

Model Questionnaire for Value Transfers outside the EU

Explanatory note

Article 92 of the Pensions Act governs the discretionary power to co-operate with a value transfer from a foreign institution. A foreign institution is understood to be an institution having its registered office outside the Netherlands that is not a pension-paying institution in another Member State, an insurer with registered office outside the Netherlands, one of the European Communities or a designated institution. Article 92 of the Pensions Act applies in those situations where there is no obligation to co-operate pursuant to Article 91 of the Pensions Act. More specifically this concerns the discretionary power to co-operate with an incoming international value transfer from a pension-paying institution established outside the EU.

The discretionary power to co-operate with an incoming international value transfer is subject to certain conditions which have been re-expressed as questions in the questionnaire below. Once all questions have been answered, the Dutch pension administrator can assess whether the international value transfer process is to be continued and completed.

By means of brief explanations with the questions asked, the questionnaire also provides relevant supplementary information about international value transfers to the Netherlands. The purpose of this is to provide information and assistance, with regard to the process of incoming international value transfers, to the foreign pension administrator and the present or former pension scheme participant.

The purpose of an international value transfer is to enable the person making such a request to acquire pension entitlements with a *Dutch pension administrator*. The annex to this questionnaire explains what is meant by a Dutch pension administrator.

The person submitting an international value transfer request must realise that he cannot claim any tax deduction, on account of the international value transfer, on any income of himself or his partner that is taxable in the Netherlands.

Questionnaire

Question: Subject:

Yes: No:

1	<p>Is an outgoing international value transfer permitted by your country's legislation and regulations, and are you prepared (as a pension-paying institution) to co-operate with a requested international value transfer to a Dutch pension administrator?</p> <p><i>Explanation:</i> <i>A value transfer from your pension-paying institution to a Dutch pension administrator is only possible if your legislation and regulations permit outgoing international value transfers.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
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Question: Subject:

Yes: No:

2	<p>Do your legislation and regulations impose conditions on a outgoing international value transfers?</p> <p>If so, what are those conditions?</p> <hr/> <hr/> <hr/> <p><i>Explanation:</i> <i>The Dutch pension administrator will assess, in the light of your description, whether these conditions are in accordance with the Dutch Pensions Act and then form an opinion whether it is possible to co-operate with the incoming international value transfer as envisaged.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
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3	<p><i>This question is only to be answered if a <u>partner's pension</u> is also entailed.</i></p> <p>Has the partner, i.e. the beneficiary of the partner's pension, countersigned the international value transfer request?</p> <p><i>Explanation:</i> <i>If a partner's pension forms part of the pension value to be transferred, the partner must also concur with the international value transfer request.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
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4	<p>Will the transfer value of the pension capital be transferred by your pension-paying institution directly to the Dutch pension administrator?</p> <p><i>Explanation:</i> <i>There is a Dutch fiscal requirement to the effect that the value transfer must go directly from the transferring pension-paying institution to the receiving pension-paying institution.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
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- Full name and address of transferring pension administrator:

- Signed (on behalf of pension administrator):

- Name of signatory:

- Telephone number of signatory:

- E-mail address of signatory:

- Position:

- Date:

- Name of present or former pension scheme participant:

- Signature of present or former pension scheme participant:

- Name of partner (if any):

- Signature of partner (if any):

- Date:

Annex to Model Questionnaire for Value Transfers outside the EU

Dutch pension administrator

The communication cited below refers to the term “Dutch pension administrator”:

The purpose of the value transfer must be to enable the person, submitting the international value transfer request, to acquire pension entitlements with a *Dutch pension administrator*.

A Dutch pension administrator is understood to be:

- a corporate pension fund;
- an occupational pension fund;
- an industry-sector pension fund;
- a premium pension institution or
- an insurer with registered office in the Netherlands.