benefit to delayed claiming. Not applicable for non-claimable benefits.

Lump Sum Benefit: A pension system that provides an individual with a one-time or limited number of payments. Lump sum benefits are distinct from annuitable or cash balance benefits because they do not continue past a specified time frame. Lump sum benefits use varies by country, but they are sometimes used as death benefits, incentives to delay claiming, or payments to individuals with an insufficient contribution history to be eligible for annuitable benefits.

National Income Measure: In some pension systems, the benefit is dependent on a national income measure, such as average wages. We indicate a pension system depends on the national income measure if the benefit paid is determined by a national income measure (as opposed to an individual's earnings history). For example, the benefit level for the United Kingdom Basic State Pension depends on a level set by the government and does not depend on an individual's earnings. This distinction does not include systems that adjust annual benefits based on a national income measure or index past earnings using a national income measure.

Progressive Benefit: A benefit is progressive if people with lower earnings have a greater replacement rate for their contributions.

Qualified Benefit: A benefit is qualified if an individual must continue to meet certain standards, such as a means test, to continue receipt of benefits.

Statutory Retirement Age (SRA): The age at which individuals are eligible to receive their full benefit. In the United States, this is known as the normal retirement age. In the United Kingdom, this is known as the state pension age.

Version information

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Version History

- 1.0 (March 2021): First version
- 2.0 (May 2022): Content updated and references added
- 2.1 (August 2023): Updated format and values through 2023 and updated terminology

Additional resources

The following resources provide additional details for the interested reader:

Deutsche Rentenversicherung (2023) *rvRecht* - legal portal of the German pension insurance.

Available at: <https://rvrecht.deutsche-rentenversicherung.de> [Full link embedded due to length]

Features: Provides current and historical versions to German pension insurance laws.

Deutsche Rentenversicherung (2023) *Pension splitting* - Share pension rights in partnership.

Available at: https://www.deutsche-rentenversicherung.de/DRV/DE/Rente/Familie-und-Kinder/Rentensplitting/rentensplitting_node.html

Features: Provides broad overview of pension splitting under current law.