

## Overview of Dutch social and labour law and rules on information provision

When the pension scheme of a Dutch employer is operated by a pension institution from another Member State, Dutch social and labour law and Dutch rules on information provision continue to apply under European Directive (EU) 2016/2341. This document contains an overview of Dutch social and labour law and Dutch rules on information provision. The operating pension institution must comply with the provisions below and such compliance is supervised by the competent Dutch supervisory authorities, De Nederlandsche Bank N.V. and the Dutch Authority for the Financial Markets (AFM).

This overview is not limitative, but provides an overview of provisions that are aimed at pension providers. When operating the pension scheme of a Dutch employer, a pension institution from another Member State must also take into account other provisions of Dutch social and labour law (not aimed at pension providers), such as the Settlement of pension rights in case of divorce Act (Wet verevening pensioenrechten bij scheiding) and the Equal treatment based on age in employment Act (Wet gelijke behandeling op grond van leeftijd bij de arbeid).

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No rights may be derived from the overview below.

### ***Pensions Act (Pensioenwet)***

#### Chapter 1. Definitions and scope

- Section 1. Definitions used
- Section 2. Additional provisions regarding definitions
- Section 4. Partial applicability in the case of pension equalisation

#### Chapter 2. Pension agreement

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- Section 8. Protection of part-time employees and young employees
- Section 9. Pension agreements in transfers of companies
- Section 10. Character of a pension agreement
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- Section 11. Benefits, capital or contribution
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- Section 13. Indexation
- Section 14. Restriction of age discrimination in acquisition and offer
- Section 15. Additional requirements regarding old-age pensions
- Section 16. Additional requirements regarding partner pensions
- Section 17. Proportional acquisition of pension rights
- Section 17a. Proportional recharging of costs
- Section 18. Vested rights on reduction of pensionable salary
- Section 19. Amendments to a pension agreement
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- Section 21. Information on the pension scheme and notification of amendments
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### Chapter 3. Administration agreement

- Section 23. Employer's outsourcing obligation
- Section 24. Contributions to be paid to pension provider by employer
- Section 25. Requirements regarding content of administration agreement
- Section 26. Requirements regarding payment of contributions
- Section 27. Payment of contributions on termination of scheme membership
- Section 28. Notification by pension fund of contribution arrears and failure to meet minimum equity requirement
- Section 29. Notification by insurer in the event of contribution arrears and their consequences  
*(in the case of operation by an institution for occupational retirement provision (IORP), this section must be applied as appropriate)*
- Section 30. Applicable law
- Section 31. Prohibition of pledge and other acts

### Chapter 4. General provisions regarding the pension provider

- Section 35. Drafting and content of pension regulations
- Section 36. Recording of years of scheme membership
- Section 37. Notification of occupational disability
- Section 38. Annual provision of information for scheme members
- Section 39. Provision of information for scheme members on termination of membership
- Section 40. Regular provision of information for former scheme members
- Section 41. Provision of information for former partner on divorce
- Section 42. Regular provision of information for former partner
- Section 43. Provision of information before or at start of pension payment
- Section 44. Annual provision of information for pensioners
- Section 44a. Provision of information on variable benefits
- Section 45. Provision of information for scheme members regarding voluntary pension scheme
- Section 45a. Information on operating costs
- Section 46. Information on request
- Section 46a. Available information
- Section 47. Provision of information on departure to another Member State
- Section 48. Requirements regarding information provision
- Section 49. Electronic or written information
- Section 50. Provision of information by pension provider
- Section 51. Pension database
  
- Section 52. Pension provider's duty of care in defined contribution schemes with investment freedom
- Section 52a. Duty of care in defined contribution schemes without investment freedom and variable benefits
- Section 53. Provision of benefits (in other Member States)

