

Pension Regulations

Stichting Pensioenfonds DSM Nederland

December 2008 Edition

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CHAPTER 1 - GENERAL

Article 1 - Definitions

General

1. *Fund*: Stichting Pensioenfonds DSM Nederland, established at Heerlen.
2. *Board*: the board of the fund.
3. *Employer*: DSM Nederland B.V., established at Heerlen and the undertakings affiliated to it as specified in annex 1 to these regulations.
4. *Union organizations*: the union organizations as specified in article 23 paragraph 1 of the memorandum and articles of association of the fund.
5. *Employee*: the employee who is employed by the employer by virtue of a contract of employment.
6. *Member*:
 - a) of the basic pension scheme: the employee.
 - b) of the pension saving scheme: a member of the basic pension scheme who has registered with the employer for voluntary membership of the pension saving scheme using a form intended for the purpose.
- 7a. *Former member*: a person whose membership has ended, with due regard for article 2 paragraph 2, with the exception of those who have opted to transfer its value under the terms of article 17.
- 7b. *Pensioner*: person to whom a pension is already being paid under these regulations.
8. *Partner*:
 - a) a woman or man to whom the (former) member was married before the starting date of the pension;
 - b) a woman or man whose partnership with the (former) member was registered with the civil registration authorities before the starting date of the pension as specified in the Dutch Civil Code;
 - c) if a. and b. do not apply the woman or man with whom the (former) member cohabits without being married shall be recognized as a partner at the request of the (former) member provided that the following conditions are met:
 - the partner is unmarried and has not entered into a civil partnership and is not a direct blood relation or relation by marriage of the (former) member;
 - the partners have had a joint household for at least six months, as proven by an extract from the population register; the commencement of the joint household must pre-date the starting date of the (former) member's pension;
 - the partners have a cohabitation contract drawn up by a notary, containing provisions relating to property law.

9. *Partnership*: the formal relationship with a partner as defined in paragraph 8.
10. *Separation*: the ending of the partnership by:
- divorce or dissolution of the marriage after legal separation;
 - termination of a registered partnership by mutual consent or by dissolution at the request of one of the parties;
 - termination of cohabitation as defined in paragraph 8 sub c of this article, except by a marriage or registered partnership with the same partner.
11. *Date of separation*: date of the separation recorded in the civil registers, or the date on which cohabitation as defined in paragraph 8 sub c is terminated or the cohabitation contract is breached as proven by a written report from the (former) member or his partner.
12. *Child*: an own child that has a legal family relationship with the (former) member. The board is authorized to equate a step or foster child that belonged to the household of the (former) member and was supported and brought up by him or her until his or her death with an own child, unless it was taken into the family of the foster parents after the Pension Date.
13. *Pension Date*: the first day of the month in which the (former) member reaches the age of 65.
14. *Pension Starting Date*: the date on which a pension that has been brought forward actually begins.
15. *Member years*: the years between the date on which membership began and the date on which membership ended, taking account of article 18 sub b. Additional member years resulting from value transfer shall also be regarded as member's years. Member's years shall be established precisely in months. For this purpose, periods of time of 16 days or more shall be counted as full months, periods of time of less than 16 days shall be disregarded.
16. *Pensionable earnings*: the pay less the deductible. The pensionable earnings shall be established on the date on which membership begins and then on 1 January each year.
17. *Pay*: the sum of the pay elements, to be specified further by the board, that are deemed to be part of the fixed annual income.
For the establishment of pension rights the pay as at 1 January shall taken into account in each case with the proviso that, with due regard for the fiscal regulations, where the pay is reduced during the course of a year, the pension rights shall be established on the basis of the pay from that time on.
18. *Deductible*: the part of pay on which no pension is accrued (as at 01-01-2007: EUR 11,872). This amount can be adjusted by the board on the basis of the general development in pay with an employer, with the proviso that it must always be at least equal to the amount under article 18a of the 1964 Wages and Salaries Tax Act [*Wet op de loonbelasting*].
19. *Special Partner's Pension*:
- the (temporary) partner's pension that would be received if the membership ended on the date of separation;
 - the (temporary) partner's pension that the former member has received for the former partner at the end of membership.

Pension saving

20. *Purchase date*: the utilization date of the pension saving capital from pension saving

21. *Pension saving capital*: the amount held by the fund for the member consisting of the contributions paid by the member by virtue of Chapter 3 of these regulations, plus the interest credited on these contributions by the fund, that will be used to provide a pension benefit on the purchase date.

22. *Pension benefit on pension saving*: the benefit to be received from the fund by the use of the pension saving capital for the member and where applicable the partner and/or children.

23. *Additional Voluntary Contributions Guidelines*: implementing regulation of the fund to determine the maximum amount of the voluntary own contribution to be paid by the member to supplement and/or bring forward the retirement pension and to supplement the partner's pension.

24. *Pensionable earnings for pension saving*: all income received as a result of employment except for the receipt of a car provided for business purposes.

Article 2 - Membership

Membership of the basic pension scheme

1. Membership of the basic pension scheme shall begin on the date of employment.
2. Membership of the basic pension scheme shall end:
 - a) on reaching the Pension Date or the pension starting date as specified in Article 6;
 - b) on death;
 - c) on termination of employment;
 - d) contrary to c, if an employee receives a benefit payment under the Work and Income According to Labor Capacity Act [*Wet werk en inkomen naar arbeidsvermogen*] (WIA) for incapacity of 80% or more as defined in the Act, but does not work, as soon as the qualifying period for a benefit under this Act has passed.
3. The board shall be authorized, at the suggestion of the employer, to continue or restore membership after termination of employment (under conditions to be set by the board).

Membership of the pension saving scheme

4. Membership of the pension saving scheme shall begin on the date on which the employee registers with the employer using a form intended for this purpose.
5. Membership of the pension saving scheme shall end on termination of membership as specified in paragraph 2.

Article 3 –Letter of commencement and announcement of changes

1. The pension fund shall provide the employee who acquires pension rights and with whom the employer has concluded a pension agreement with a letter of commencement within three months of the start of acquisition of a pension. This letter of commencement shall inform the member about:

- a. the content of the pension regulations;
- b. the grant of a supplementary benefit;
- c. the right of the employee to request the pension fund to provide him with the pension regulations applicable to him;
- d. circumstances that relate to the operation of the pension fund;
- e. the right of the employee to submit a request to the pension fund for a calculation of the effects of exchange on his pension rights;
- f. the existence of a voluntary pension scheme.

The other information obligations are set out in annex 2 to the regulations.

2. The members shall be informed of the current memorandum and articles of association and the current regulations of the fund by means of publication on the internet. A printed version shall be provided on request for those members who need it.

CHAPTER 2 – BASIC PENSION SCHEME

Article 4 – Description of the pension rights

1. With due regard for the remaining provisions of these pension regulations, the member has a right to:

- a) a retirement pension for him or herself;
- b) a partner's pension for his or her partner and an orphan's pension for his or her children;
- c) a supplementary and temporary partner's pension for his or her partner;
- d) an incapacity pension for him or herself.

2. The pensions described in these regulations shall be paid at the end of each month in installments which shall each be equal to one twelfth part.

The aforementioned pensions are a benefit payment agreement as defined in article 10 of the Pensions Act, however with the proviso that if, and in so far as a situation arises at any time as defined in article 17 of the memorandum and articles of association and/or article 19, paragraph 4 of these regulations, the pension rights and entitlements may be reduced in the manner described in these provisions.

3. Each member shall receive an annual statement of the status of the rights acquired, a statement of the pension to be achieved under the regulations, and a statement of the growth in value of the pension rights to be allocated for the current or previous calendar year in accordance with article 3:127 of the 2001 Income Tax Act [*Wet inkomstenbelasting*]. At the request of the member the fund shall issue a statement of the capital appreciation of pension rights to be allocated for the years 1994 to 2000.

The fund shall record the number of membership years in accordance with the *Implementing Decree on the Pension Aspects of the Social Agreement 2004* [*Uitvoeringsbesluit pensioenaspecten Sociaal Accoord 2004*].

4. Without prejudice to the provisions of article 15 paragraph 1e, the fund shall provide a former member, on request, within three months of that request, with a statement of the amount of the accrued pension rights, plus the supplements granted after termination of membership as specified in article 20.

5. The pension rights under these regulations may not be commuted, sold or relinquished, or formally or actually become the object of security, except in the cases provided for by or by virtue of the Pensions Act.

6. A (former) member's right to a retirement pension may not be reduced by agreement between the (former) member and the fund or employer, without the consent of his partner, except by commutation as provided for by or by virtue of the Pensions Act, unless the partners have excluded the right to pension equalization under the Equalization of Pension Rights on Separation Act [*Wet verevening pensioenrechten bij scheiding*]. Any arrangement that conflicts with the provisions of the previous sentence shall be void.

7. The right of the partner of a (former) member to a (supplementary/temporary) partner's pension may not be reduced by agreement between the (former) member and the fund or employer without the consent of that partner, except by commutation as provided for by or by virtue of the Pensions Act. Any arrangement that conflicts with the provisions of the previous sentence shall be void.

Article 5 – Retirement pension

1. If the early retirement option offered in article 6 is not taken up, the retirement pension shall begin on the Pension Date. The board may decide on another starting date for the pension for the benefit of the pensioner.

The retirement pension shall end on the last day of the month of death of the pensioner.

2. For each member's year the member shall acquire the right to a retirement pension amounting to 2% of the pensionable earnings in the year in question.

3. For part of a member's year the right to a retirement pension shall be granted in proportion to the number of months of membership in the relevant calendar year.

4. The right to a retirement pension acquired by a member over the previous member years shall be adjusted each year to take account of the member's individual pay increase in the preceding year. A contribution shall be paid for this unconditional provision of a supplementary benefit

5. Based on the foundation's financial situation, the board shall each year decide if and to what extent the rights to a retirement pension for the previous member years should be adjusted in that year to take account of the general pay increase in the preceding calendar year. If the financial situation allows this, provision of a supplementary benefit shall in principle take place based on the general pay increase in the preceding calendar year. Provision of a supplementary benefit shall in any case not take place if the fund is in a funding deficit situation or if provision of a supplementary benefit would lead to a funding deficit situation.

No special purpose reserve has been formed for this conditional provision of a supplementary benefit and no contribution shall be paid. No rights may be derived from the supplementary benefit granted in any year and the expectations for subsequent years.

6. Based on the provision of supplementary benefits described in the previous paragraph, the member's rights to a retirement pension shall – with due observance of the provisions of paragraph 7 – constitute 2% of the product of the pensionable earnings determined in the year in question and the number of member years that have elapsed, less the supplementary benefit(s) for adjustment of the rights to a retirement pension to take account of the general pay increases that has (have) not or not fully been granted in the year in question or the previous years.

7. If it has been decided in any year to grant no or a partial adjustment of the rights to a retirement pension to take account of the general pay increases, the board may decide at a later time, with due observance of the provisions of paragraph 5, to grant a make-up supplementary benefit up to at most the level of the benefit(s) not granted in the past.

8. The board reserves the right to adapt the supplementary benefit policy set down in this article in accordance with the formal requirements for the changing of regulations described in the memorandum and articles of association. Future changes in this article shall be binding on all members.

9. Reductions of the pensionable earnings shall apply, without prejudice to the provisions of the last sentence of article 1 paragraph 17, only for future member years. Pension rights accrued over previous member years shall not be affected by a reduction in pensionable earnings. Once the pensionable earnings have been reduced, if they are increased again in any year, this shall result in an increase in the pension rights for the member years in which the reduced pensionable earnings applied, and the provisions of the previous paragraphs shall apply accordingly. As soon as pensionable earnings have reached the level that applied before the reduction, an increase in the pensionable earnings shall result in an increase in the pension rights for all of the member's member years, and the provisions of the previous paragraphs shall apply accordingly.

Article 6 – Bringing forward the retirement pension

1. At the request of the (former) member the retirement pension may begin on the first day of a month before the Pension Date, but not before the first day of the month in which the member reaches the age of 60. This option may be used only if the fiscal regulations are taken into account and the (former) member has submitted a written declaration to the fund in fulfillment of this, which shows that he does not intend to carry out any further paid work after the date on which the retirement pension begins.

2. A request for early retirement shall be dealt with only if the request is submitted to the board of the fund at least three months, but no earlier than six months, before the desired early retirement date.

3. If the start date of the retirement pension is brought forward, the retirement pension calculated according to article 5 shall be reduced on the basis of the factors set out in annex 2 to these regulations. The factors shall be established by the board for a particular period on the basis of collective actuarial equivalence. Once this period has expired the factors may be changed by a decision of the board. Such a change shall apply to all (former) members who have not yet taken advantage of the option to take early retirement referred to in paragraph 1.

4. When applying the provisions of paragraph 1, the (temporary) partner's pension, the orphan's pension and the special partner's pension shall be calculated on the basis of the retirement pension that would be paid if the provisions of paragraph 1 were not applied.

5. For a (former) member in receipt of a WIA incapacity benefit payment, the provisions of this article (early retirement) shall not apply for as long as incapacity continues.

If a partially disabled member is still actively employed by the employer the board may, at the employer's request, decide to declare this article applicable to part of the retirement pension.

Article 7 – Partner’s pension

1. After the death of a (former) member, his/her partner shall receive a partner’s pension.
The partner’s pension shall begin on the first day of the month following that in which the (former) member dies.
The partner’s pension shall end on the first day of the month following that in which the pensioner dies.
2. a. On the death of the pensioner, the partner’s pension referred to in paragraph 1 shall be equal to 70% of the retirement pension finally paid, with due regard for article 6 paragraph 4 and article 10 paragraph 6.
b. On the death of a member before the Pension Date, the partner’s pension shall be equal to 70% of the retirement pension that would have been received if membership had continued until the Pension Date, on the pay as at 1 January before death or as at the date of employment if later.
c. On the death of a former member before the Pension Date, the partner’s pension shall be equal to 70% of the retirement pension to which the former member would have been entitled at the end of membership.
3. For the surviving partner as defined in paragraph 2, the partner’s pension shall be increased by a temporary partner’s pension until the first day of the month in which the partner reaches the age of 65 or until the first day of the month following that in which the partner dies, if earlier.
This temporary partner’s pension shall be equal to 20% of the partner’s pension established in accordance with paragraph 2, with the proviso that the temporary partner’s pension together with the supplementary partner’s pension under article 8, paragraph 2 shall amount to no more than the fiscal maximum established for this as specified in article 11, paragraph 3.
4. (Temporary) partner’s pensions granted to former partners under the provisions of article 12 shall be deducted from the (temporary) partner’s pension under paragraphs 2 and 3.
5. If a surviving partner as defined in paragraph 2 forms a new partnership, the part of the (temporary) partner’s pension that can be deemed to be received for the years after the death of his/her partner shall cease.
A new partnership shall include cohabitation where the partners:
 - a) are both unmarried, have not entered into a registered partnership and are not direct blood relations or relations by marriage and
 - b) have had a joint household for at least six months.

Article 8 – Supplementary partner's pension

1. After the death of a member, former member or pensioner who had a right to a benefit to be paid under the DSM terms of employment immediately after employment with the employer, or to a subsequent pension, his/her partner, if younger than 65 and if entitled to a partner's pension under paragraphs 1 to 4 of article 7, shall also have a right to a supplementary partner's pension.

2. The supplementary partner's pension shall be equal to EUR 12,939 (01-01-2007). The level of the sum specified in the previous sentence may be adjusted by the board on the basis of the general developments in pay with the employer. The supplementary partner's pension together with the temporary partner's pension under article 7, paragraph 3 shall amount to no more than the fiscal maximum established for this as specified in article 11, paragraph 3.

3. The provisions of paragraphs 1 and 2 shall apply accordingly to the dependent partner of a former member to whom the provisions of article 13 applied on death, with the proviso that the supplementary partner's pension shall be granted proportionately and in connection with an incapacity of:

80-100% : at 100%

65-80% : at 75%

55-65% : at 60%

45-55% : at 50%

35-35% : at 40%.

4. The supplementary partner's pension shall begin on the first day of the month following that in which the (former) member or pensioner dies and shall end:

- on formation of a new partnership as specified in article 1, paragraph 9 and article 7, paragraph 5, final sentence, on the first day of the following month;
- on death, on the first day of the following month;

however at the latest on the first day of the month in which the pensioner reaches the age of 65.

Article 9 – Orphan's pension

1. The orphan's pension shall begin on the first day of the month following that in which the (former) member or pensioner dies.

The orphan's pension shall continue until the last day of the month in which the child reaches the age of 18, provided that the child fulfils the requirements of article 7 of the General Additional Child Support Act [*Algemene kinderbijslagwet*] for the right to statutory additional child support, with the proviso that, where this establishes regulations for the extent to which the child must be supported, these regulations shall not apply.

The orphan's pension may begin or continue for children older than 18 years if and for as long as they are students under the provisions of the Study Finance Act 2000 [*Wet studiefinanciering 2000*]. The orphan's pension for a child in education shall continue until the first day of the month in which the child reaches the age of 27 at the latest.

The orphan's pension shall end on the last day of the month in which the child dies.

The board shall be authorized, should the situation arise, to decide that a child who is in education but does not fulfill the aforementioned criteria may be equated with a child in education as defined in these regulations.

2. a. On the death of the pensioner, the orphan's pension for each child shall amount to 14% of the final retirement pension paid, with due regard for article 6, paragraph 4 and article 10, paragraph 6.

b. If the member dies during membership, the orphan's pension for each child shall be equal to 14% of the retirement pension that would have been received if membership had continued until the Pension Date, on the pay as at 1 January prior to death or as at the date of employment if later.

c. If a former member dies before the Pension Date, the orphan's pension for each child shall be equal to 14% of the retirement pension to which the former member would have been entitled at the end of membership.

d. If a former member dies in the period during which the provisions of article 13 applied, the orphan's pension for each child shall be 14% of the retirement pension that would have been received if the provisions of article 13 had continued to apply until the Pension Date.

e. The orphan's pension for each child of which both parents have died shall amount to 28% of the retirement pension referred to under a to d.

3. Children born after the Pension Date shall have no right to an orphan's pension.

Article 10 – Pension options

Exchange of a partner's pension for a retirement pension

1. From six months up to three months at the latest before the Pension Date or the starting date of the retirement pension if earlier, the (former) member may opt to increase his right to a retirement pension instead of taking up a right to a (temporary) partner's pension.

2. The choice shall be made using an option form which the fund shall supply to the (former) member on request. The fund must be in possession of an option form signed both by the (former) member and his partner before the Pension Date or starting date of the retirement pension if earlier.

If the (former) member has no partner, the provisions of the previous sentence shall not apply.

3. If the (former) member opts for an increase in the retirement pension instead of a right to a (temporary) partner's pension, the retirement pension rights accrued shall be increased by a percentage to be established by the board, whilst the accrued rights to a (temporary) partner's pension shall lapse. The percentage of the increase shall be established by the board on the basis of collective actuarial equivalence for each calendar year as listed in annex 3 to these regulations. After this period the percentage can be changed by a decision of the board. Such a change shall apply to all (former) members who have not yet made use of the exchange option set out in this paragraph.

The (former) member may request that the foregoing be applied only in part with due regard for the provisions of paragraph 4.

4. If, before reaching the Pension Date or the starting date of the retirement pension if earlier, a right has already been granted to a special (temporary) partner's pension as referred to in article 12, paragraphs 5 and 6, an increase as specified in paragraph 3 shall be applied only on the retirement pension accrued, after deduction of the retirement pension from which the special (temporary) partner's pension has been derived.

Variation of retirement pension payments

5. The (former) member shall have the right, at the start of the retirement pension only, to select the amount of the payments in such a way that they vary in a ratio of up to 100:75. When applying the ratio of 100:75 an amount equivalent to double the state pension for a married person as specified in the General Retirement Pensions Act [*Algemene ouderdomswet*] may be disregarded for the level of the payment before the age of 65.

The calculation shall be made on the basis of factors set out in an annex to these regulations. The factors shall be established by the board for a particular period on the basis of collective actuarial equivalence. After the end of this period, the factors may be changed by a decision of the board. Such a change shall apply to all (former) members who have not yet made use of the variation of the retirement pension specified in this paragraph.

6. For the application of paragraph 5, the (temporary) partner's pension, the orphan's pension and the special (temporary) partner's pension shall be calculated on the basis of the retirement pension that would be paid out if the provisions of paragraph 5 were not applied.

Part-time pension

7. The member shall have the right to retire part-time, provided that the working hours last agreed in connection with the retirement are simultaneously reduced by a proportionate amount. The member shall have only one opportunity to choose part-time retirement and the choice may not be revoked by the member or the employer.

8. The part-time pension may not start before the first day of the month in which the member reaches the age of 60. A request for a part-time pension shall be dealt with only if it is submitted to the board of the fund at least three months, but no more than six months, before the desired starting date of the part-time pension.

9. The provisions of article 6 shall apply accordingly to a part-time pension.

Article 11 - Fiscal Provisions

Maximizing the retirement pension

1. The retirement pension received by the member under this chapter may never amount to more than 100% of the final pay of the member specified in article 1, paragraph 17, or the final actual annual income of the member if higher, in so far as that is regarded as pensionable under fiscal law, less a sum amounting to the state pension for a married pensioner with a partner aged 65 or over. When applying the specified maximum, the exceeding of this maximum for the reasons set out in article 18d of the Wages and Salaries Tax Act [*Wet op de loonbelasting*] 1964 shall be disregarded.

Maximizing the (temporary) partner's pension

2. The partner's pension received by the partner under this Chapter may never amount to more than 70% of the final pay of the member specified in article 1, paragraph 17, or the final actual annual income of the member if higher, in so far as this may be regarded as pensionable under fiscal law, less a sum amounting to the state pension for a married person whose partner is aged 65 or over. When applying this test, the final pay shall be determined also on the basis of the pay that the employee could have achieved within the salary scale in which he was classified up to the Pension Date of 65 years had he not died. When applying the specified maximum, the exceeding of this maximum for reasons set out in article 18d of the Wages and Salaries Tax Act 1964 shall be disregarded.

3. The temporary partner's pension as specified in article 7, paragraph 3, together with the supplementary partner's pension as specified in article 8, paragraph 1 may be no more than 8/7 times the nominal benefit under the General Dependents' Act [*Algemene nabestaandenwet*], plus the holiday benefit and the (grossed up) difference in the national insurance contribution owing on the partner's pension before and after the age of 65.

4. The orphan's pension under this chapter may never amount to more than 14% of the final pay of the member specified in article 1, paragraph 17, or the final actual annual income of the member if higher, in so far as that may be regarded as pensionable under fiscal law, less a sum amounting to the state pension for a married pensioner with a partner aged 65 or over. For children who have lost both parents the stated percentage shall be doubled. When applying this test, the final pay shall be determined also on the basis of the pay that the employee could have achieved within the salary scale in which he was classified up to the Pension Date of 65 years had he not died. When applying the specified maximum, the exceeding of this maximum for reasons set out in article 18d of the Wages and Salaries Tax Act 1964 shall be disregarded.

5. When administering the scheme, the board of the fund and the employer shall remain within the bounds set for pension schemes by fiscal legislation and regulation.

Article 12 - Pension and separation

Retirement pension

1. In the event of divorce or legal separation or the termination of a registered partnership, the retirement pension accrued during the partnership shall be equalized in accordance with the Equalization of Pension Rights on Separation Act [*Wet verevening pensioenrechten bij scheiding*].
2. The provisions of paragraph 1 shall not apply if the parties have excluded the equalization of pension rights on separation in a pre-nuptial agreement, a registered partnership agreement or a written agreement with a view to separation.
3. If the partnership is terminated as specified in article 1, paragraph 8c the board may apply the provisions of paragraph 1, if both parties have agreed this in a cohabitation contract drawn up by a notary or in a notarial deed drawn up by a notary on termination of the cohabitation contract.
4. The board may charge the parties an equal share of the costs of equalization.

Partner's pension

5. On separation of a member, the former partner shall gain a right to a special (temporary) partner's pension as described in article 1, paragraph 19, which would have been received if membership had ended on the date of separation in the manner specified in Article 15.
6. On separation of a former member or pensioner, the former partner shall receive a right to a special (temporary) partner's pension as described in article 1, paragraph 19, which the former member would have received for the benefit of the former partner at the end of membership.
7. The former partner of the (former) member or pensioner shall receive proof of the right to a special (temporary) partner's pension.
8. The provisions of paragraphs 5 and 6 shall not apply if both partners agree that they should not in a pre-nuptial agreement or registered partnership agreement, or in a written agreement with a view to separation. The agreement shall be valid only if a declaration of the fund is attached to it stating that the fund is prepared to cover any pension risk arising from the deviation.

Article 13 – Continued accrual of pension on incapacity

1. If, at the end of his continuous membership, a member has a right to a benefit for incapacity of 35% or more under the Work and Income according to Labor Capacity Act [*Wet werk en inkomen naar arbeidsvermogen*] (WIA), the retirement pension shall continue to accrue until the Pension Date, depending on the percentage of incapacity, as set out in the table below:

Percentage incapacity	Percentage of continued pension accrual:
35% to 45%	40%
45% to 55%	50%
55% to 65%	60%
65% to 80%	75%
80% to 100%	100%

2. On incapacity, pension shall be accrued on the basis of the pay applying on 1 January of the year before the date of termination of membership.

3. If the percentage of incapacity is increased or if, having been reduced below 35%, this percentage is increased to 35% or more, the pension shall continue to accrue in accordance with the percentage applying at that time only if, and in so far as, a doctor to be designated by the board establishes a direct causal link with the incapacity existing when membership ended.

4. An increase or reduction in the applicable percentage shall begin on the first day of the month following that in which the percentage of incapacity changed.

Article 14 – Incapacity pension

1. A member who, immediately following continuous membership, has a right to a benefit under the Work and Income according to Labor Capacity Act (WIA) as a result of incapacity of 80% or more as defined in this Act, shall have the right to an incapacity pension, if his pay exceeds EUR 44,615 (01.01.2007).

2. The incapacity pension shall begin on the day on which membership ends and shall be paid up to the Pension Date, or the date on which there is no longer a right to a payment under the Work and Income according to Labor Capacity Act (WIA) as a result of incapacity of 80% or more as defined in this Act, or up to the last day of the month in which the person concerned dies, if that is before this date.

3. The annual incapacity pension shall amount to 70% of pay in so far as it exceeds the amount specified in paragraph 1 above. This shall be based on the pay applying on 1 January before the date on which membership ended.

4. The amount referred to in paragraph 1 may be adjusted by the board on the basis of the general development in pay with the employer.

Article 15 – Rights on termination of membership

If membership ends, except as a result of retirement, death or incapacity, the following provisions shall apply.

