

Model Questionnaire for Value Transfers within the EU

Explanatory note

Under Article 91 of the Pensions Act, a Dutch pension administrator is obliged to co-operate with a value transfer to the Netherlands from a pension-paying institution in another EU or EEA Member State or an insurer with a registered office outside the Netherlands. This provision includes a number of statutory 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.

The model questionnaire also provides the foreign pension-paying institution and the present or former pension scheme participant with relevant supplementary information about international value transfers to the Netherlands, in the form of brief explanations. The purpose of this is to provide information and assistance to the foreign pension administrator and the present or former pension scheme participant with regard to the process of incoming international value transfers.

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.

No costs may be charged by the Dutch pension administrator in connection with an international value transfer.

Questionnaire

Question: Subject:

Yes: No:

1	<p>Can your pension-paying institution be classified as either:</p> <ul style="list-style-type: none"> • a pension-paying institution in another Member State of the European Union (EU) or European Economic Area (EEA), • an insurer with registered office outside the Netherlands? <p>The Annex to this Model Questionnaire explains what is meant by such a pension-paying institution.</p>	<input type="checkbox"/>	<input type="checkbox"/>
2	<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> 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.</p>	<input type="checkbox"/>	<input type="checkbox"/>

Question: Subject:

Yes: No:

3	<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"/>
4	<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"/>
5	<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"/>

- 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 within the EU

Pension-paying institution

Question 1 of the model questionnaire reads as follows:

1	<p>Can your pension-paying institution be classified as either:</p> <ul style="list-style-type: none"> • a pension-paying institution in another Member State of the European Union (EU) or European Economic Area (EEA), • an insurer with registered office outside the Netherlands? 	<input type="checkbox"/>	<input type="checkbox"/>
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A pension-paying institution in another Member State of the European Union (EU) or European Economic Area (EEA) is understood to mean:

- A fully funded institution, regardless of its legal form, that has its registered office in a Member State other than the Netherlands and has been constituted as an entity independent of any contributing enterprise or business sector, having as its aim the payment of employment-related pension benefits under an agreement concluded:
 - individually or collectively between one or more employers and one or more employees or their respective representatives; or
 - with self-employed persons
 and pursuing activities that are directly related thereto.

An insurer with registered office outside the Netherlands is understood to mean:

- an insurer who is qualified under Dutch legislation to conclude pension insurance arrangements within or into the Netherlands.

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.