



# Brochure

# Divorce



# Divorce or separation and your pension

There is much more to a divorce or legal separation than initially meets the eye. Countless arrangements have to be made, including what to do about pensions. What happens to the pension entitlements you have already accrued, for example? This brochure sets out what has to be done, and how this can or has to be done.

Where we refer to 'separation or divorce', we also mean the termination of a registered partnership or notarial cohabitation contract. The partner under a cohabitation contract must be registered with the pension fund.

## Divorcing or separating, and living in the Netherlands?

If you live in the Netherlands and are also separating in the Netherlands, there is no need to notify PDN. PDN will automatically be notified via the Persons Database (*BRP, Basis Registratie Personen*).

## Divorcing or separating, and living abroad?

If you separate whilst living abroad, you will need to report the divorce or separation to PDN. The pension you have accrued in the Netherlands is subject to the Dutch laws as set out in this brochure.

## Divorce or separation and your retirement pension

The Act dating back to May 1, 1995, the Equalization of Pension rights in the Event of a Divorce Act, stipulates how the retirement pension is to be divided in the event of divorce or separation. This Act provides for a standard division. Under this standard division, the former partner has a claim to half (50%) of the retirement pension accrued during the time of the marriage or partnership.

This means that when you retire your former partner will be entitled to this retirement pension. The retirement pension that your former partner is entitled to is referred to as the 'equalized pension'.

To make sure that PDN pays the equalized retirement pension directly to you and your former partner when the time comes, you will need to complete and send off the 'Notification form on the division of retirement pension on separation'. Click [here](#) to open the notification form. If the notification form is submitted within two years of the date of the divorce or separation, the signature of one of the two former partners will suffice. This is however subject to the condition that you both opt for the standard division (50%/50%).

PDN will still accept the notification form for processing if it is submitted after that 2-year period. In that case, both former partners will need to sign the notification form. This applies only to divorce and separation after January 1, 2010.

If you fail to send the form to PDN, the pension fund will pay the full retirement pension to you from your date of retirement.

Your former partner still retains the right to part of your retirement pension. It is your responsibility to transfer the equalized retirement pension to your former partner each month.

If you send the form to PDN, you and your former partner will be notified about the division of the retirement pension within two months.



PDN charges a fee for arranging the division of the pension. Half of this fee is charged to each former partner in the first pension payment.

Once the division of the retirement pension has been finalized, it is possible that the amount of the equalized pension will increase in the course of time. This will be the case if the pension fund decides to index the pension in order to maintain its purchasing power. It is also possible that the amount may be reduced. This could be the case if the pension fund is forced to curtail because the funding level is too low.

The equalized pension your former partner is entitled to starts when you retire. If you decide to change your retirement date, this will affect the amount of your retirement pension. In that case, the start date and amount of the equalized pension will also change for your former partner.

### **Example**

Peter and Marie have decided to separate. Peter is 45 years of age. Peter and Marie have been married for 20 years. Peter started working when he had already been married for five years. He has accrued pension entitlement at PDN for 15 years of his marriage. The retirement pension accrued over that period in this example is 15,000 euros (gross amount). When Peter retires, Marie will receive a gross equalized annual pension of 7,500 euros. That amount may be higher if PDN has indexed the pension at any time.

### **Divorce or separation and the PPS balance**

If you have been a member of the PPS scheme (early retirement savings scheme) during your marriage, the PPS balance saved during that period will also be divided. This is divided in the same way as the retirement pension. The share due to your former partner is referred to as the equalized PPS balance.

### **Divorce or separation and the Net Pension Scheme (NPS)**

If you were or are a member of the NPS, the same rule for standard division under the Equalization of Pension Rights in the Event of a Divorce Act.

### **Divorce or separation after retirement**

There are also times when people divorce or separate after retirement. This is subject to same rules as the retirement pension.

## Additional condition for the termination of a cohabitation contract

The arrangements set out above under 'Divorce or separation and your retirement pension, PPS balance and NPS' are not legally provided for on termination of a cohabitation contract. It remains possible for you to claim the division of the pension on termination of a cohabitation contract. You can only do this if your partner is registered with the pension fund before the cohabitation contract is terminated.

This is however subject to an additional condition: the agreements on the division of the pension must be laid down in the termination contract.

## Special net partner's pension

Partner's pension is the pension paid out to your partner in the event of your death. A divorce or separation also affects this partner's pension. Your former partner will have a claim on the partner's pension up to the date of separation. After the divorce or separation, we refer to this as special partner's pension. This is provided for in the Dutch Pension's Act. The special partner's pension is paid out to your former partner in the event of your death.

If you were or are a member of the NPS, your former partner is entitled to a special net partner's pension after the separation or divorce.

## Special temporary partner's pension

Temporary partner's pension is the pension also paid out to your partner in the event of your death. The temporary partner's pension is paid out up to the state retirement date or until the partner reaches the age of 65. A divorce or separation also affects the temporary partner's pension. Your former partner can claim this up until the date of separation. We refer to this as the special temporary partner's pension after

separation. In the event of your death, the special temporary partner's pension is paid out to your former partner until the state retirement date or the age of 65.

## Divorce or separation and different arrangements

It is possible for you and your former partner to make different arrangements in the event of divorce or separation. You can make different arrangements for the division of the pension. You can also make different arrangements about the special or special temporary partner's pension. If you and your partner want to make different arrangements, you will have to lay them down in an authenticated separation document. This must be laid down correctly and with reference to the relevant acts of law. You will both also need to notify PDN of these different arrangements. You can do this by sending a copy of the arrangements to us. For more information about the options, please contact the pensions department on telephone number +31 (0)45-5782705. You can also send an email to [info.pdn@dsm.com](mailto:info.pdn@dsm.com).

It could also be that you and your former partner have made different arrangements in an authenticated antenuptial agreement. In that case, you will need to send a copy to PDN.



## On your former partner's death

You will once again receive your full retirement pension on your former partner's death. In that case the equalized retirement pension will be added to your own retirement pension. The special or special temporary partner's pension will also revert to you on your former partner's death. This in turn will become the partner's pension or temporary partner's pension if you have a new partner. This is subject to the condition that you have not yet retired and no outgoing value transfer has taken place.

### **Example**

Peter is now much older than in the previous example. When he is 70 years old, Marie dies after having received an equalized pension from PDN for five years. This means that his gross annual retirement pension will go up by 7,500 euros.

## Divorce or separation and conversion

There is another option in addition to those set out in this brochure: pension conversion. There is a big difference between conversion and the division options already explained. In the case of conversion, 'all' entitlements are equalized, and the special or special temporary partner's pension is converted into a single retirement pension on your former partner's life. Your entitlement and that of your former partner are placed in two different 'pension pots'. After conversion, your former partner is free to decide when the pension starts. You and your partner have no further pension claims on each other once conversion has taken place. If your partner dies after the conversion, your former partner's pension does not revert to you. This pension falls to the pension fund instead. Your former partner can transfer the pension to his or her own pension fund after conversion.

After that, your former partner has no further dealings with PDN.

PDN's consent is required if you and your former partner opt for conversion. PDN will only grant its consent if the following conditions have been met:

1. Both former partners complete the 'Notification form on the division of retirement pension on separation' The form must also be signed by both former partners. Send the form to PDN with the document referred to under point 2.
2. The conversion agreement must be laid down in an authenticated document on the separation or in the authenticated antenuptial agreement.



## Example of the difference between conversion and standard division (50%-50%)

Martijn (45) and his partner Natascha (42) have decided to separate.

They have opted to divide Martijn's pension entitlement at PDN by means of conversion. Martijn has accrued a retirement pension of €25,000 during his marriage to Natascha. He has accrued €17,500 in partner's pension.

Added to this is the temporary partner's pension of €3,500.

After **conversion**, the pension entitlements of Martijn and Natascha are as follows:

- Martijn receives the following from his retirement date until his death:  
Retirement pension: €13,948
- Natascha receives the following from her retirement date until her death:  
Retirement pension: €17,202

If Martijn and Natascha had opted for **equalization** rather than conversion, the entitlement after divorce would have been as follows:

- Martijn receives the following from his retirement date until his death:  
Retirement pension: €12,500
- Natascha receives the following from Martijn's retirement date until Martijn dies:  
Equalized retirement pension: €12,500  
This benefit stops on Martijn's death.
- If Martijn dies, Natascha receives until her death:  
Lifelong special partner's pension: €17,500  
and until her state age of retirement or reaching the age of 65, a temporary partner's pension:  
€3,500

The differences between the entitlement for conversion or equalization are caused by a different way of calculating them. For equalization, only Martijn's life (and death) are taken into account. For conversion, the connection with Martijn's life is severed, and Natascha receives an entitlement of her own.

*(All amounts specified are gross per annum).*

## What actions do you need to take regarding your pension in the event of separation?

The actions are required if you want PDN to pay out the pension to your former partner.

- You must complete and send off the 'Notification form on the division of retirement pension on separation' within 2 years of the date of divorce or separation. Click [here](#) to open the form.

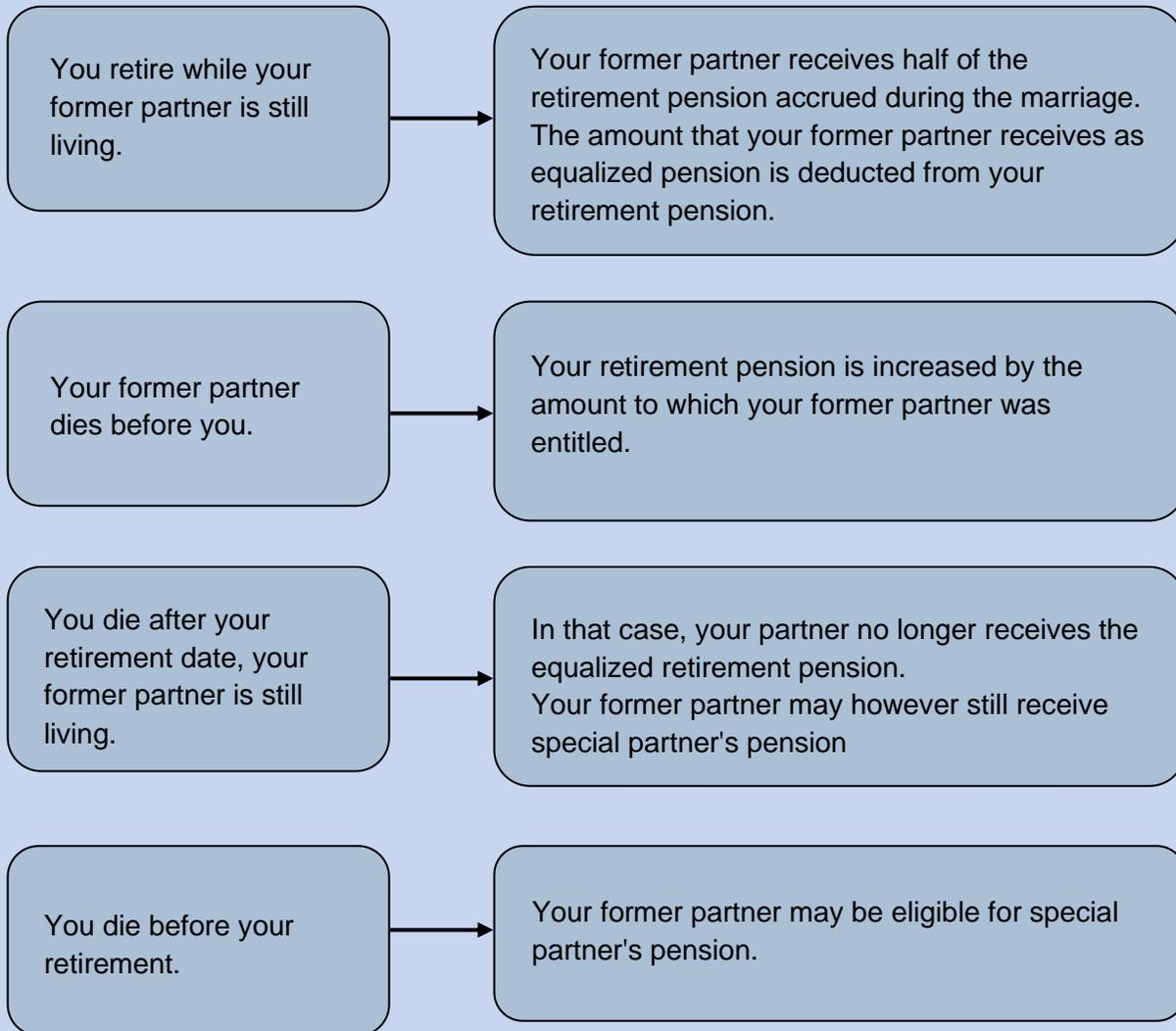
## What do you enclose with the notification form?