1.a. On termination of membership the former member shall retain a non-contributory right to a retirement pension and to a (temporary) partner's pension and orphan's pension.

b. The right to a supplementary partner's pension as described in article 8 shall lapse. The foregoing shall not apply to a former member who, immediately after employment with the employer, had a right to a benefit to be counted as part of DSM's terms of employment or to a subsequent pension.

c. The non-contributory right to a retirement pension referred to under a shall be equal to the retirement pension accrued in the period between the beginning and the end of membership and to other pension rights acquired elsewhere and brought into the fund in accordance with the provisions of article 17.

d. On the death of the former member referred to under a:

- the surviving partner shall receive a (temporary) partner's pension in accordance with the provisions of article 7, paragraph 2c and paragraph 3;
- the child shall receive an orphan's pension in accordance with the provisions of article 9, paragraph 2c.

e. The former member shall receive proof of the non-contributory rights. The provisions of article 39 of the Pensions Act shall be taken into account for requests for a statement of the accrued rights of former members.

2. If a former member whose membership has ended as a result of incapacity rejoins the scheme, the board may establish further rules for the rights arising from the previous period of membership.

Article 16 – Commuting rights

1. If, two years after the end of membership or, if earlier, on the starting date of the retirement pension, the annual pension on the normal Pension Date does not exceed the sum of EUR 400 a year (level at 1 January 2007), the fund shall have the right, for a period of six months, to commute the pension, unless the former member has reported to the fund within two years of the end of membership that he has begun the process of value transfer. On commutation of a retirement pension including a special retirement pension, the right to a partner's and orphan's pension associated with it shall also be commuted. The commuted value shall be established on the basis of the table for the commutation of small pension rights given in annex 4. The commuted value shall be paid to the pension holder.

2. The fund shall be authorized to commute small partner's pensions, small special partner's pensions and any fiscally excessive pensions. The board of the fund shall take account of the provisions concerning commutation established by or by virtue of the Pensions Act.

3. The amount of EUR 400 referred to in paragraph 1 shall be adjusted annually by ministerial regulation to take account of price developments.

Article 17 – Value transfer

1. The member shall have the right to bring pension rights from previous employment into the employer's or associated business's pension scheme by means of value transfer. For this purpose, the member shall register with the fund within six months of receiving the contract of employment with the employer or associated business.

A value transferred to the fund for a member as specified in the previous sentence shall be used to acquire pension rights for the member concerned, the value of which shall be added to the accrued retirement pension, (temporary) partner's pension and orphan's pension according to rules to be established by the board. This shall be done with due regard for the fixed mutual relationships between the types of pension as set out in the pension regulations.

The fund shall guarantee that the actuarial value of the pension rights to be acquired by the member is at least equal to the value of the pension rights to be transferred calculated on the same principles.

2. The fund shall be obliged, after a request from a former member for value transfer, to transfer the transfer value of his pension rights if individual employment with the employer or associated company is terminated or individual membership is terminated and if the value transfer is intended to allow the former member to acquire pension rights with the new employer's receiving pension operator or occupational pension scheme.

The partner of the former member must consent to the transfer of the value of the right to a (temporary) partner's pension.

For this purpose, the member must have requested a statement of his pension rights from the receiving pension fund within six months of beginning to acquire pension rights in the pension scheme operated by the receiving pension fund and then have made a request for value transfer to the receiving pension fund.

3. The fund shall be obliged to transfer the collective value to another pension fund on liquidation of the fund.

4. The fund shall be obliged to transfer the value to a pension institution from another Member State or insurer with a registered office outside of the Netherlands at the request of the former member.

5. In the other situations referred to in the Pensions Act, the fund shall be authorized to cooperate with value transfer.

6. The board shall take account of the provisions for value transfer established by, or by virtue of, the Pensions Act.

Article 18 – Part-time members

If, in a calendar year, a member works a number of working hours for the employer that is less than the normal number of working hours under the current collective agreement, the following special provisions shall apply:

- a. The pay of the part-time member shall be converted to full-time pay by multiplying the pay described in art. 1 paragraph 17 by a factor of which the numerator is equal to the number of hours to be worked according to the employer's normal working hours and the denominator is the (average) number of hours to be worked part time.
- b. The number of member years during a period of part-time work shall be corrected by multiplying it by a factor of which the numerator is the average number of hours to be worked part-time in the year in question and the denominator is equal to the number of hours to be worked according to the employer's normal working hours.
- c. If, during a period of part-time work, membership ends as a result of incapacity or death, the years after the end of membership to be taken into account for the calculation of the rights to a retirement pension under the provisions of article 7, paragraph 2 b, article 9, paragraph 2b and article 13, paragraph 1, shall be corrected by multiplying them by the factor specified under b.
- d. The incapacity pension and the supplementary partner's pension to be granted after a period of part-time work shall be corrected by multiplying them by the factor specified under b. The provisions of the previous sentence concerning the supplementary partner's pension shall apply accordingly on the death of a former member or pensioner as referred to in article 8 paragraph 1, sentence 1, who worked part time immediately before the end of his membership.
- e. At the request of the employer the board may decide that the provisions of b, c and d shall not be applied.

Article 19 – Financing and contributions

1. The employer shall owe a contribution to the fund, the extent of which shall be calculated in accordance with the financing agreement that the employer and the fund have entered into. The employer may reduce the contribution if there is a fundamental change in circumstances after consulting about this with the union organizations that are normally involved in the consultations for the terms of employment applied at DSM. The board must be notified of this. However the contribution in any calendar year shall be at least equal to the sum of the contributions collected from the members' pay in that calendar year, with due regard for paragraph 2.

2. The member shall owe the contribution applicable to him as described in the terms of employment. The employer shall collect the members' contributions from the pay in installments and transfer it to the fund as part of the employer's contribution specified in paragraph 1.

3. Contributions shall not be owed and no rights shall be acquired for periods of time during which no pay is received. If, and in so far as, contributions are made during these periods, rights shall still be granted for these periods.

If the member takes unpaid leave up to a maximum of 18 months during membership this shall not affect cover under the partner's pension.

4. The annual rights must in any case always have been fully financed by the end of each calendar year or, if membership ends earlier, by the end of membership.

If in any year the rights acquired for that year cannot be financed, the following shall be omitted where necessary in the order given:

- a) the supplementary benefits as specified in article 20,
- b) the conditional increase in the rights as specified in article 5, paragraph 5
- c) the unconditional increase in the rights accrued over the previous years arising from article 5, paragraph 5,
- d) the rights to be acquired for that year as specified in article 5, paragraph 3.

Article 20 – Supplementary benefits

1. An annual supplementary benefit shall be granted on
 1. existing pension payments;
 2. the rights under article 12 of the former partner;
 3. the rights accrued, and to be accrued, to a retirement pension, a partner's pension for the partner and an orphan's pension for the children of a former member to whom the provisions of article 13, paragraph 1 apply, and
 4. the rights to a retirement pension, a partner's pension for the partner and an orphan's pension for the children of a former member to whom the provisions of article 15, paragraph 1 sub a apply,

which shall be capped at the increase in the cost of living. However, the board shall decide annually to what extent pension rights and entitlements should be adjusted. No special purpose reserve shall be formed and no contribution shall be paid for this conditional provision of a supplementary benefit. As a rule, the supplementary benefit may not exceed the general development in pay with the employer. No rights may be derived from an increase in the current year or the expectations for future years.

2. The board shall make the adjustment referred to in paragraph 1 on the basis of the percentage by which the cost of living increased in the previous January in relation to the cost for the January before that. The 'CPI - All Households-Derived' [*CPI-Alle Huishoudens-afgeleid*] index figure published by the Central Bureau for Statistics shall be used as a guide for determining the development in the cost of living.

3. The adjustments as referred to in paragraph 1 shall take place on a date established by the board that in principle shall be the same as the date on which the employees are granted a general pay increase, with the proviso that – if in a calendar year several general pay increases are granted – the date of the increase shall be established by the board.

4. If it has been decided in any year to grant no or a partial adjustment as referred to in paragraph 1, the board may decide at a later time, with due observance of the provisions of paragraph 1, to grant a make-up supplementary benefit up to at most the level of the benefit(s) not granted in the past.

5. The board reserves the right to adjust the policy set down in paragraph 1 in accordance with the formal requirements for the changing of regulations described in the memorandum and articles of association. Future changes in this article shall be binding on all members, former members and pensioners of the fund.

Article 21 – Relationship with statutory benefits

1. If, in relation to statutory provisions for benefits on retirement, the retirement pension no longer fulfils standards which, in the judgment of the board, should be deemed reasonable, the board may adjust the rights to a retirement pension, including rights to a retirement pension already acquired. When making this adjustment, the board may also include retirement pensions already being paid.

2. If required as a result of changes in, by, or by virtue of current statutory regulations, or the introduction of new provisions on the benefits payable on incapacity or death give reason to do so, the board shall adjust the rights to an incapacity pension, partner's pension and orphan's pension, including rights already acquired, to take account of the changed provisions. When making the adjustment, the board may also include (supplementary) incapacity pensions, partner's pensions and orphan's pensions already being paid.

CHAPTER 3 – PENSION SAVING SCHEME

Article 22 – Purpose and description

1. The purpose of the pension saving scheme is to enable the member to accrue extra pension rights in addition to those arising from Chapter 2 by means of voluntary contributions. This is a contribution agreement as referred to in article 10 of the Pensions Act.
2. The pension saving scheme provides for the accrual of pension saving capital for the member. The pension saving capital may be accrued to supplement pension rights under Chapter 2, namely: retirement pension and any partner's pension.
3. The pension saving capital shall be accrued with due regard for the fiscal scope for this to be further established as set out in the Additional Voluntary Contributions Guidelines [*Richtlijn Vrijwillig Bijsparen*] and is partly dependent on the options offered in article 23 paragraph 3.
4. To implement the provisions of this article the fund shall hold and administer individual pension saving capital for each member formed by contributions from the member and by interest earned on these contributions. This shall be done as described in the other articles of this Chapter.
5. The pension saving capital shall be used on the purchase date, taking account of the provisions of article 23, paragraph 3 for a retirement pension and, where applicable, a partner's pension.
6. The amount of the right to a retirement pension and, where applicable, a partner's pension shall depend exclusively on the pension saving capital to be formed by the fund for the member and the purchase rates which are based on the actuarial principles of the fund.
7. The fund shall provide each member with an annual summary of the pension saving capital. The pension saving capital shall be represented in the summary as the sum of the pension saving capital as at 1 January of the previous calendar year and the voluntary contribution added for that calendar year and the interest credited in accordance with article 24.
8. Each member shall receive an annual statement of the capital appreciation of the pension saving capital to be allocated to the relevant or previous calendar year in accordance with art. 3:127 Wages and Salaries Tax Act 2001.

Article 23 - The Voluntary Contribution

Amount/use of voluntary contributions

1. The amount of the voluntary contribution shall depend on the intended purpose of the pension saving capital as described in paragraph 3 and the Additional Voluntary Contributions Guidelines included in annex 5 to these regulations. The percentages reproduced in the Additional Voluntary Contributions Guidelines may be applied to the pensionable salary for pension saving.
2. On commencement of pension saving the member shall state the type of pension for which a voluntary contribution shall be used. The maximum amount of the contribution that the member may add to the pension saving capital each calendar year shall be calculated by the fund at the member's request. It shall be calculated on the basis of the percentages reproduced in the Additional Voluntary Contributions Guidelines and shall depend on the choice made as specified in paragraph 3.
3. On commencement of pension saving, the member shall have the following options for determining the types of pension
 - a) The member may opt to use the voluntary contribution and the pension saving capital to be formed for it on the intended purchase date to supplement the retirement pension. The annual voluntary contribution shall be capped at the percentages given for the retirement pension excluding the partner's pension in the table included in the Additional Voluntary Contributions Guidelines.
 - b) If the member has opted to use the voluntary contribution and the pension saving capital to be formed from it to supplement the retirement pension including the partner's pension on the intended purchase date, the annual contribution shall be capped at the percentages shown for the retirement pension including the partner's pension in the table included in the Additional Voluntary Contributions Guidelines.
4. The consequences of the choices referred to in paragraph 3 shall be as follows:
 - a) The consequence of the choice referred to in paragraph 3, part a is that no special partner's pension shall be awarded in the event of separation.
 - b) The consequence of the choice referred to in paragraph 3, part b is that, with due regard for article 30, paragraph 7, a special partner's pension shall be awarded in the event of separation.
5. With the written consent of the partner the member may, at any desired time before the purchase date, change a choice made as specified in paragraph 3, part b.
6. Irrespective of the option referred to in paragraph 3, the pension saving capital accrued during the marriage and/or registered partnership shall be equalized with due regard for article 30.
7. The member shall notify the employer of the voluntary contribution he wishes to make. The member may opt, in consultation with the employer, to have a single (no more than three times a year) and/or regular voluntary contribution collected from his pay, with the proviso that:
 - a regular voluntary contribution shall amount to at least 0.5% of the pay referred to in article 1 paragraph 17;
 - a single voluntary contribution shall amount to at least EUR 250.The board may adjust the aforementioned minimum payments and attach maximum payments to the voluntary contribution with due regard for paragraph 2.
8. The voluntary contribution established in accordance with paragraph 2 shall be used to increase the pension saving capital.

Adjustment of the voluntary contribution

9. A member who has agreed with the employer the collection of a regular voluntary contribution, may agree with the employer annually, on 31 December at the latest, that this voluntary contribution should be stopped, increased or reduced. The employer shall provide an adjustment form for this.

