

Model Questionnaire for Outgoing Value Transfers outside the EU

Question : Subject:	Yes	No
1 Is the purpose of the value transfer to enable the person requesting the international value transfer to acquire pension entitlements with your institution as the pension administrator of that person's employer?		
2 Does your pension-paying institution administer the pension scheme of your pension scheme participant's employer?		
3 Is your pension-paying institution the direct recipient of the pension capital's transfer value from the Dutch pension administrator?		
4 Is your pension-paying institution subject to government supervision in the country in which it is established?		
5 Are the assets of your institution and of the pension scheme participant's employer legally separated? This separation may be effected by your institution being a separate legal entity or having a special preferential arrangement in favour of pension beneficiaries, or by some other means.		
6 Can you confirm that the Dutch transfer value of the pension entitlements to be transferred is not eligible for commutation? ¹⁷ Please indicate which sections of your pension scheme relate to full or partial commutation:		

¹⁶ <https://www.dnb.nl/voor-de-sector/open-boek-toezicht-sectoren/pensioenfondsen/prudentieel-toezicht/grensoverschrijdende-uitvoering-van-pensioenen/procedure-internationale-individuele-waardeoverdracht-naar-non-eu-eer-instelling/>

¹⁷ With the exception of the option to commute a transfer value of which the entitlements to be acquired are smaller than the commutation limit for small pensions (Article 85, paragraph 1, sub b of the Pensions Act).

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Yes: No:

7	<p>Can you confirm that the Dutch transfer value will be used solely for retirement or partner pension payments as from the normal pension commencement date under your pension scheme?</p>		
8	<p>Can you confirm that your pension scheme complies with the national legislation of your country?</p> <p>A copy of your institution's current pension scheme (preferably digital and in English) should be attached.</p>		
9	<p>Can you demonstrate that the pension scheme in the "country of immigration" is in line with normal practice in that country <u>and</u> that the payments to be made from the transferred Dutch pension capital will be subject to a tax levy on income?</p> <p>For this purpose you can submit a written declaration by the tax authority of your country of residence/employment. Is this written statement attached?</p> <p><i>Note:</i> <i>The Dutch Tax and Customs Administration (Belastingdienst) will only consent to an international value transfer if the pension payments to be made in the pension scheme participant's country of residence are subject to taxation. The pension scheme must also comply with normal practice in the country of residence/employment. In most cases, this will be a pension scheme enjoying favourable tax treatment under the foreign taxation system.</i> <i>If you cannot submit a declaration by the foreign tax authority, then you should clearly demonstrate in some other way that the payments will be subject to taxation in due course, and that the pension scheme is in line with normal practice in that country.</i></p>		
10	<p>Are you, as the foreign pension-paying institution receiving the transfer, prepared to sign an agreement with the Dutch Tax and Customs Administration to cover the eventuality of a Dutch tax claim if the transferred Dutch pension capital is commuted by you (as the institution receiving the transfer), <i>i.e.</i> is not used to generate periodic pension payments as from the normal pension commencement date?</p> <p>If not, is the employee prepared to provide adequate security to the Dutch Tax and Customs Administration?¹⁸</p> <p><i>Note:</i> <i>The Dutch pension administrator is legally liable for a Dutch tax claim on the pension capital. If pension capital is transferred abroad, the Dutch pension administrator must be relieved of this liability. This liability can be assumed by the foreign pension-paying institution or by the employee concerned. To this end, the foreign pension institution submits a copy of the agreement concluded with the Dutch tax authorities, or the employee submits a statement from the Dutch tax authorities that he has provided sufficient security to the tax authorities.</i> <i>The liability is invoked if a transaction attracting a tax sanction¹⁹ is carried out on the Dutch portion of the pension capital abroad <u>and</u> the employee concerned has not paid the resultant tax assessment.</i></p>		

Question: Subject:

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11	<p>Has the person requesting this international value transfer accepted “substantial” employment? Irrespective of other criteria, employment is “substantial” if it has been contracted for a period of at least 5 years.</p> <p>If the employment is “substantial”, evidence of this must be submitted in the form of the employment contract and proof of residence of the person concerned. Are both documents enclosed?</p>		
12	<p>Can it be confirmed that the person requesting this international value transfer is <u>not claiming any tax deduction</u>, on account of the value transfer, on any taxable income in the Netherlands of himself or his partner?</p>		
13	<p><i>This question is only to be answered if a partner’s pension 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: 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>		

Full name and address of the receiving pension-paying institution:

Signed (pension-paying institution):

Name of signatory:

Telephone number of signatory:

E-mail address of signatory:

Position of signatory:

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:

If applicable:

Name former partner entitled to pension sharing in the event of divorce:

Signature former partner entitled to pension sharing in the event of divorce:

Date:
