

# **Regulations governing the election of pensioner and member representatives to the Accountability Council**

Stichting Pensioenfonds DSM Nederland

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## Article 1 Definitions

1.1 For the purposes of these election regulations, the following definitions apply:

- Board : the Board of the Fund.
- Member : An employee who has an employment contract within the meaning of Book 7, Article 610 of the Dutch Civil Code with one of the affiliated employers and who consequently accrues pension entitlements in accordance with the Fund Pension Regulations. The following are deemed to be Members:
- former employees who accrue non-contributory pension due to a disability; and
  - employees as referred to in Section 2(3) of the Pensions Act (*Pensioenwet*) in conjunction with Section 1(b) of the Pensions Act Regulation (*Regeling Pensioenwet*) and Occupational Pension Scheme (Obligatory Membership) Act (*Wet verplichte beroepspensioenregeling*).
- Fund : Stichting Pensioenfonds DSM Nederland.
- Pensioner : someone who receives a retirement pension, surviving dependent'ss pension, or pre-pension/early pension from the pension fund or a similar benefit under an early retirement scheme.
- Election : the election of representatives of pensioners and members of the Accountability Council, as referred to in Article 10(3) of the Articles of Association.
- AC : the Accountability Council of the Fund.
- Reference Date : the intended date on which the successful candidate will start their term as a member of the Accountability Council.

1.2 The terms in these Regulations have the same meaning as in the Articles of Association and Pension Regulations, unless expressly stated otherwise.

## Article 2 Organization of the Election

- 2.1 The election of Pensioner and Member representatives to the Accountability Council (AC) is organized by the election committee, composed of at least two members of the AC. Members of the election committee are ineligible to stand as candidates for any Election that it organizes.
- 2.2 The duties of the election committee are:
- a. to select candidates by verifying the suitability of the persons who wish to stand, on the basis of the profile drawn up by the AC and, where appropriate, by conducting interviews with such persons;
  - b. to organize the Election, ensuring that:
    - only those entitled to vote may do so;
    - only one vote may be cast by an eligible voter;
    - deadlines are complied with.
- 2.3 The election committee must always reach a unanimous decision.
- 2.4 The election committee is supported by the pension management organization and may also be assisted by third parties.

### **Article 3 Right to vote and stand as a candidate**

- 3.1 Only Pensioners and Members who are at least 18 years old on the Reference Date are entitled to vote. If a Pensioner is also a Member, they are deemed to be a Member.
- 3.2 Only Pensioners who are at least 18 years old on the Reference Date and have been included on the AC candidate list, following a positive check against the profile referred to in the Attachment to these Regulations, are entitled to stand for election as a representative of Pensioners to the AC
- 3.3 Only Members who are at least 18 years old on the Reference Date and have been included on the AC candidate list, following a positive check against the profile referred to in the Attachment to these Regulations, are entitled to stand for election as a representative of Members to the AC.
- 3.4 Anyone who is both a Pensioner and a Member may stand as a representative of either Pensioners or Members. It is not permitted to stand as a representative of Pensioners and Members at the same time.
- 3.5 The following are ineligible to stand for election to the AC:
  - a. Board members of the Fund
  - b. former Board members whose Board membership ended within the two calendar years preceding the Reference Date
  - c. any other persons whose membership of the AC is, in the election committee's opinion, incompatible with their own role or tasks.

### **Article 4 Nominations**

- 4.1 To be accepted on the candidate list, candidates should meet the general profile for members of the AC, as determined by the AC.
- 4.2 A response to the call for nominations must include the candidate's profile and the nomination form referred to in the Attachment.
- 4.3 A Pensioner or Member may apply in writing only, using the nomination form set out in the Attachment to these Regulations.
- 4.4 Nominations close on the date specified in the call for nominations, but no earlier than three weeks after the call for nominations has been issued.
- 4.5 Upon receipt of the nomination form, acknowledgement of receipt will be sent to the candidate.
- 4.6 Potential candidates for the AC will be assessed against the profile by the election committee, based on the résumé sent and, if desired, on an interview with the potential candidate.  
The election committee will determine whether a candidate meets the requirements set out in the profile and will inform the candidate of the outcome in writing. The election committee's decision is final, and there is no appeal against this decision.