Deduction of the voluntary contribution

10. Voluntary own contributions may be made only by collection from pay.

11. The voluntary contribution collected by the employer from the employee's salary in any month shall be transferred to the fund no later than the 15th of the following month at a value date as per the end of the month in which the voluntary contribution was collected.

12. If the employer has collected an incorrect voluntary contribution from the member's pay, the fund may recover any loss suffered from the employer and/or the member.

Article 24 - Interest credited on the pension saving capital

1. On 1 January of each calendar year the board shall determine the interest earned by the fund in the previous calendar year on the sum of the investments related to the collective amount of the pension saving capital of all members. The interest result shall be expressed as a percentage to be established by the board, which shall base this on the total investment income of the fund.

If the total investment income in any year is negative, the board shall set the percentage interest earnings at nil, and in future years in which the total investment income is positive, the board shall take account of this in establishing the percentage interest earnings.

2. Where applicable the pension saving capital of any member shall be increased annually by the percentage of the income earnings calculated in accordance with paragraph 1. The value date referred to in article 23, paragraph 11 shall be taken into account for this, with the proviso that the increase for the first half of the year shall be at the percentage of interest earnings earned in the calendar year before last and the increase for the second half of the year shall be at the percentage interest earnings earned in the last calendar year.

3. If membership ends during a calendar year, the provisions of paragraph 2 shall be applied accordingly at that time, value dated at that time.

Article 25 – Use of the pension saving capital

1. The pension saving capital shall be converted on the purchase date, in accordance with the choice made by the member as specified in article 23, paragraph 3, to a retirement pension payable immediately, or a retirement pension payable immediately in combination with a partner's pension.
2. The fiscal maximums set out in article 32 shall be taken into account.
3. The retirement pension, where applicable in combination with the partner's pension, shall be purchased on the basis of the actuarial principles of the fund.

Variation in pension payments

4. The member shall be given one opportunity, to be taken by the starting date of the retirement pension at the latest, to choose the amount of the payments in such a way that, together with the retirement pension under Chapter 2, they vary in a ratio of up to 100:75. When applying the ratio 100:75, an amount equivalent to double the state pension for a married person may be disregarded as described in the General Retirement Pensions Act, when establishing the amount of the payment before the age of 65.
5. When applying paragraph 4, the (special) partner's pension and the orphan's pension shall be calculated on the basis of the retirement pension that would be paid if the provisions of paragraph 4 were not applied.
6. When applying paragraphs 4 and 5, article 10 paragraphs 1 to 4 shall apply accordingly.

Part-time pension

7. The member shall have the right to retire part-time. Article 10 paragraphs 7 to 9 shall apply accordingly.

Part-time work in the last ten years before the pension date

8. If, within 10 years of reaching the pension date, a part-time position is begun with a percentage of employment of at least 50% of the amount immediately prior to it, if, and in so far as, part-time retirement is not taken up, the member shall be given the opportunity to continue to accrue pension in accordance with this chapter on the basis of the pensionable pay set out in article 1 paragraph 17 immediately prior to the start of the part-time position.

Article 26 – Early use of the pension saving capital

1. At the request of the member, the pension saving capital may be used before the Pension Date, but not before the first day of the month in which the member reaches the age of 60.
2. The member may then use the pension saving capital to pay a retirement pension or retirement pension with a right to a partner's pension.
3. The pension saving capital may be used for an early retirement pension only if the right to a retirement pension pursuant to Chapter 2 is also brought forward, applying the provisions of article 6.
4. A request for early use may be dealt with only if the request is submitted to the board of the fund at least three months, but no more than six months, before the desired early starting date of the retirement pension. The intended early starting date shall be stated in this request.

Article 27 – Use of pension saving capital after death before the Pension Date

1. After the death of a member before the date on which the pension saving capital is used in accordance with article 26, the pension saving capital shall be used for a (temporary) supplement to the partner's pension and/or orphan's pension under Chapter 2, taking account of the fiscal criteria.
2. If, after using the pension saving capital for the types of pension referred to in paragraph 1, the fiscal maximum is achieved, any surplus pension saving capital shall be made available to the dependents as a lump-sum payment. The fund shall deduct the statutory taxes from this sum on the basis of a tax code applying for tax payers under the age of 65.
3. If the member and his partner and/or children die at the same time, the pension saving capital as specified in paragraph 2 shall be paid to the member's heirs.

Article 28 – Termination of pension saving before the Pension Date

Use of pension saving capital to purchase rights

If membership of the pension saving scheme ends, except on death, at a time before the Pension Date, the pension saving capital shall be used to purchase from the fund rights to a retirement pension and/or partner's pension, unless the pension saving capital in accordance with article 29 is used for value transfer. The retirement pension or retirement pension and partner's pension shall be purchased on the basis of the actuarial principles of the fund, as set out in the actuarial and commercial policy of the fund. The former member shall receive proof of his non-contributory rights. The provisions of article 39 of the Pensions Act shall be taken into account for requests for a statement of accrued rights from former members.

Article 29 – Value transfer

The provisions of article 17, paragraphs 2 to 6 shall apply accordingly to the rights arising from this chapter.

Article 30 - Pension saving and separation

Retirement pension

1. In the event of divorce or legal separation or in the event of termination of a registered partnership, except by death, the pension saving capital for the retirement pension accrued during the marriage or registered partnership shall be equalized in accordance with the Equalization of Pension Rights on Separation Act [*Wet verevening pensioenrechten bij scheiding*].
2. On separation before the purchase date, equalization shall be determined as follows. The fund shall calculate, as at the separation date, which part of the pension saving scheme capital has been accrued during the marriage or registered partnership. Fifty percent (or another percentage agreed by the parties) of the pension saving capital determined in accordance with this paragraph shall be withdrawn from the member's pension saving capital and shall be allocated to the former partner entitled to equalization.
3. Before the pension saving capital is divided as specified in paragraph 2, where applicable, the amount of capital shall be withdrawn that is required under paragraph 7 for the acquisition of a right to a special partner's pension.
4. The pension saving capital established as specified in paragraph 2 and paragraph 3 shall be used to purchase a right to a retirement pension under the basic pension scheme.
5. The provisions of paragraph 1 shall not apply if the parties have excluded the equalization of pension rights on separation in a pre-nuptial agreement, registered partnership agreement or a written agreement with a view to separation.
6. If cohabitation ends, the fund may apply this article in the same way as for separation, if both parties have agreed this in a cohabitation contract drawn up by a notary or in a notarial deed drawn up on the termination of the cohabitation contract.

Partner's pension

7. If, on the date of separation in accordance with article 23, paragraph 3, part b, the member has earmarked the pension saving capital for the purchase of a retirement pension and a partner's pension on the desired purchase date, the former partner shall retain a right to a special partner's pension on separation.
8. The special partner's pension on separation before the purchase date shall be determined as follows. The fund shall calculate the right to a retirement pension and partner's pension (at a ratio of 100% retirement pension to 70% partner's pension) that could have been acquired on the separation date with the pension saving capital available. The part that is necessary to ensure a right to the special partner's pension thus established from the fund shall then be withdrawn from the pension saving capital.
9. The provisions of paragraphs 7 and 8 shall not apply if both partners have agreed this in a pre-nuptial agreement, registered partnership agreement or a written agreement with a view to separation. The agreement shall be valid only if a declaration of the fund is attached to it, stating that it is prepared to cover the pension risk arising from the deviation.

Article 31 – Supplementary benefits

The provisions of article 20 shall apply accordingly to the existing benefits and the pension rights obtained from the fund on the basis of the pension saving capital on termination of membership.

Article 32 - Fiscal Provisions

1. On the purchase date, the retirement pension arising from the use of the pension saving capital, together with the rights to a retirement pension under Chapter 2, may never result in a right in excess of 100% of the member's final pay as specified in article 1 paragraph 17, or the final actual annual income of the member if higher, in so far as that may be regarded as pensionable under fiscal law, less an amount equivalent to the state pension for a married pensioner with a partner aged 65 or over. When testing the pension right under Chapter 2 together with the pension benefit from the pension saving capital, the final salary shall be determined also on the average of the variable pay elements received by the member during his membership over a period of 5 years before the purchase date. The board shall be authorized to establish further rules for the variable pay elements to be taken into consideration for this.
2. When applying the maximum referred to in paragraph 1, the exceeding of this maximum for reasons described in article 18d of the Wages and Salaries Tax Act [*Wet op de loonbelasting*] 1964 shall be disregarded.
3. If the 100% limit specified in paragraph 1 is exceeded, the part of the pension saving capital that causes the excess shall be used, as chosen by the member, to purchase additional partner's pension and/or orphan's pension from the fund. This shall not result in the exceeding of the maximums for these types of pension described in paragraphs 5 and 7 of this article.
4. If, after the application of paragraph 3 of this article, the fiscal limit of 100% has still been exceeded, the part of the pension saving capital that causes this may be replaced by a lump-sum payment to the member. The fund shall apply the statutory taxes to this payment which shall always be based on the tax rate applying to tax payers under the age of 65.
5. The partner's pension arising from the use of the pension saving capital, together with the rights to a partner's pension under Chapter 2, may never result in a right in excess of 70% of the final pay, in so far as that may be regarded as pensionable under fiscal law, less the state pension for a married person whose partner is aged 65 or over.
When applying this test to determine the final pay, the pay that the employee could have earned up to the pension date within the salary scale in which he was classified, had he not died, shall also be taken into account. Furthermore, the final pay shall also be determined on the basis of the variable pay elements that the employee received during his membership for a period of 5 years prior to the purchase date. The board shall be authorized to establish further rules for the variable pay elements to be taken into account for this. The provisions of paragraph 4 shall apply accordingly.
6. When applying the maximum specified in paragraph 5 any exceeding of it for reasons described in article 18d of the Wages and Salaries Tax Act 1964 shall be disregarded.

7. The orphan's pension arising from the use of the pension saving capital, together with the rights to an orphan's pension under the basic pension regulations, may never result in a right in excess of 14% of the final pay, in so far as that may be regarded as pensionable under fiscal law. For each child who has lost both parents, the percentage shall be 28%. When applying this test, the final pay shall partly be determined on the basis of the pay that the employee would have been able to achieve up to the Pension Date, within the salary scale in which he was classified, if he had not died. Furthermore, the average of the variable pay elements received by the employee for a period of five years prior to the purchase date shall also be used to determine the final pay. The board shall be authorized to establish further rules for the variable pay elements to be taken into account for this. The provisions of paragraph 4 shall apply accordingly.

8. When applying the maximum specified in paragraph 7, the exceeding of it for reasons specified in article 18d of the Wages and Salaries Tax Act 1964 shall be disregarded.

9. For the establishment of this maximum, a sum amounting to the state pension for a married person with a partner aged 65 or over shall be deducted from the pay.

CHAPTER 4 - MISCELLANEOUS

Article 33 – General provisions

1. Pension shall be granted on written application. The documents deemed necessary by the board shall be submitted with this application. The pension may also be granted officially. The person to whom a pension is granted shall receive a statement of it.

2. The person receiving a payment shall submit annually, by a date to be established by the board, a 'declaration of survival'. Failure to do so shall result in suspension of the benefit. Where the fund has satisfied itself by other means of the survival of the person concerned, this submission shall not be necessary.

3. The (former) member or the other entitled person or persons is/are obliged to inform the fund in writing of changes concerning children and separation.

4. The (former) member or the other entitled person or persons shall provide the board, on request, with all information required for the proper implementation of these regulations. If they refuse to do so, or if the information given is incorrect, the pension rights shall be established by the board in accordance with the requirements of reasonableness and fairness.

5. The pensions shall be paid in euros by bank transfer.
The transfer costs connected with the payment may be deducted from the payment.

6. The pensions and other (residual) benefit payments shall be paid to the pensioner or to his legal representative or, on submission of a power of attorney, to his authorized representative. On payment to, or by means of, a person other than the pensioner, a 'declaration of survival' of the pensioner shall be submitted on demand.
The orphan's pension for children who are minors shall be paid to the father or mother or to the person who, in the judgment of the board, has taken on the responsibility for the child's upbringing.

7. Payments received in error must be repaid.

8. If a third party is to blame for incapacity or death, the (former) member or his/her legal successor shall cede to the pension fund his/her rights that he/she could have exercised against third parties. Only if the persons concerned refuse to do so may the board decide not to grant the benefit provided.
The rights shall be ceded up to a maximum equal to the cash value of the benefits to be paid by the fund.

9. Where the pension is acquired under these regulations in the years after termination of membership under the provisions of article 13, paragraph 1, if this pension and the pension received by the persons concerned during these years under a contract of employment elsewhere, exceeds the pension that would have accrued under these regulations if membership had continued, the additional amount shall be deducted from the pension awarded under the provisions of article 13, paragraph 1.

10. Decisions of the board as specified in article 1, paragraph 18, article 8, paragraph 2, article 14, paragraph 4, article 15, paragraph 2, article 20, article 21 and article 36 shall not be taken until consultations have been held between the employer and the union organizations.

11. The right to a partner's pension and/or orphan's pension shall be lost by an interested party if, as a result of his or her intentional action, the (former) member dies.

Article 34 - Settlement of disputes

1. All disputes which may arise during the implementation of these regulations between the fund and those who have, or believe they have, a right to any benefit under these regulations, may be presented to the board in writing for a decision.

The board shall make a decision within a reasonable period of time and shall inform the interested party of it in writing. The decision of the board shall be well-reasoned. An interested party in this case shall mean any (former) member and his/her dependents.

