



Stichting Mars Pensioenfonds (Mars Pension Fund)

## COMPLAINTS AND DISPUTES REGULATIONS

Date: 1 January 2022

Note: please be aware that this document is an English translation of the Stichting Mars Pensioenfonds Complaints and Disputes Procedure. The Dutch version of the Stichting Mars Pensioenfonds Complaints and Disputes Procedure (in Dutch: Stichting Mars Pensioenfonds Reglement Klachten- en geschillenregeling) is the original version. If there would be any inconsistency or discrepancy between the Dutch version and the English translation, the Dutch version prevails in all circumstances.

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## SECTION I INTRODUCTORY PROVISIONS

### *Article 1 Definitions*

The term definitions as stated in the articles of association and the pension regulations also apply to these complaints regulations and disputes procedure. In these regulations, the following is defined as follows:

**Administration:**

the administrative organisation charged with the actual daily administration of the pension plans;

**Interested party:**

the person who, under the articles of association of the fund and/or provisions of the regulations of the fund has or believes to have an entitlement to pension and/or other benefits;

**Committee:**

Disputes Committee;

**Director:**

the person appointed by the fund to head the Pension Office;

**Proxy:**

the person designated in writing by the complainant;

**Dispute:**

there is a dispute if an interested party does not agree with a substantive board decision pertaining (exclusively) to that interested party;

**Complaint:**

any form of dissatisfaction in regard to the handling, treatment or service provision that the member or other interested party experiences as unjust upon the administration of the pension plan;

**Complainant:**

the filer of the complaint;

**PC:**

the board members who are part of the Pension Committee.

## SECTION II COMPLAINTS PROCEDURE

### *Article 2 Complaints regulation*

A member or other interested party is entitled to submit a complaint to the administration in regard to the administration of the pension plan of the fund. The complaint must be submitted in writing to the fund within four weeks after the fact has occurred which concerns the complaint. The complaint contains an accurate as possible description of the issue concerned and if possible, includes appendices that illustrate the complaint.

The complaint may be sent to:

Mars Pensioenfond  
Attn. Pensioenservice  
Post Office 123  
1180 AC Amstelveen

Or via e-mail to: [pensioenservice@marspensioen.nl](mailto:pensioenservice@marspensioen.nl).

### *Article 3 Handling the complaint*

The complaint shall be handled as follows.

- a The administration, upon receiving the complaint, shall send the complainant a confirmation of receipt, unless the complaint can be handled within five working days. The confirmation of receipt contains information concerning the expected handling duration and specifies whom the complainant can turn to if there are any questions.
- b In principle, the complaint shall be handled within twenty working days after the day of receipt. If the complaint cannot be handled within this term, the administration shall communicate this before the end of this term in writing to the complainant and provide a new term for the handling of the complaint.
- c The complainant can choose to have a proxy represent their interests.
- d The complainant is given the opportunity to further explain their position if this is necessary for the proper handling of the complaint.
- e The complainant is entitled to have insight into the complaint file in accordance with the privacy regulation of the fund which also applies in full in regard to the complaints procedure.
- f The assessment of the complaint must be based on an adequate investigation and on facts and documents known to the complainant.
- g The decision must be based on adequate justification and must address all aspects of the complaint.
- h If, after a thorough investigation, it is established that it is not possible to determine the true cause on which a decision can be based with any certainty, no decision needs to be made.
- i The complainant shall be informed in writing of the decision concerning the complaint, unless the complainant has indicated to prefer otherwise.

### *Article 4 Appeal to the pension board*

- a If the complainant does not agree with the decision made by the administration, the complainant is entitled to appeal to the pension board of the fund. This is communicated to the complainant along with the decision.
- b The complainant may request in writing or verbally, to submit the complaint to the pension board within 4 weeks after learning of the decision.

- c This request should contain a clear as possible description of the reasons why the decision, in the opinion of the complainant, cannot be upheld.
- d The pension board shall provide an assessment of whether the decision concerning the complaint has been reasonable. The pension board, in forming its opinion, shall exclusively use documents from the complaints file compiled by the administration.
- e The decision must be adequately and properly justified and communicated to the complainant in writing.