- Are you operating the standard 50%-50% division?  
If so, you do not need to enclose anything with the notification form.
- Have you made different arrangements for the division of the retirement pension?  
In that case, send an authenticated copy of the antenuptial agreement or a copy of the authenticated divorce document containing the different arrangements. It is sufficient to send a copy of the following pages: the first page showing the name of both former partners, the page containing the pension agreements, and the last page with the signatures of both former partners.
- Did you marry or enter into a registered partnership abroad?
- If so, submit an authenticated copy of the marriage certificate or registered partnership document.
- Did you terminate your marriage or registered partnership abroad?  
In that case, submit an authenticated copy of the divorce certificate or certificate of termination of a registered partnership.

## Further information

- If you have any questions about pension and separation, you are always free to contact PDN's pensions department by calling (+31 (0)45-5788100), or sending your question by email to: [info.PDN@dsm.com](mailto:info.PDN@dsm.com).
- Information on this subject is also given at [rijksoverheid.nl](http://rijksoverheid.nl). Search under 'Family, health and care' and click 'Divorce, separation and termination of a registered partnership'.  
The telephone number is 1400.
- Information is also given on the website [vfas.nl](http://vfas.nl) of the 'Nederlandse Vereniging Familie- en erfrecht Advocaten Scheidingsmediators' (in Dutch).

## Summary



## Contact



Do you have any questions about your pension?  
If so, you are welcome to visit our website,  
[PDNpensioen.nl](https://pdnpensioen.nl)  
or contact our Pension Desk,  
phone: +31 (0)45 - 5788100  
email: [info.PDN@dsm.com](mailto:info.PDN@dsm.com)

## Pension Regulations



Click on the icon for more information about pension and divorce and separation in the pension regulations.

## Net Pension Regulations



Click on the icon for more information about the net pension scheme in the net pension regulations.

## Disclaimer

The information provided in this brochure by Stichting Pensioenfonds DSM Nederland, with its registered office in Heerlen (the 'pension fund') is general, purely indicative and subject to change. It is intended only to provide members with a general overview. The information provided is assumed to be reliable, but is used entirely at the user's risk. Neither the administrator (DSM Pension Services B.V'), nor the pension fund accepts any liability for damage arising from errors or omissions in the information, or for damage arising in connection with the use of, reliance on, or distribution of the information. Rights can be derived only from the pension regulations applying to the member.