2. If, in the opinion of the interested party, his/her complaint has not been dealt with adequately, the interested party may request the pensions ombudsman, verbally or in writing, to give a judgment in the matter. The pensions ombudsman shall deal with the request by giving a written recommendation which shall be communicated to the interested party and the board. If the board decides not to follow the recommendation of the pensions ombudsman, it shall inform the interested party of this in writing within a reasonable period of time.

3. An appeal may be lodged with the courts against a judgment of the board as specified in paragraph 2.

Article 35 – Entry into effect

These regulations came into effect on 1 January 2006, except Chapter 3 which came into effect on 1 July 2006, and, with due regard for the transitional provisions set out below, replace the previous pension regulations that lapse herewith.

For the entry into effect of these pension regulations the fund has requested the tax authorities, in accordance with article 19c of the Wages and Salaries Tax Act 1964, to decide whether these regulations fulfill the requirements set by it for a pension scheme. If the test designed for this indicates irrevocably that the scheme does not fulfill the requirements of the Wages and Salaries Tax Act 1964 for a pension scheme, the scheme shall be amended immediately, back-dated to the date of entry into effect referred to above, into a pension scheme that does fulfill the requirements set by this Act for a pension scheme.

These regulations were last amended on 16 December 2008.

CHAPTER 5 – TRANSITIONAL PROVISIONS

Article 36 - Transitional provisions for DSM Limburg B.V.

Former members and entitled persons on 31 December 2005

1. These pension regulations do not apply to former members and entitled persons who had already acquired non-contributory pension rights from the fund or whose pension was already being paid on 31 December 2005, with the proviso that future increases in their pension rights and pension shall be established exclusively in accordance with the provisions of, or under, article 20. The pension regulations that last applied for the grant of the non-contributory pension rights or the pension shall apply to them.

The rights and/or benefits of the persons referred to in the previous sentence shall be increased once only on 1 January 2006 by 2%.

The provisions for this shall apply accordingly to those who, before 1 January 2006, already had the right to continue to accrue pension following incapacity.

Conversion of members' pension rights accrued up to 31 December 2005

2. For those who, on 31 December 2005, were already members of the fund pension scheme applying at that time, the following shall apply.

On 1 January 2006, the pension rights accrued at 31 December 2005 shall be converted fully and with actuarial neutrality into pension rights under the pension scheme introduced on 1 January 2006, with the proviso that the increase in the rights under the provisions of paragraph 3 or paragraph 4 shall be taken into account as if it had already been granted on 31 December 2005. All pension rights accrued up to 31 December 2005 under the scheme in effect on 31 December 2005 shall herewith lapse in their entirety. The board shall be authorized to make decisions for the further implementation of the foregoing.

Compensation for the deductible for those aged 46 or over on 1 January 2002

3. The rights to a retirement pension of those who, on 31 December 2005, had been a continuous member since a date before 1 July 1996, and who were at least 46 years old on 1 January 2002, shall be increased on 1 January 2006.

This increase shall amount to EUR 51.40 for each completed member's year, however with the proviso that:

- this shall be based on completed member's years in months as per 1 January 2002,
- and that this increase shall be determined on the basis of 10% of these member's years. For each year by which the member in question was older than 46 on 1 January 2002 this percentage shall be increased by 10 percentage points, up to a maximum of 100%.

The foregoing shall apply accordingly to:

- those to whom the provisions of article 13 have applied since a date between 1 January 2002 and 1 January 2006
- those whose service with the employer was terminated on a date after 31 December 2001 except at their own request, except where terminated at their own request as part of an early retirement scheme.

This shall apply only if, and in so far as, it results in a greater increase in the rights of the person concerned than that provided for under article 36 paragraph 1, if applicable to him.

This improvement shall affect all rights derived from the retirement pension under the regulations. There shall be no right to back-payment for pension deadlines that have already passed.

Additional partner's pension for members aged 46 or over on 1 January 2002

4. On 1 January 2006, a right to a partner's pension shall be granted to those who, on 31 December 2005, had been a member continuously since 1 July 1996 or after and who had reached the age of 46 on 1 January 2002. This right to a partner's pension shall be equal to 70% of the retirement pension accrued on 31 December 2001, with the proviso that:

- rights accrued elsewhere, outside DSM, before 1 July 1996 that have resulted in additional member's years as a result of value transfer, shall be disregarded and
- 10% of these member years shall be taken into account for the establishment of the increase. For each year by which the member concerned was older than 46 on 1 January 2002, this percentage shall be increased by 10 percentage points up to a maximum of 100%.

The foregoing shall apply accordingly to:

- those who became members after 31 December 2001 and were members on 1 January 2006;
- those to whom the provisions of article 13 have applied since a date between 1 January 2002 and 1 January 2006 and
- those whose service with the employer was terminated on a date after 31 December 2001, except at their own request, except for termination at their own request as part of an early retirement scheme.

This shall apply exclusively if and in so far as it results in a greater increase in the rights of the person concerned than that provided for in article 36, paragraph 1 if applicable to him.

This improvement shall affect all rights derived from the partner's pension under the regulations.

Deductible for members born before 1 January 1950

5. Contrary to the provisions of article 1, paragraph 18 a deductible of EUR 16,972 shall apply to those born before 1 January 1950 (at 01.01.2007).

This amount may be adjusted by the board on 1 January of any year on the basis of the general development of pay with the employer.

Additional rights for 15 years for members as at 31 December 2005 born after 1949 in connection with the lapsed pre-pension savings scheme

6. For those born after 1949 who, on 31 December 2005, were members of the pension scheme of the fund applying at that time, the following shall apply:

To supplement the rights arising from these regulations (in so far as is possible within the fiscal limits) additional rights shall be granted for the period of employment before 1 January 2006. These rights shall be calculated in such a way that they shall create an additional right to a retirement pension and partner's pension that is actuarially equivalent to the positive difference (a-b) between:

- a) the cash value as at 1 January 2006 of the total PPS contribution that the person concerned would still have had to pay from this date until reaching the age of 62 to obtain a PPS benefit of 75% from the age of 62, based on the percentage contribution that applied to him, or would have applied to him, if he had been a member of the PPS scheme from the time that it was first possible for him to join it, but up to a maximum of 4%, and
- b) the cash value of the additional rights to a retirement pension and partner's pension that would be accrued up to the age of 62 on the difference between the deductible referred to in article 36, paragraph 5 and article 1, paragraph 18.

The additional rights calculated in this way shall be awarded, in proportion to entitlement to them, from 1 January 2006 for a period of 15 years, with the proviso that for those who are over 45 on 1 January 2006, this period shall be set at the period between 1 January 2006 and their 60th birthday. If employment is terminated during this period the grant of the calculated additional rights shall cease.

The provisions of article 5, paragraph 5 shall apply accordingly to the additional rights awarded and to be awarded by virtue of the foregoing.

End of Membership

7. For those who were members on 31 December 2005 and have been members continuously since then, for the application of the provisions of article 2, paragraph 2, sub a, Pension Date shall mean the Pension Date which would be established under the regulations applicable to the person concerned immediately before 1 January 2006.

The provisions of the previous sentence shall apply accordingly to those who were members on 31 December 2005 and have been members continuously since then who, immediately after service with the employer, have a right to a benefit to be counted as part of the DSM terms of employment or to a subsequent pension.

Article 37 - Transitional provisions for DSM Gist Services B.V.

A. Former members and entitled persons on 31 December 2005

1. These pension regulations shall not apply to former members and entitled persons who had already acquired non-contributory pension rights, or were already in receipt of a pension from Stichting Pensioenfonds Gist-Brocades on 31 December 2005, with the proviso that the future increases in their pension rights and pension shall be established exclusively in accordance with the provisions of, or under, article 20.

The rights and/or benefits of the persons referred to in the previous sentence shall be increased by 1%, once only, on 1 January 2006.

The provisions above shall apply accordingly to members who already had a right to continue accruing pension following incapacity before 1 January 2006.

B. Members born on or after 1 January 1950

Conversion of members' pension rights accrued on 31 December 2005

2. For those who, on 31 December 2005, were already members of the pension scheme of Stichting Pensioenfonds Gist-Brocades applying at that time, the following shall apply:

The pension rights accrued on 31 December 2005 shall be converted fully and with actuarial neutrality as at 1 January 2006 into pension rights under the pension scheme introduced on 1 January 2006, with the proviso that

- the rights granted on 1 January 2006 under the provisions of paragraph 3 shall be included in the conversion as if they had been granted already on 31 December 2005 and
- early pension rights shall not be included in the conversion.

Without prejudice to the provisions of paragraph 5, all pension rights accrued up to 31 December 2005 under the scheme applying on 31 December 2005 shall lapse in their entirety.

The board shall be authorized to make decisions for the further implementation of the foregoing.

102% perspective guarantee

3. The rights to a retirement pension of those who were members of Stichting Pensioenfonds Gist-Brocades on 31 December 2005 shall be increased on 1 January 2006 if, and in so far as, the calculation according to the following formula produces a positive result.

The formula for this calculation is: $(1.02 \times P) - O_v - O_t = A$, where

- P = 75% of the retirement pension that would be accrued on the basis of the regulations in effect on 31 December 2005 and the income situation applying on that date up to the 65th birthday;
- O_v = 75% of the retirement pension accrued on 31 December 2005 under the regulations in effect on that date;
- O_t = the retirement pension that would be accrued under the regulations in effect on 1 January 2006 and on the basis of the income situation applying on that date, taking account of a deductible of € 16,392 (level at 1.1.2005) from 1 January 2006 up to the 62nd birthday and
- A = the increase in the right to a retirement pension

On 1 January 2006, a right to a partner's pension amounting to 70% of the increase in the right to a retirement pension shall also be granted to those eligible for an increase in the right to a retirement pension by virtue of the foregoing.

The foregoing shall apply accordingly to those who have had the right to continue accruing pension following incapacity since a date between 1 January 2002 and 1 January 2006, however only if, and in so far as, this results in a greater increase in the rights of the person concerned than that provided for in article 37, paragraph 1, if applicable to him.

Nominal guarantee of a partner's pension

4. If, and in so far as, on the death during employment of a person who has been a continuous member since 31 December 2005 or before, a lower pension is awarded to the partner of the member under the provisions of articles 7 and 8 of the regulations of the Stichting Pensioenfonds Gist-Brocades in combination with the provisions of paragraph 5 of this article, than would be awarded under module 4 and article 2, paragraph 6 of the general provisions of the regulations of the Stichting Pensioenfonds Gist-Brocades applying on 31 December 2005 in accordance with the situation on that date, a supplementary partner's pension amounting to the difference shall be granted to the partner. For this purpose, temporary and lifelong benefit rights shall be compared with each other and the supplementary partner's pension shall be established on the basis of the rates for temporary and lifelong partner's pensions applying for the age of the partner. The foregoing shall apply accordingly to the establishment of the orphan's pension.

Conversion of rights to an early pension

5a. For those who, on 31 December 2005, had continuously been a member of the Stichting Pensioenfonds Gist-Brocades since a date before 2 April 2000 and to whom the provisions of article 11, paragraph 2, 3 or 4 of module 1 of the regulations in effect on 31 December 2005 did not apply, the following shall apply:

The early pension rights accrued on 31 December 2005 shall be replaced on that date by capital intended for the purchase of early pension that shall be calculated using the following formula: $Ucw - Pcw = Kvp$, where

- Ucw = the cash value of a deferred early pension benefit of 75% of the salary during the period from the first day of the month in which the member reaches the age of 62 until the first day of the month in which he reaches the age of 65.
- Pcw = the cash value of a series of contribution payments payable immediately amounting to 4% of the salary until the member reaches the age of 62.
- Kvp = the capital intended for the purchase of early pension that replaces the accrued early pension rights, with the proviso that,
 - if no rights to an early pension were accrued, this capital shall still be granted and
 - if the above formula produces a negative result, no capital shall be granted.

The foregoing shall apply accordingly to those who became members after 1 April 2000 and were still members on 31 December 2005, with the proviso that the Pcw will then be calculated not on the basis of contribution payments of 4% but contribution payments based on a percentage equal to the actuarial contribution that would be owed for the contribution period from the date of employment until the 62nd birthday for the financing of an early pension benefit of 75% from the age of 62 to the age of 65.

b. The capital intended for the purchase of an early pension granted under the provisions under a, taking account of the interest added to this capital up to 31 December 2006, shall be converted on 1 January 2007 into a PPS balance of the same extent under the terms of the Pre-Pension Saving Regulations of the Stichting Pensioenfonds DSM Nederland.

c. On grant of the capital intended for the purchase of an early pension as specified under a. all early pension rights accrued up to 31 December 2005 under the regulations in effect on 31 December 2005 shall lapse.

On grant of the PPS balance as specified under b, the right to capital intended for the purchase of an early pension that existed on 31 December 2006 shall lapse.

d. The board shall be authorized to make decisions for the further implementation of the foregoing.