- Section 55. Vesting of pension rights on termination of scheme membership
- Section 56. Vesting of rights to partner pension in case of leave
- Section 57. Vesting of rights in case of divorce
- Section 58. Equal treatment regarding indexation
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- Section 60. Option of higher or earlier old-age pension
- Section 61. Option to exchange old-age pension for partner pension
- Section 62. Other exchange options
- Section 63. Variation of amount of pension benefits
- Section 63a. Variable benefits
- Section 63b. Variable or fixed benefit option
- Section 63c. Administration of variable benefits
- Section 64. Prohibition of alienation and possibility of proxy
- Section 65. Redemption
- Section 66. Redemption of small old-age pension
- Section 67. Redemption of small partner pension or orphan pension at inception
- Section 68. Redemption of small special partner pension on divorce
- Section 69. Redemption of pension in excess of tax limit
- Section 70. Concept and scope of value transfer
- Section 70a. Right to transfer value of small old-age pension
- Section 71. Obligation to transfer value at request of former scheme member on change of employer or entry into occupational pension scheme
- Section 71a. Exception to value transfer obligation in connection with redemption
- Section 72. Exception to value transfer obligation in connection with financial position of pension provider or employer
- Section 72a. Exception to value transfer obligation in connection with additional payment
- Section 73. Exception to value transfer obligation in connection with date
- Section 74. Revival of value transfer obligation on change of employer or entry into occupational pension scheme
- Section 75. Authority to transfer value at request of former scheme member on change of employer or entry into occupational pension scheme
- Section 76. Obligation to transfer value at request of scheme member in case of other pension agreement with same employer
- Section 77. Revival of obligation to transfer value in case of other pension agreement with same employer
- Section 78. Authority to transfer value at request of scheme member in case of other pension agreement with same employer
- Section 78a. Authority to transfer value at request of former scheme member in case of other pension scheme with former employer
- Section 79. Obligation to use value in case of option or right to choose
- Section 80. Value transfer by pension funds on reaching retirement date based on pension agreement

- Section 81a. Obligation to transfer value for premium pension institutions on date of conversion into pension benefits or reaching retirement date
- Section 81b. Authority to transfer value for interim conversion into pension benefits
- Section 82. Transfer of pension capital on retirement date
- Section 83. Authority to effect group value transfer at request of employer
- Section 84. Obligation to effect group value transfer on liquidation of pension provider
- Section 85. Obligation to transfer value to a pension institution from another Member State or an insurer having its registered office outside the Netherlands at request of former scheme member
- Section 86. Obligation to transfer value to one of the European Communities or a designated institution
- Section 87. Authority to transfer value to another institution
- Section 88. Authority to transfer value to a pension institution from another Member State or an insurer having its registered office outside the Netherlands at the request of former scheme member on change of employer or entry into an occupational pension scheme
- Section 89. Authority to transfer value to a pension institution from another Member State or an insurer having its registered office outside the Netherlands on reaching retirement date based on pension agreement
- Section 90. Group value transfer to pension institution from another Member State or an insurer having its registered office outside the Netherlands
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- Section 91. Obligation to cooperate with value contribution
- Section 92. Authority to cooperate with value contribution
- Section 93. Information from the Key Register of Persons
- Section 94. Citizen Service Number
- Section 95. Conditional indexation
- Section 97. Scheme membership during secondment
- Section 98. Death due to excluded cause

#### Chapter 7. Supervision, enforcement and other duties of supervisory authority

- Section 199. Conditions for operation of Dutch pension scheme
- Section 199a. Applicable social and labour legislation

#### Chapter 8. Legal proceedings

- Section 216. Civil disputes in general
- Section 220b. Transitional law for the Small Pensions (Value Transfers) Act (Wet waardeoverdracht klein pensioen)
- Section 220c. Transitional law for implementation of Directive (EU) 2016/2341

**Decree Implementing the Pensions Act and the Mandatory Occupational Pension Scheme Act (*Besluit uitvoering Pensioenwet en Wet verplichte beroepspensioenregeling*)**Chapter 1. General provisions

- Section 1. Definitions used
- Section 1a. Additional rules on occupational disability pensions