### **Article 5 Appeal to the Pensions Ombudsman**

- a The Ombudsman handles complaints that concern the administration of the pension plan.
- b The Ombudsman shall not handle a complaint if:
  - the complainant has made no use of the possibility of submitting a complaint to the administration or if the complainant did not appeal to the pension board when they did not agree with the decision of the administration;
  - it is known to them that the complaint is in the hands of an attorney, is subject to the opinion of the court or if an irrevocable court decision has been made.
- c Complaints may be submitted to the Ombudsman in writing.
- d The Ombudsman may at all times consult experts in handling submitted complaints.
- e The Ombudsman may handle a complaint by providing written advice that they provide exclusively to the complainant and the pension board.
- f If the board decides not to follow the advice of the Ombudsman, the fund shall inform the complainant of this in writing, with justification.

## SECTION III DISPUTES PROCEDURE

### *Article 6 Disputes regulation*

The disputes regulations only apply to disputes as intended in Article 1. Disputes are handled by the pension board after the advice of the Disputes Committee of the fund has been provided.

### *Article 7 Composition and appointment of Disputes Committee*

The Disputes Committee consists of one member from the Pension Committee, one member from the Accountability Council supplemented by the legal adviser and the Director of the fund.

### *Article 8 Authority of the Disputes Committee*

With due observance of the provisions of the articles of association, the pension regulations and this Complaints and Disputes Procedure, the Disputes Committee is exclusively authorised to give advice on disputes between the interested party or another party whose interests, in the opinion of the Disputes Committee, are directly affected, and the fund in respect of the administration of the pension plan and individual decisions under that pension plan that the pension board has made concerning these interested parties.

### *Article 9 Submitting a dispute*

- a The party that wishes to submit a dispute is required to submit a notice of appeal to the pension board of the fund, signed by it or on its behalf.

The notice of appeal may be sent to:

Mars Pensioenfond  
Attn. the Pension Board  
Post Office 123  
1180 AC Amstelveen

- b The notice of appeal must contain:
- The name and address of the party that wishes to submit the dispute and if applicable, that of its representative;
  - If it concerns a dispute of an interested party registered with the fund, the pension number of the interested party;
  - A date;
  - A most complete as possible indication from the pension board decision regarding the dispute;
  - The reasons why the party submitting the dispute finds the pension board decision to be incorrect.
- c The notice of appeal must be submitted within a term of three months after the relevant pension board decision has been communicated in writing to the party submitting the dispute. The Disputes Committee may extend this term at their own discretion, in special cases.

## **Article 10 Handling the dispute**

- a Within ten working days after the notice of appeal has been received, the Director of the fund shall send, on behalf of the pension board, a confirmation of receipt to the person submitting the notice of appeal. In this same communication, the Director shall also state how the notice of appeal shall be handled.
- b The Disputes Committee shall provide advice to the pension board in regard to the notice of appeal as quickly as possible but no later than six weeks after sending the confirmation of receipt.
- c The Disputes Committee can extend this same term for providing advice a maximum of two times. If there is insufficient information, the Disputes Committee may request that the administration or the person who submitted the notice of appeal, provide more information.
- d Before making a decision, the Disputes Committee, if it considers it necessary, may give the person submitting the notice of appeal an opportunity to further explain the dispute in writing or verbally.

## **Article 11 Decision of the Disputes Committee**

The Disputes Committee decides in all reasonableness and fairness. The Disputes Committee gives written and adequately justified advice to the pension board concerning its findings, and communicates this to the person who has submitted the notice of appeal to the Board. If the Disputes Committee does not consider itself authorised to make a decision about the dispute, it shall then inform the pension board of this within ten days after receiving the notice of appeal.

## **Article 12 Content of the decision of the Disputes Committee**

After receiving the advice from the Disputes Committee, the pension board shall handle the notice of appeal and make a new decision at its next board meeting.

The content of the decision may include:

- a That the pension board decision is confirmed on the same grounds or not;
- b That the pension board decision shall be annulled.

If the pension board decision is annulled, the pension board will be required to make a new decision. The pension board shall then provide a written and adequately justified decision within ten working days after the board meeting to the person who submitted the notice of appeal.

## **Article 13 Pensions Ombudsman and court**

If a party does not agree with the decision of the Disputes Committee, this party may submit the dispute to the Pensions Ombudsman or the civil court for assessment. The assessment of the civil court cannot cover the content of the advice.

## **SECTION IV FINAL PROVISIONS**

### ***Article 14 Confidentiality***

All of the information that was made known the pension board and the Disputes Committee in the context of the complaint or dispute shall be handled in the strictest confidence and the members of the pension board and the Disputes Committee are bound to secrecy.

### ***Article 15 Establishing and amending the procedure***

The Complaints and Disputes Procedure may be amended after the Accountability Council has issued advice concerning the proposal for amendment.

### ***Article 16 Entry into force***

This Procedure has entered into force on 1 January 2022.