Additional rights for 15 years for members as at 31 December 2005 who were born after 1949 in connection with the lapsed early pension

6. The following shall apply to those who, on 31 December 2005, were members of the pension scheme of the Stichting Pensioenfonds Gist-Brocades in effect at the time:

In addition to the rights arising from these regulations, in so far as is possible within fiscal limits, additional rights shall be granted for the period of employment before 1 January 2006. These rights shall be calculated in such a way as to create an additional right to a retirement pension and partner's pension that is actuarially equivalent to the positive difference (a-b) between:

- a) The cash value as at 1 January 2006 of the total early pension contributions that the person concerned would still have had to pay from this date until the first day of the month in which he reached the age of 62, for an early pension payment of 75% from the first day of the month in which he reached the age of 62, on the basis of the constant contribution percentage that would have applied for this at an actuarial interest rate of 4% if he had been a member of an early pension scheme from the date of employment, but not before 1 January 1994, however with a maximum of 4%, and
- b) the cash value of the additional rights to a retirement pension and dependents' pension that would be accrued up to their 62nd birthday on the difference between the deductible referred to in the provisions for Ot in paragraph 3 and article 1, paragraph 18.

The additional rights thus calculated shall be granted in proportion to entitlement to them from 1 January 2006 for a period of 15 years, with the proviso that for those who are older than 45 on 1 January 2006 this period shall be set at the period between 1 January 2006 and their 60th birthday. If employment is terminated during this period the grant of the calculated additional period of employment shall cease.

The provisions of article 5, paragraph 5 shall apply accordingly to the additional rights granted and to be granted pursuant to the foregoing.

C. Members born before 1 January 1950

Continued accrual of pension under the existing scheme

7. In so far as they differ from the provisions of these regulations, the provisions of Stichting Pensioenfonds Gist-Brocades applying immediately before 1 January 2006 shall continue to apply to those born before 1 January 1950 who were members under the terms of those regulations immediately before 1 January 2006, however with the proviso that:

1. the definition of the deductible in the introductory provisions, article 1 of the regulations as they applied immediately before 1 January 2006 shall be changed to: "the part of the pay on which pension is not accrued at a rate of EUR 14,712 (at 01-01-2007). This amount shall be adjusted on 1 January each year by the percentage by which the state pension for an unmarried person without children has risen since the 1 January of the previous calendar year. The board may decide, in connection with the provisions of article 5, paragraph 5 of these regulations, not to adjust this amount, or to adjust it differently.";
2. for the calculation of the pensionable earnings defined in the introductory provisions, article 1 of the regulations as they applied immediately before 1 January 2006 the provisions of article 1, paragraph 16, final sentence of these regulations shall apply accordingly;

3. the provisions of article 5, paragraph 5 of these regulations shall apply accordingly for the calculation of the early pension as specified in module 1, article 4, paragraph 1 and article 5, paragraph 2, the retirement pension as specified in module 2, article 2, paragraph 2 and article 3, paragraph 2 and the orphan's pension as specified in module 4-4, article 8, paragraph 1 of the regulations in the version in effect immediately before 1 January 2006;
4. the provisions of article 20 of these regulations shall replace the provisions in the general provisions, article 2, paragraphs 1 to 5 of the version of the regulations in effect immediately before the 1 January 2006, with the proviso that, contrary to what is specified in article 20, paragraph 2, the adjustment of the payments under module 1 of the version of the regulations in effect immediately before 1 January 2006 shall not be based on the percentage by which the cost of living has risen, but on the general pay increases granted by the employer;
5. the provisions of article 19 c.a. of these regulations shall replace the provisions of module 1, article 4, paragraphs 4, 5 and 6 and the general provisions, articles 3, 4 and 9 of the version of the regulations in effect immediately before the 1 January 2006;
6. in so far as they differ from the provisions of module 1 of the version of the regulations in effect immediately before 1 January 2006, the benefits paid under the provisions of this module, taking account of the provisions of article 38d, paragraph 2 sub b.1. of the Wages and Salaries Tax Act 1964, shall be adjusted with actuarial neutrality, if payment of the benefits begins after the early pension date;
7. contrary to the provisions of module 4-3 and the associated provisions of the version of these regulations in effect immediately before 1 January 2006, the provisions of article 8 of these regulations shall apply accordingly and the provisions of module 2, article 7 shall not apply;
8. In so far as this differs from the provisions of module 1, article 9 of the version of the regulations in effect immediately before 1 January 2006, the member who takes advantage of the early pension scheme shall owe the contribution specified in article 19, paragraph 2 of these regulations on the early pension benefit;
9. the provisions of module 4-1, article 1, paragraph 4 and module 4-2, article 3, paragraph 3 shall not apply;
10. the provisions of Chapter 3 of these regulations shall replace the provisions of the general provisions, article 10 of the version of the regulations in effect immediately before 1 January 2006, on 1 July 2006;
11. in so far as they differ from the version of the regulations in effect immediately before 1 January 2006, the provisions of articles 13 and 14 of these regulations shall replace them,
12. in so far as this differs from the regulations, with due regard for the provisions of article 11, paragraph 2 and 3, for those who receive a benefit under the Unemployment Act [*Werkloosheidswet*] after the end of membership, for the period that the benefit is received a partner's pension shall be guaranteed amounting to 1.2% of the pensionable earnings for the partner's pension that applied immediately before the end of membership for each year of membership, over the number of years of membership from the first day of the month on which the member reached the age of 25. In the period up to the first day of the month in which the partner reaches the age of 65, the partner's pension referred to in the previous sentence shall be increased by 25%;
13. (a) at the request of the (former) member, at the end of membership or on the actual Pension Date, part of the right to a retirement pension shall be used for (an increase in) the partner's pension;
(b) the fund shall offer this exchange option to the member at the end of membership and in the last year before the start of the retirement pension;
(c) after the exchange the partner's pension shall never amount to more than 70% of the retirement pension that remains after the exchange;
(d) the choice shall not relate to the amount of the orphan's pension and the part of a retirement pension on which there is a right to payment under article 12 paragraph 1;
(e) the calculation shall be based on factors set out in annex 6 to these regulations. The factors shall be established by the board for a specific period on the basis of collective actuarial equivalence. At the end of this period, the factors may be changed by a decision of the board. Such a change shall apply to all (former) members who have still not used the exchange option specified in this paragraph.

Perspective guarantee 102%

8. The rights to a retirement pension of those who were a member of the Stichting Pensioenfonds Gist-Brocades on 31 December 2005 shall be increased on 1 January 2006 on the basis of a calculation made according to the following formula.

The formula for this calculation is: $(1.02 \times P) - O_v - O_t = A$, where

- P = the retirement pension that would be accrued up to the 65th birthday under the regulations in effect on 31 December 2005 and the income situation applying on that date;
- O_v = the retirement pension accrued on 31 December 2005 under the regulations applying on that date;
- O_t = the retirement pension that would be accrued from 1 January 2006 up to the 65th birthday under the regulations in effect on 31 December 2005 and
- A = the increase in the right to a retirement pension

The foregoing shall apply accordingly to those who have had a right since a date between 1 January 2002 and 1 January 2006 to continue to accrue pension following incapacity, however only if and in so far as this results in a greater increase in the rights of the person concerned than that provided for in article 37, paragraph 1 if that article applies to him.

Article 38 - Transitional provisions for DSM Resins B.V.

1. The provisions of article 36, except for paragraph 7, shall apply accordingly, with the proviso that:
 - a) for the application of the provisions of article 36, paragraph 2, the rights accrued up to 1 January 2006 under the transitional provisions to the pension scheme that applied immediately before 1 January 2006 to employees who were employed by Synres companies before 1 January 1981 and to employees who were employed by Scado BV and Nederlandse Unileverbedrijven BV before 1 January 1983 shall be included;
 - b) in this case “1 July 1996” in article 36, paragraph 3 shall be read as “1 July 1999” and
 - c) “PPS” in article 36 paragraph 6 shall be read as “VIP”.

2. Contrary to the provisions of these regulations, for those born before 1 January 1950, when taking advantage of the early retirement option under the regulations of the individual early pension scheme of DSM Resins B.V. immediately after employment with the employer, membership shall continue, with the proviso that a maximum of three member years shall count towards accrual of pension.

Article 39 - Transitional provisions for DSM Engineering Plastics Emmen B.V.

1. The provisions of article 36, except for paragraph 4, shall apply accordingly, with the proviso that:

- a) for the application of the provisions of article 36, paragraph 2 pension rights accrued on 31 December 2005 shall also mean the rights to a single person's pension under the transitional provisions of the regulations applying on 31 December 2005 and that the provisions of paragraph 2 shall be taken into account as if the rights and increase in rights specified therein had already been granted on 31 December 2005 and the provisions of paragraph 3 shall be taken into account as if the increase in rights specified therein had already been granted on 31 December 2005 and
- b) in article 36 paragraph 3, "1 July 1996" shall be read as "1 January 2002".

2. a. the rights to a shift work pension accrued under Chapter 3 of the regulations in effect immediately before 31 December 2005 shall be converted, with due regard for the provisions of article 36, paragraph 2, on 1 January 2006 into pension rights under the pension regulations introduced on that date.

b. the rights to a shift work pension of those to whom article 33 of the regulations in effect on 31 December 2005 applied on that date shall be increased on 1 January 2006. The formula for this calculation is:

$(Lm - 264) \times 1.75\% \times Gp = Aop$, where

- Lm = the age in months on 1 January 2006;
- Gp = the basis for the accrual of the shift work pension that applied most recently under the regulations in effect on 31 December 2005, and
- Aop = the right to a retirement pension that, if it results in a higher right, shall replace the right to a shift work retirement pension accrued as at 31 December 2005. The remaining rights to a shift work pension shall then also be increased proportionately.

c. Contrary to the provisions of b, for those who were employed by the company after reaching the age of 40, the increase that results from the calculation under b shall be granted only for a $m/240^{\text{th}}$ part, where m: 720 minus the age on employment in months.

3. The rights to a retirement pension or partner's pension of those to whom the AKZO transitional provisions under article 31 of the regulations in effect on 31 December 2005 applied on that date shall be increased on 1 January 2006. An increase shall be made if, and in so far as, where membership has continued unchanged under the regulations applying on 31 December 2005, including the provisions of article 31 of those regulations, the rights to a retirement pension and/or partner's pension on pensionable earnings as at 31 December 2005, should exceed, on the Pension Date, the total of the rights accrued at 31 December 2005, and rights to a retirement pension and/or partner's pension accrued on the same pensionable earnings over the subsequent period up to the Pension Date under the pension regulations introduced on 1 January 2006. This shall take account, in the manner described in article 31 of the regulations in effect on 31 December 2005, of the rights to payments derived or to be derived from other schemes.

Article 40 - Transitional provisions for DSM Pharma Chemicals Venlo B.V.

The provisions of article 36 shall apply accordingly, with the proviso that:

- a) for the application of the provisions of article 36, paragraph 2, pension rights accrued on 31 December 2005 shall also mean
 - the pension rights accrued on additional earnings from shift work on 31 December 2005 taking account of the regulations in effect at that date and
 - the pension rights accrued on 31 December 2005 under the transitional provisions belonging to the regulations in effect on that date (so-called "rear platform") and
- b) in article 36 paragraph 6 "PPS" shall be read as "FPR".

Article 41 - Transitional provisions for DSM Special Products Rotterdam B.V.

The provisions of article 36 shall apply accordingly, with the proviso that in article 36 paragraph 3 “1 July 1996” shall be read as “1 April 1996”.

Article 42 - Transitional provisions for DSM Biologics Company B.V.

1. The provisions of article 36, paragraphs 1 to 3 shall apply accordingly, with the proviso that for the application of the provisions of article 36, paragraph 2, pension rights accrued on 31 December 2005 shall also mean the rights to an unmarried person's retirement pension under article 24 of the regulations in effect on 31 December 2005 and that the provisions of paragraph 2 shall be taken into account as if the rights specified therein had already been granted on 31 December 2005.

2. Persons who were members on 31 December 2005 shall be granted a right to a temporary partner's pension on 1 January 2006. This right shall be equal to 20% of the partner's pension accrued on 31 December 2005.

Article 43 - Transitional provisions for DSM NeoResins B.V.

Former members and entitled persons 31 December 2006

1. The pension rights and existing pensions accrued by the former members and their dependent relations and the pensioners and their dependent relations of the Stichting Pensioenfonds Avecia Nederland under the regulation(s) of that fund shall be converted on 1 January 2007 into pension rights and existing pensions of the fund. The nature and extent of these pension rights and pensions shall remain unchanged and shall be determined by the specified regulations as if those regulations had been regulations of the fund, however with the proviso that the future increases in these pension rights and pensions from the 1 January 2007 shall be established only with due regard for the provisions of, or under, article 20.

The provisions above shall apply accordingly to those who, before 1 January 2007, had the right under the regulations of the Stichting Pensioenfonds Avecia Nederland to continue accruing pension following incapacity.

All pension rights that were valid on 31 December 2006 under the Stichting Pensioenfonds Avecia Nederland shall lapse in their entirety herewith.

Conversion of pension rights of members accrued up to 31 December 2006

2. The following shall apply to those who, on 31 December 2006, were members of the pension scheme of the Stichting Pensioenfonds Avecia Nederland in effect on that date:

On 1 January 2007, the pension rights accrued on 31 December 2006 under the Stichting Pensioenfonds Avecia Nederland shall be converted in full and with actuarial neutrality into pension rights under the pension regulations of the fund in effect on 1 January 2007, with the proviso that

- this conversion shall take place as if the accrued pension rights referred to had already been increased on 31 December 2006 by the general pay increase of 1.75% that was granted in 2006 and as if the accrued pension rights referred to also included a right to a temporary partner's pension equal to 20% of the partner's pension accrued on 31 December 2006 and
- any rights to an early pension under article 5 of the pension regulations of the Stichting Pensioenfonds Avecia Nederland in the version in effect on 31 December 2006 shall not be included in this conversion. The provisions under 3 and 4 below shall apply to any rights to an early pension, depending on the member's date of birth.