Chapter 2. Information

- Section 2. Information on the pension scheme
- Section 3. Possibility for supervisory authority to set additional rules regarding information provision in defined contribution schemes with freedom of investment
- Section 4. Information on indexation
- Section 5. Information on reduction of pension rights and pension entitlements
- Section 5a. Information on pension rights attainable under regulations
- Section 5b. Information on contributions
- Section 6. Provision of information for scheme members on termination of membership
- Section 7. Provision of information for former partner on divorce
- Section 7a. Provision of information before or at start of pension payment
- Section 7b. Annual provision of information for pensioners
- Section 7c. Provision of information on benefits
- Section 7d. Standard models
- Section 7e. Calculation rules
- Section 8. Provision of information for members of voluntary pension scheme
- Section 9. Information on request
- Section 9a. General requirements for Uniform Pension Statement
- Section 9b. Available information
- Section 9c. The Uniform Pension Statement
- Section 9d. Electronic information provision
- Section 9e. Pension database
- Section 10. Costs of information provision
- Section 10.0a. Language of information
- Section 10a. Information on operating costs in management report
- Section 10b. Presentation of operating costs in management report

Chapter 4a. Investments and duty of care

- Section 14a. Compliance with regard to investments
- Section 14b. Investment policy
- Section 14.0c. Option to take over responsibility for scheme member's investments
- Section 14c. Where scheme member has responsibility for investments
- Section 14d. Where pension provider has responsibility for investments
- Section 14e. Obtaining of information by the pension provider

### Chapter 5. Exchange, redemption and equal treatment

- Section 15. Terms of exchange and optional accrual rate
- Section 16. Redemption of small pensions and redemption of excess pension
- Section 17. Equal treatment in case of pension agreements with unspecified ratio between pension types

### Chapter 5a. Variable benefits

- Section 17a. Fixed decrease
- Section 17b. Risk-free interest rate with projected interest and fixed decrease
- Section 17c. Group allocation key
- Section 17d. Share return parameter

### Chapter 6. Value transfer

- Section 17e. Value transfer for new small pension
- Section 17f. Value transfer for existing small pension
- Section 17g. Transitional law regarding request deadline for statement of pension rights
- Section 18. Request for return of information to transferring provider
- Section 19. Return of information to the provider
- Section 19a. Temporary arrangement for additional contributions where acquisition started before 2015
- Section 19b. Temporary arrangement for additional contributions where acquisition started in or after 2015
- Section 20. Return of information to the beneficiary
- Section 21. Request for value transfer
- Section 22. Request for return of information to the receiving provider
- Section 23. Handling of value transfer
- Section 23a. Suspension of value transfer obligation
- Section 24. Exceeding deadlines
- Section 25. Calculation of transfer value
- Section 26. Transfer value not equal to value of financed part of pension rights
- Section 27. Use of transfer value
- Section 28. Treatment of pension rights after value transfer

**Pensions Act and Mandatory Occupational Pension Scheme Act Supervisory Regulation  
(Regeling Pensioenwet en Wet verplichte beroepspensioenregeling)**Chapter 1. Rules pursuant to the Pensions Act and the Mandatory Occupational Pension Scheme Act

- Section 1. Designated employees
- Section 1a. Pension Register Foundation (Stichting Pensioenregister)
- Section 2. Designated institutions
- Section 3a. Pension equivalence
- Section 3b. Temporary benefits
- Section 3c. Lifelong benefits
- Section 3d. Residual capital
- Section 3e. Obligation of pension provider
- Section 6. Conditionality declaration

Chapter 2. Rules pursuant to the Decree Implementing the Pensions Act and the Mandatory Occupational Pension Scheme Act

- Section 14. Information on the pension scheme
- Section 15. Price inflation
- Section 16. Determination of interest rate
- Section 17. Interest payable
- Section 18. The standard rate
- Section 19. Calculation of pension rights
- Section 20. Deviation from standard rate

**Medical Examinations Act (Wet op de medische keuringen)**

- Section 4.