

REGULATIONS OF THE HOLOCAUST FOUNDATION ON INDIVIDUAL INSURANCE CLAIMS

Regulations on the task and working method of the Board of Directors of the Holocaust Foundation for Individual Insurance Claims (*Stichting Individuele Verzekeringsaanspraken Sjoa*), based on Article 11 of the Articles of Association of the Holocaust Foundation for Individual Insurance Claims.

Article 1. Definitions

- Holocaust:* The persecution and annihilation of Jews by Nazi Germany.
- The Foundation:* The Holocaust Foundation for Individual Insurance Claims.
- Board of Directors:* The Board of Directors of the Holocaust Foundation for Individual Insurance Claims.
- Claimant:* The policyholder, the insured party, the beneficiary and their statutory and testamentary heirs and legal successors under universal succession.
- Insurer:* A life-insurance company as referred to in Article 1.1 of the Supervision Act (*Wet op het financieel toezicht*), which is a member of the Association of Insurers in the Netherlands.
- Claim:* A claim which can be valued in money in relation to insurance taken out before 1943 with an insurer on the life of a Jewish insured party who was a victim of the Holocaust.

Article 2. Registered office

The Foundation is based and has its registered office in The Hague.

Article 3. Task

- a. The Board of Directors' task is to determine whether a claimant can make a claim on a (legal predecessor of an) insurer or is entitled to compensation of the claim which was awarded by the insurer.
- b. The Board of Directors will not consider any claims of claimants which were filed before 9 November 1999 with an insurer and with regard to which a decision to pay has been made.
- c. The Board of Directors will not consider any claims of claimants:
 - with regard to which a judge or another institution designated or approached to resolve disputes, has already taken a decision;
 - which is still pending with a judge or an institution as mentioned before.

Article 4. Performance of Board's duties

- a. The Board of Directors will perform its duties independently and according to its own insight. It will not accept any instructions from any party whatsoever regarding the performance of its duties.
- b. When evaluating a claimant's claim, the Board of Directors will abide by, inter alia, the provisions of the law, the insurance contract, the applicable jurisprudence, reasonableness and fairness, the special circumstances of the Holocaust and the applicable codes of conduct and/or honour systems. In particular, when determining the claims of a claimant, the Board of Directors will act on the basis of the following principles:
 - prescription and limitation clauses in insurance contracts cannot be enforced with respect to applications submitted prior to 31 December 2019;
 - the proof of a claim will be determined in reasonableness and fairness;
 - interest will be paid over a claim to be awarded in accordance with Appendix 1 which forms part of these Regulations.

- c. The Board of Directors will award requests of insurers for compensation of a claim awarded by the insurer if the award by the insurer is based on a judicial decision whereby the insurer is ordered to pay, or on an opinion of an institution designated to resolve disputes, or on a decision of an institution to whom the insurer is obligated to report, directly or indirectly, or on the basis of an amicable settlement insofar as such has been discussed with the Board of Directors before it is made. The Board of Directors will evaluate the amicable settlement with regard to (a) separate claimant(s) subject to the provisions of Article 4.b of these Regulations. The amount to be compensated by the Foundation will be a maximum of the insured amount increased by the interest in accordance with Appendix 1.
- d. The Board of Directors will be supported by a secretariat in the performance of its duties.

Article 5. Procedure and term of forfeiture

- a. Claims of claimants to award claims can be filed with the Board of Directors up to 31 December 2019 at the latest.
- b. Claims must be submitted to the Board of Directors in writing, with reasons, along with the available evidence. The Board of Directors can ask the claimant and the insurer to provide (additional) information.
- c. If the claimant does not fulfil the request to give the Board of Directors (additional) information within the term set by the Board of Directors, he is deemed to have withdrawn his request to have his claim considered and the claim or the request will not be considered. If the insurer does not fulfil the request to give the Board of Directors (additional) information within the term set by the Board of Directors, the Board will act appropriately in view of the circumstances.
- d. The Board of Directors will handle a claim or a request by awarding or rejecting a claimant's claim or an insurer's request, stating the grounds therefore;
- e. The Board of Directors can at all times consult the experts with regard to the claims or requests submitted to it.

a. Article 6. Objections Committee

- a. A claimant who does not agree with a Board decision pertaining to the claimant can lodge an objection with the Board of Directors within six weeks of the decision.
- b. The above also applies to an insurer whose request has been denied.
- c. The objection must state:
 - the name and address of the sender or respectively of the insurer;
 - the date;
 - a description of the contested decision;
 - the objections against the decision and the reasons therefor.
- d. Where possible, the objection should include a copy of the contested decision.
- e. The Board of Directors will present the objection to an objections committee. The committee deals with the objection, gives the petitioner of the objection the opportunity to be heard, and issues written advice to the Board of Directors. This advice is binding upon the Board.
- f. The members of the committee are appointed by *Centraal Joods Overleg* (CJO, the Central Jewish Board) and the *Verbond van Verzekeraars* (VvV, Association of Insurers) on the recommendation of the Board of Directors.

Article 7. Duty of confidentiality

- a. The Board of Directors is bound by a duty of confidentiality regarding the identity of the persons involved, except insofar as the latter have released the Board from its duty of confidentiality or the need for publication of the identity ensues from the performance of the Board's function [pursuant to Article 5, Paragraph e].
- b. The duty of confidentiality applies mutatis mutandis to the employees of the secretariat and to experts who are aware of the identity of the parties involved.
- c. Experts must sign a statement in advance in which they indicate to accept the duty of confidentiality.

Article 8. Report on work and experiences

The Board of Directors will make public announcements on its work and experiences once per calendar year, within six months after the end of the year.

Article 9. Protection of personal data

To protect the privacy of claimants, the processing of personal data will be reported to the Dutch Data Protection Authority (*College Bescherming Persoonsgegevens*) and will be described in privacy regulations.

Article 10. Entry into force of the Regulations

These Regulations also encompass an appendix and will come into force on 9 November 1999. On 30 May 2001, these Regulations were amended by addition of Article 6. On 22 March 2010 the date, mentioned in Article 4b and 5a, was changed from 31 December 2009 into 31 December 2014 and on 20 August 2015 was changed from 31 December 2015 into 31 December 2019.

Article 11. Official Title

These Regulations can be cited as "Regulations of the Holocaust Foundation on Individual Insurance Claims".