All pension rights accrued up to 31 December 2006 under the Stichting Pensioenfonds Avecia Nederland shall lapse in their entirety herewith.

Transitional provisions for members born before 1 January 1950

3a. For those born before 1 January 1950 who, on 31 December 2006, were members of the pension scheme of the Stichting Pensioenfonds Avecia Nederland in effect on that date, the rights to an early pension under article 5 of these regulations shall be converted to rights to an early pension of the same extent under the fund.

b. From 1 January 2007 the persons referred to under a shall continue to accrue rights to an early pension under the fund as if the provisions of article 5 c.a. of the pension scheme of the Stichting Pensioenfonds Avecia Nederland in effect on 31 December 2006 had formed part of the pension scheme of the fund.

c. Contrary to the provisions of article 1, paragraph 18, the persons referred to under a shall receive a deductible of EUR 16,732 (as at 01.01.2007). This amount may be adjusted by the board on 1 January each year on the basis of the general development of pay with the employer.

Transitional provisions for members born after 1949 with rights to an early pension

4. The following shall apply to those born after 1949 who, on 31 December 2006, were members of the pension scheme of the Stichting Pensioenfonds Avecia Nederland in effect at that time and who had accrued early pension rights under the provisions of article 5 of the pension regulations of that fund:

On 1 January 2007, the early pension rights accrued at 31 December 2006 shall be replaced by an actuarially equivalent PPS balance under the Pre-Pension Saving Regulations of the fund. With the grant of that PPS balance, all early pension rights accrued up to 31 December 2006 shall lapse as specified above.

Additional rights for 15 years for members as at 31 December 2006 who were born after 1949 in connection with the lapsed early pension

5. The following shall apply to those who, on 31 December 2006, were members of the pension scheme of the Stichting Pensioenfonds Avecia Nederland in effect at that time the fund [sic],: To supplement the rights arising from these regulations (in so far as is possible within fiscal limits) additional rights shall be granted for the period of employment before 1 January 2007, calculated according to the situation as at 1 January 2007. These rights shall be established for each member concerned as additional rights to a retirement pension and a partner's pension (A) that are actuarially equivalent to the cash value of the total rights under the retirement pensions (and contribution compensation) regulations that formed part of the package of terms of employment of DSM NeoResins B.V. immediately before 1 January 2007 and the rights to an early pension that would have been accrued under article 5 of the pension regulations of the Stichting Pensioenfonds Avecia Nederland in effect immediately before 1 January 2007 from this date if both regulations had continued to apply in full up to the member's 62nd birthday (B), with the proviso that the cash value of the additional rights to be accrued up to the age of 62 as a result of the difference between the deductible applying under article 1, paragraph 18 of the fund regulations and the deductible (C) specified in paragraph 3 sub c of this article together with the cash value of the additional rights that would be accrued up to the age of 62 as a result of the grant of past service on individual pay increases, based on the assumption that these pay increases will take place in accordance with the normal assumptions of fiscal pension regulations (D), shall be deducted from this. $[A=B-(C+D)]$. The additional rights thus calculated shall be granted proportionately over a period of 15 years that shall begin with retrospective effect on 1 January 2006 with the proviso that, for those who are older than 45 on 1 January 2006, this period shall be established as the period between 1 January 2006 and their 60th birthday. If employment is terminated during this period, the calculated additional rights shall cease to be granted.

The provisions of article 5, paragraph 5 shall apply accordingly to the additional rights awarded and still to be awarded under the foregoing.

ANNEX 1 – List of companies associated with DSM Nederland B.V. as specified in article 1, paragraph 3 of these pension regulations

The companies associated with DSM Nederland B.V. as specified in article 1 paragraph 3 of these pension regulations are:

- Koninklijke DSM N.V., established at Heerlen
- DSM Executives Services B.V., established at Heerlen
- DSM Limburg B.V., established at Geleen
- DSM Gist Services B.V., established at Delft
- DSM Resins B.V., established at Zwolle
- DSM Pharma Chemicals Venlo B.V., established at Venlo
- DSM Special Products B.V., established at Sittard
- DSM Engineering Plastics Emmen B.V., established at Sittard
- DSM Biologics Company B.V., established at Groningen
- DSM NeoResins B.V., established at Waalwijk

ANNEX 2 – Information obligations of the pension fund

1. The pension fund shall provide the employee who acquires pension rights and with whom the employer has entered into a pension agreement, within three months of the start of acquisition of pension rights, with a letter of commencement. This letter of commencement shall inform the member about
 - a. the content of the pension scheme;
 - b. the provision of allowances;
 - c. the right of the pension fund member to request a copy of the pension regulations applicable to him;
 - d. circumstances relating to the operation of the pension fund;
 - e. the right of the member to submit a request to the pension fund for a calculation of the effects of exchange on his pension rights;
 - f. the existence of a voluntary pension scheme.
2. The pension fund shall provide the member annually with:
 - a. a statement of the pension rights acquired;
 - b. a statement of the pension rights to be acquired under the regulations;
 - c. information about the provision of supplementary benefits;
 - d. a statement of the capital appreciation of pension rights to be added to the previous calendar year in accordance with article 3.127 of the Income Tax Act 2001 and the provisions based thereon.
3. The pension fund shall provide the member at the end of membership with:
 - a. a statement of the pension rights accrued;
 - b. information on the provision of supplementary benefits;
 - c. information that is specifically relevant to the member on termination;
 - d. circumstances that relate to the operation of the pension fund.
4. The pension fund shall provide the former member at least once every five years with:
 - a. a statement of his accrued pension rights;
 - b. information about the provision of supplementary benefits. Within three months of a change in the supplementary benefits policy the pension fund shall inform the former member of this change.
5. The pension fund shall provide the partner who becomes a former partner and for this reason acquires a right to a special partner's pension with:
 - a. a statement of the pension rights accrued on the partner's pension;
 - b. information about the provision of supplementary benefits; and
 - c. information that is of specific interest to the former partner.The former partner shall also receive once every five years:
 - d. a statement of his accrued rights to a partner's pension;
 - e. information about the provision of supplementary benefits. The pension fund shall inform the former partner of a change in supplementary benefits policy within three months of this change.
6. The pension fund shall provide those who become pensioners at the beginning of the pension with:
 - a. a statement of their pension rights;
 - b. a statement of the accrued rights to a partner's pension if provided for under the pension scheme; and
 - c. information about the provision of supplementary benefits.The pensioner shall also receive annually:
 - d. a statement of his pension rights;
 - e. a statement of the accrued rights to a partner's pension if provided for under the pension scheme; and

- f. information about the provision of supplementary benefits. The pension fund shall inform the former partner of a change in the supplementary benefits policy within three months of this change.
7. The pension fund shall provide the member, former member, former partner and pensioner on request with:
 - a. the pension regulations applying to him;
 - b. the annual report and annual accounts of the pension fund;
 - c. the administration agreement or administration regulations; and
 - d. the investment information relevant to him.
8. The pension fund shall inform the member, before membership of the voluntary pension scheme, of:
 - a. the content of the voluntary pension scheme;
 - b. a statement of the pension rights to be obtained under the voluntary pension scheme according to the regulations; and
 - c. the provision of supplementary benefits.
9. The pension fund shall provide (former) members and pensioners with information about pension rights and entitlements and the options offered to them under the pension scheme.
10. The pension fund shall provide the former member on request with a statement of the amount of his accrued pension rights.
11. The pension fund shall inform the member of a change in the pension scheme within three months of the change and of the possibility of consulting the amended pension regulations at the offices of the pension fund.
12. The pension fund shall supply the information referred to in paragraph 7, on request, also to representatives of members, of former members, of former partners or of pensioners.
13. The pension fund may charge for providing the information described in paragraph 7 point b, c, d, and e and article 10.
14. The pension fund shall give due regard to the rules for the provision of information set out in the Decree for the Implementation of the Pensions Act and the Compulsory Occupational Pension Scheme Act [*Besluit uitvoering Pensioenwet en Wet verplichte beroepspensioenregeling*].

ANNEX 3 - Factors/percentages for individual options

The regulations state that the board shall establish factors/percentages to be applied when working out a number of individual options. The board has decided accordingly that the fund shall apply the factors/percentages listed below for the calendar year 2006 with tacit extension until further notice. If, and in so far as, in individual cases, fiscal maximums should be exceeded as a result of the application of the specified factors/percentages, the option shall be restricted to take account of the fiscal maximums.

Factor/percentage as specified in article 6, paragraph 3: Early retirement pension

The following table sets out the percentages by which the accrued rights to a lifelong retirement pension should be multiplied when the payment begins at an earlier date.

Desired starting date of pension		The right accrued at the starting date multiplied by:	Desired starting date of the pension		The right accrued at the starting date multiplied by:
years	months		years	months	
60	0	68,8%	63	0	85,4%
60	1	69,2%	63	1	86,0%
60	2	69,6%	63	2	86,6%
60	3	70,1%	63	3	87,2%
60	4	70,5%	63	4	87,7%
60	5	70,9%	63	5	88,3%
60	6	71,3%	63	6	88,9%
60	7	71,7%	63	7	89,4%
60	8	72,1%	63	8	90,0%
60	9	72,5%	63	9	90,6%
60	10	73,0%	63	10	91,2%
60	11	73,4%	63	11	91,7%
61	0	73,8%	64	0	92,3%
61	1	74,2%	64	1	92,9%
61	2	74,7%	64	2	93,6%
61	3	75,2%	64	3	94,2%
61	4	75,6%	64	4	94,9%
61	5	76,1%	64	5	95,5%
61	6	76,5%	64	6	96,2%
61	7	77,0%	64	7	96,8%
61	8	77,5%	64	8	97,4%
61	9	77,9%	64	9	98,1%
61	10	78,4%	64	10	98,7%
61	11	78,8%	64	11	99,4%
62	0	79,3%	65	0	100,0%
62	1	79,8%			
62	2	80,3%			
62	3	80,8%			
62	4	81,3%			
62	5	81,9%			
62	6	82,4%			
62	7	82,9%			
62	8	83,4%			
62	9	83,9%			
62	10	84,4%			
62	11	84,9%			

Factor percentage as specified in art. 10, paragraph 3: Exchange of partner's pension for a retirement pension

The accrued partner's pension may be exchanged for an additional retirement pension on the starting date of the pension. The right to a partner's pension in the pension scheme shall then lapse and the right to a retirement pension shall be increased by 20%.

Factor/percentage as specified in art. 10 paragraph 5: Variation of retirement pension payments

The pension scheme includes an option for variable payments of the lifelong retirement pension. The period of payment shall be split into two. The amount of the payment in the first period (which is of a fixed duration) differs from the amount of the payment in the second lifelong period that immediately follows it. The following tables should be used to establish the possible combinations.

Pension age 60 years

Period 1			Period 2
Payment	duration (years)	thus until	payment
80%	3	63	104,9%
80%	1	61	101,5%
85%	5	65	106,8%
85%	3	63	103,7%
85%	1	61	101,1%
90%	5	65	104,5%
90%	4	64	103,4%
110%	5	65	95,5%
115%	5	65	93,2%
115%	3	63	96,3%
115%	1	61	98,9%
120%	4	64	93,1%
120%	1	61	98,5%

Pension age 61 years

Period 1			Period 2
payment	duration (years)	thus until	payment
80%	3	64	105,0%
80%	1	62	101,5%
85%	5	66	107,1%
85%	3	64	103,8%
85%	1	62	101,1%
90%	5	66	104,7%
90%	4	65	103,6%
110%	5	66	95,3%
115%	5	66	92,9%
115%	3	64	96,2%
115%	1	62	98,9%
120%	4	65	92,9%
120%	1	62	98,5%

Pension age		62	Years	
Period 1			Period 2	
payment	duration (years)	thus until	payment	
80%	3	65	105,2%	
80%	1	63	101,6%	
85%	5	67	107,3%	
85%	3	65	103,9%	
85%	1	63	101,2%	
90%	5	67	104,9%	
90%	4	66	103,7%	
110%	5	67	95,1%	
115%	5	67	92,7%	
115%	3	65	96,1%	
115%	1	63	98,8%	
120%	4	66	92,6%	
120%	3	65	94,8%	
120%	1	63	98,4%	

Pension age		63	Years	
Period 1			Period 2	
payment	duration (years)	thus until	payment	
80%	3	66	105,4%	
80%	1	64	101,6%	
85%	5	68	107,6%	
85%	3	66	104,1%	
85%	1	64	101,2%	
90%	5	68	105,1%	
90%	4	67	103,8%	
110%	5	68	94,9%	
115%	5	68	92,4%	
115%	3	66	95,9%	
115%	1	64	98,8%	
120%	4	67	92,3%	
120%	1	64	98,4%	

Pension age		64	Years	
Period 1			Period 2	
payment	duration (years)	thus until	payment	
80%	3	67	105,6%	
80%	1	65	101,7%	
85%	5	69	108,0%	
85%	3	67	104,2%	
85%	1	65	101,3%	
90%	5	69	105,3%	
90%	4	68	104,0%	
110%	5	69	94,7%	
110%	4	68	96,0%	
115%	5	69	92,0%	
115%	3	67	95,8%	
115%	1	65	98,7%	
120%	4	68	92,0%	
120%	1	65	98,3%	

Pension age		65	Years
Period 1			Period 2
payment	duration (years)	thus until	payment
80%	3	68	105,9%
80%	1	66	101,7%
85%	5	70	108,4%
85%	3	68	104,4%
85%	1	66	101,3%
90%	5	70	105,6%
90%	4	69	104,2%
110%	5	70	94,4%
110%	4	69	95,8%
115%	5	70	91,6%
115%	3	68	95,6%
115%	1	66	98,7%
120%	4	69	91,7%
120%	1	66	98,3%

The factors included in this annex apply until 1 January 2010, with the exception of the factor for exchange of a partner's pension for a retirement pension.