### **Article 5 Election**

- 5.1 If the number of candidates on the list of candidates does not exceed the number of vacancies to be filled, no Election will take place and the candidate(s) will be deemed to have been elected.
- 5.2 If there are more candidates on the candidate list than the number of vacancies to be filled, an Election will take place.
- 5.3 The election committee will determine when an Election is to take place and the times when the Election opens and closes.
- 5.4 The Election will be held by secret ballot.
- 5.5 The election committee will draw up the final list of candidates prior to the Election. The order in which a candidate appears on the candidate list is determined at random.

- 5.6 The election committee will send a personal invitation to voters, inviting them to vote in the Election. This invitation will include, but is not limited to, the list of candidates, an information sheet with a campaign statement from each candidate, the manner in which voters can cast their vote, and the closing date of the Election. Voters who have opted to receive information electronically will receive the invitation to vote by email. Voters who have opted to receive information in writing will receive the invitation to vote by post. This also applies to voters whose email address is not known. Voters have at least four weeks to cast their vote.
- 5.7 In the event that the paper ballot or the email with the personal login code is lost or not received, the election committee may, at the voter's request, send new ballot paper or a new email with the personal login code to the voter once more only.
- 5.8 Voters who have received an electronic or written ballot may select a candidate indicated on the ballot. Only one vote may be cast. Ballots containing more than one vote will be deemed void.
- 5.9 If there is any doubt as to whether the ballot paper clearly reflects the voter's choice, the election committee will assess – either itself or through a third party – whether the ballot paper clearly reflects the voter's choice.

#### **Article 6 Appointment of elected representatives**

- 6.1 The election committee will draw up a report on the Election results – either itself or through a third party – indicating:
- the total number of voters per electoral group
  - the total number of votes cast
  - the number of valid votes
  - the number of invalid votes
  - the number of valid votes cast for each candidate.
- 6.2 The seats available on the AC will be allocated to the candidates who have received the most valid votes. If two or more candidates have an equal number of valid votes for the last seat to be allocated, the person elected will be decided by drawing lots.
- 6.3 The election committee will inform the candidates, the AC, the Board, and the Supervisory Board of the results of the Election. The candidates elected to the AC will also receive a notification that they have been elected. The election committee will publish a summary of the Election results on the Fund website.
- 6.4 The ballot will be retained for a period of at least three months.

#### **Article 7 Acceptance of appointment or election**

- 7.1 All elected candidates will be deemed to have accepted their proposed appointment as a member of the AC unless they have declared in writing to the election committee that they do not accept it within three days of their election being announced.
- 7.2 If the proposed appointment is not accepted, the vacant seat will be allocated to the candidate who received the next highest number of valid votes.

#### **Article 8 Final provisions**

The election committee will decide on matters not provided for in these Regulations.

#### **Article 9 Amendment and entry into force**

- 9.1 The Board, in consultation with the AC, has the authority to amend and lay down these Regulations.
- 9.2 These Regulations were adopted by the Board on 24 May 2023.

**Attachment: Election form**

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## Nominations form for Stichting Pensioenfonds DSM Nederland

Nominations form as a representative of:

- Pensioners on the PDN Accountability Council
- Members on the PDN Accountability Council

I, the undersigned:

Name : \_\_\_\_\_  
Address : \_\_\_\_\_  
Postcode : \_\_\_\_\_  
Town/city : \_\_\_\_\_  
Telephone : \_\_\_\_\_  
number : \_\_\_\_\_  
Date of birth : \_\_\_\_\_  
Email address : \_\_\_\_\_

hereby nominate myself for a seat to represent:

- Pensioners on the PDN Accountability Council\*
- Members on the PDN Accountability Council\*

*\*Tick as appropriate; make one choice only.*

**and declare that I have complied with the Articles of Association, Regulations, and the Code of Conduct of Stichting Pensioenfonds DSM Nederland**

Please attach a résumé to this nomination form that includes the following information:

- information about your work experience, management experience, knowledge of pensions, and experience with pensions
- any pension training courses
- your specific skills, and at least two references.

It is recommended that you also mention in your résumé or cover letter why you are standing, how willing you would be to attend pension courses and training, and your vision and willingness to dedicate the necessary time and attention needed to fulfil the role.

Date:

Signature:

**PDN must receive the nomination form, résumé, and any cover letter by no later than June 30, 2023 to: Kiescommissie PDN, Antwoordnummer 110, 6400 VB Heerlen.**