ANNEX 4 - Table for commutation of small pensions

(commutation value at 100 euros RP, 100 euros DP and 100 euros TDP)

unisex			
Age	RP	DP	TDP
18	203,86	80,08	27,47
19	211,88	82,91	28,14
20	220,22	85,73	28,70
21	228,87	88,55	29,18
22	237,84	91,45	29,62
23	247,13	94,53	30,12
24	256,74	97,77	30,64
25	266,69	101,23	31,25
26	276,98	104,91	31,92
27	287,62	108,79	32,63
28	298,62	112,86	33,37
29	310,00	117,12	34,13
30	321,76	121,58	34,90
31	333,91	126,28	35,71
32	346,47	131,18	36,51
33	359,45	136,31	37,34
34	372,86	141,67	38,16
35	386,72	147,30	39,01
36	401,03	153,19	39,89
37	415,81	159,33	40,75
38	431,10	165,71	41,60
39	446,93	172,30	42,40
40	463,30	179,13	43,16
41	480,25	186,16	43,86
42	497,84	193,36	44,44
43	516,09	200,68	44,88
44	535,04	208,19	45,22
45	554,73	215,83	45,40
46	575,21	223,61	45,42
47	596,55	231,48	45,24
48	618,76	239,52	44,89
49	641,90	247,69	44,35
50	666,04	255,98	43,59
51	691,28	264,33	42,56
52	717,64	272,82	41,33
53	745,23	281,39	39,84
54	774,09	290,13	38,16
55	804,37	298,90	36,22
56	836,19	307,66	34,01
57	869,68	316,44	31,56
58	905,02	325,14	28,84
59	942,44	333,70	25,84
60	982,08	342,15	22,64
61	1024,26	350,36	19,24
62	1069,22	358,38	15,73
63	1117,36	366,07	12,18
64	1169,07	373,40	8,72
65	1224,89	380,26	5,50

The factors included in this annex apply until 1 January 2010.

ANNEX 5 - Additional Voluntary Contributions Guidelines

These guidelines implement Chapter 3 of the pension regulations as introduced on 1 January 2006 and are indissolubly bound to them. They comprise the basic principles used by the fund to calculate fiscally permissible voluntary own contributions. The board of the fund retains the right to amend these Guidelines to take account of fiscal regulations.

I. Maximum voluntary own contribution

The maximum total voluntary own contribution that a member can have collected from his pay in any year depends on his age in that year and the fiscal scope available to him for supplementing his pension. This available fiscal scope relates to supplements to the retirement pension and the partner's pension for the partner under Chapter 2 of the regulations, taking the age of 65 as a guide age for the member.

At the request of the member the board may permit the available fiscal scope to be extended, under further rules to be set by it, by the purchase of a retirement pension and partner's pension for years of service not spent with the employer.

The fiscal scope is worked out as follows:

A. Supplement to the retirement pension and partner's pension taking the age of 65 as a guide age for the member.

The member will be given the opportunity to have a voluntary own contribution collected to accrue additional pension to supplement the retirement pension and partner's pension. This option is based on the fact that pensionable income used in the regulations may be lower than the pensionable income that can be made pensionable under fiscal legislation and regulations. Thus all pay elements that are not part of the pensionable fixed income according to article 1, paragraph 17 of the regulations, except for the benefit of a car provided for business use, serve as an additional basis for determining a voluntary own contribution. To determine the fiscally-permitted voluntary own contribution, this additional basis can be multiplied by the age-dependent contribution percentages set out in the following table.

Graduated scale of supplementary pensionable earnings

Age classes	Percentage of supplementary pensionable earnings	
	Retirement pension including partner's pension	Retirement pension excluding partner's pension
20 to 24 years	7.5%	5.4%
25 to 29 years	9.1%	6.6%
30 to 34 years	11.0%	8.0%
35 to 39 years	13.2%	9.9%
40 to 44 years	16.1%	12.0%
45 to 49 years	19.4%	14.8%
50 to 54 years	23.5%	18.1%
55 to 59 years	28.5%	22.4%
60 to 64 years	34.8%	28.0%

B. Purchase of retirement pension/partner's pension for years of service with previous employers

At the request of the member, the board may permit this member to have a voluntary own contribution collected to compensate for any pension deficits there may be in comparison with the rights under Chapter 2 of the regulations. Cooperation shall only be given to this if, and in so far as, the member makes available the relevant information for the years to be made up.

When determining whether there is actually a deficit in relation to the pension scheme, a distinction must be made between the following two situations:

1. No value transfer to the current pension scheme (years of service before 8 July 1994)

On request, the opportunity may be offered on an individual basis, to pay past service contributions on pension deficits for periods of service with former employers within the Netherlands before 8 July 1994. A condition for this is that the member makes a reasonable case for the existence of a pension deficit originating in the past.

On the basis of the information provided by the member, the fund shall establish any pension deficit as follows and determine the fiscal scope arising from it.

$X - Y$ = the actuarial cash value of the pension deficit (= contribution scope) at the time of employment by the employer.

X = the actuarial cash value at the date of employment by the employer, of the pension that begins on the 65th birthday, in the fictitious situation that the pension regulations applied to the years of service before 8 July 1994.

The following information is significant for this:

- the number of years of service before 8 July 1994;
- the pensionable earnings at the start of employment with the current employer

Y = the actuarial cash value of the pension actually accrued with previous employers in the years before 8 July 1994 on the starting date of employment by the employer.

The difference in value calculated above is the permitted fiscal scope which can be used to make a one-off payment of past service pension contributions covering the pension deficit on the starting date of employment by the employer on the basis of the available contribution system.

If this fiscal scope is not (fully) utilized, the unused part may still be used at a later stage of employment according to the system described for making up unused scope.

For the calculation, the member must indicate the following:

1. The number of years' service with the previous employer(s).
2. The amount of the pension that the employee accrued during these years.
3. Information on the basis of which the pensionable earnings for the year in which the member was employed by the current employer can be established.

The fund cannot be held responsible for any consequences arising from the provision of incorrect information by the member and the failure to provide any data, which the member should know is of significance to the fund. The costs incurred by the fund as a result of the provision of incorrect information by the member are for the account of the member.

2. Value transfer to the current pension scheme

If the member has transferred the value of the pension rights with a previous employer to the fund, a difference may arise between the actual years of service with the previous employer (corrected for part-time employment) and the years of service allocated as part of the value transfer to the current pension scheme. The fund may permit the member to have a voluntary own contribution collected to compensate for the past service thus lost (the difference between the fictitious years of service allocated after the value transfer and the actual years of service). The permitted voluntary own contribution is calculated by the method described in 1.

II. Making up unused scope

At the request of the member, the possibility shall be offered to utilize the contribution scope not used in previous years since 1 January 2006, as established in accordance with the foregoing, in a later year. The fund shall only cooperate with this if, and in so far as, the relevant details for the years to be made up are available.

For a year in which the contribution scope has not been fully utilized, this unused scope shall be established in euros. 4% shall be added to the unused scope for each year between the end of the year to which this scope related and the beginning of the year in which this contribution scope is used.

The foregoing shall apply also for the purchase of retirement pension and/or partner's pension for years of service with previous employers, with the proviso that the scope must initially always be determined on the basis of the amount established in euros on the starting date of employment with the employer.

III. Transitional provisions 2006

These transitional provisions apply to those who were already members before 1 January 2006 of the pension scheme of the fund in effect at that time, the rights accrued up to that time being converted in full and with actuarial neutrality in accordance with article 36, paragraph 2, to pension rights under the basic pension scheme introduced on 1 January 2006.

The transitional provisions apply to all years of service spent by the employee with the employer. The members shall also be given the opportunity, on a voluntary basis, to make years of service with previous employers pensionable on the basis of the principles of the pension regulations.

At the request of a member, the board may permit this member to have a voluntary own contribution collected to compensate for the difference between the rights that would have been accrued fictitiously up to 1 January 2006 on the basis of Chapter 2 of the pension regulations which took effect on 1 January 2006 and the rights that are actually granted with due regard for article 36, paragraph 2 of the regulations. This shall be done in accordance with the following formula:

Permitted voluntary own contribution = $(A - B)$ = actual value of the deficit on the Pension Date (65 years).

- A = the fictitious current value of the rights that would be accrued if the scheme introduced on 1 January 2006 had applied for the number of years of service actually spent with the employer up to 1 January 2006.
- B = the current value of the rights actually accrued on the number of years of service actually spent with the employer up to 1 January 2006, with the proviso that the rights to be accrued under article 36, paragraphs 3, 4 and 6 of the regulations on, and after, 1 January 2006 shall be taken into account for this as if they had in fact already been accrued.

The contribution shall be determined on 1 January 2006, on the current value of the deficit thus determined.

For those who were members of the PPS scheme up to 1 January 2006, this membership shall be taken into account, wholly in accordance with that PPS scheme, so that the PPS balance formed by the member up to the stated date shall be deemed to establish rights to a pension payment before the age of 65 for the period before 1 January 2006.

ANNEX 6 – Exchanging a retirement pension for a partner’s pension

(for each 100 euros of retirement pension a dependent’s pension shall be received amounting to the factor given)

Age	Factor
18	254,57
19	255,55
20	256,88
21	258,46
22	260,08
23	261,43
24	262,60
25	263,45
26	264,02
27	264,38
28	264,59
29	264,69
30	264,65
31	264,42
32	264,12
33	263,70
34	263,19
35	262,54
36	261,79
37	260,97
38	260,15
39	259,39
40	258,64
41	257,98
42	257,47
43	257,17
44	257,00
45	257,02
46	257,24
47	257,71
48	258,33
49	259,15
50	260,19
51	261,52
52	263,05
53	264,84
54	266,81
55	269,11
56	271,79
57	274,83
58	278,35
59	282,42
60	287,03
61	292,35

62	298,35
63	305,23
64	313,09
65	322,12

The factors included in this annex apply until 1 January 2010.

ANNEX 7 – conversion of TRP (PGB, NeoResins and others)

(conversion of the TRP amount of 62-65 years to the stated age of 65 years)

60	0	57,1%	62	6	121,0%
60	1	58,1%	62	7	125,4%
60	2	59,2%	62	8	130,2%
60	3	60,4%	62	9	135,4%
60	4	61,6%	62	10	141,0%
60	5	62,8%	62	11	147,1%
60	6	64,1%	63	0	153,8%
60	7	65,5%	63	1	161,1%
60	8	66,9%	63	2	169,1%
60	9	68,4%	63	3	177,9%
60	10	69,9%	63	4	187,6%
60	11	71,5%	63	5	198,3%
61	0	73,2%	63	6	210,1%
61	1	74,8%	63	7	223,2%
61	2	76,5%	63	8	237,8%
61	3	78,3%	63	9	254,1%
61	4	80,3%	63	10	272,3%
61	5	82,3%	63	11	292,7%
61	6	84,4%	64	0	315,5%
61	7	86,7%	64	1	344,2%
61	8	89,0%	64	2	378,6%
61	9	91,6%	64	3	420,7%
61	10	94,2%	64	4	473,3%
61	11	97,0%	64	5	540,9%
62	0	100,0%	64	6	631,0%
62	1	103,1%	64	7	757,2%
62	2	106,3%	64	8	946,5%
62	3	109,6%	64	9	1262,0%
62	4	113,1%	64	10	1893,0%
62	5	116,9%	64	11	3786,0%

Conversion TDP (62-65) to a lifelong retirement pension

(if the conversion of the TDP amount of 62-65 years to the stated age of 65 years produces an amount higher than the pay, the excess shall be converted into lifelong pension using the factor below)

Factor 26.1%

The factors included in this annex apply until 1 January 2010.

ANNEX 8 – Operative provision relating to pay as defined in Article 1, paragraph 17 of the pension regulations

For the employees of DSM Limburg B.V. and DSM Executives Services B.V., the pay concept for determination of the pensionable earnings shall be based on the following elements:

- the salary
- the annual bonus or holiday allowance
- the shift working allowance
- the average allowance for working shifts on a public holiday
- the allowance for permanent assignment to on-call duty
- the allowances pursuant to schemes relating to permanent assignment to lower paid work for company reasons
- benefits under the Disability Benefits Act (WAO) or the Work and Income according to Labor Capacity Act (WIA) (including holiday allowance)
- the income supplement pursuant to the long-term incapacity compensation scheme taking into account the reduction of the income in case the income is more than 100% of the income on the day before commencement of the incapacity.

The pay concept for determination of the pensionable earnings of employees of the other DSM companies shall be based on the basis for calculation of the pension contribution as defined in the Collective Labour Agreement (CAO) in question. The relevant CAO articles for the various DSM companies are:

- Article 37 of the CAO of DSM Special Products B.V.
- Article 18 of the CAO of DSM Pharma Chemicals Venlo B.V.
- Article 18 of the CAO of DSM Biologics Company B.V.
- Article 35 of the CAO of DSM Gist Services B.V.
- Article 49 of the CAO of DSM Resins B.V.
- Article 16 of the CAO of DSM NeoResins B.V.
- Article 14 of the CAO of DSM Engineering Plastics Emmen B.V.