

## Payment scheme example scenarios

### General

- Mr A, a stakeholder for the purposes of the payment scheme, died prior to the reference date (27 November 2018). His wife, Ms B (not a stakeholder), also died before the reference date. They had three children together, Messrs C, D and E. The eldest, Mr C, was born prior to 8 May 1945, at the end of WWII. The other two children, Messrs D and E, were born after the war.
  - If all of Mr A's children are still alive by the time the application is submitted, as the stakeholder's children, they are collectively eligible for compensation. The amount of this compensation is €7,500. This is because oldest living child, Mr C, was born prior to 8 May 1945 at the end of the war. The child who files the application and receives the payment is obliged to distribute the money proportionally amongst their siblings and themselves. Therefore, in this case, the applicant must give each of his brothers one third of the amount (€2,500) he receives.
  - The same applies if Mr C had still been alive on the reference date (27 November 2018), but had died since. In that case, his heirs would replace him. Therefore, Messrs D and E, along with Mr C's heirs would be collectively eligible for compensation amounting to €7,500. This is because the situation on 27 November 2018 is the starting point. On that date, the oldest living child was born before 8 May 1945, hence the amount of €7,500. The eldest child retains the right to their share (one third of €7,500), but if they are no longer alive, it goes to the heirs.
  - The situation would be different if Mr C had died before the reference date (27 November 2018). In that case, the oldest living child as of 27 November 2018 would have been born after 8 May 1945. Then Messrs D and E would be collectively eligible for an amount of €5,000. The child who files the application and receives the payment is obliged to distribute the money proportionally amongst their siblings and themselves. So in this case, the applicant would have to transfer half of the amount to his brother (€2,500).
- A stakeholder, Mr A, died prior to the reference date (27 November 2018). He left behind a widow, Ms B, and three children.
  - If Ms B is still alive by the time the application is filed, as the stakeholder's widow, she may be eligible for compensation amounting to €7,500.
  - The same would apply if Ms A had still been alive on the reference date (27 November 2018), but had since died. In that case, Ms A's heirs would replace her and, as heirs of the stakeholder's widow, could be eligible for an amount of €7,500.
  - The situation would be different if Ms A had died prior to the reference date (27 November 2018). In that case, any living children of the stakeholder would be collectively eligible for compensation. The amount will depend on the age of the oldest living child as of the reference date. If, as of 27 November 2018, the oldest living child

was born before 8 May 1945, the children would be collectively eligible for compensation amounting to €7,500. If, as of 27 November 2018, the oldest surviving child was born after 8 May 1945, the children would be collectively eligible for compensation amounting to €5,000. The child who files the application and receives the payment is obliged to distribute the money proportionally amongst their siblings and themselves.

### **Explanation of heirs**

- A stakeholder, Ms A, has died. She never married or had children. Her cousin is her only heir.
  - If Ms A died before the reference date (27 November 2018), this cousin would not be eligible for compensation as the stakeholder's heir, because the stakeholder was no longer alive on 27 November 2018.
  - If Ms A died after the reference date, this cousin could replace the stakeholder and, as heir, be eligible for compensation amounting to €15,000. This is because he, as the sole heir, would replace the stakeholder, who was still alive on 27 November 2018 and who, under the terms of the payment scheme, would therefore still be eligible for compensation. So, he is not eligible as the stakeholder's cousin, but as the heir of someone who under the terms of the payment scheme would be eligible for compensation, but who died after the reference date.
  
- A stakeholder, Ms A, has died. She was married to Mr B and had two sons, Mr C and Mr D. Her widower and sons are the only heirs.
  - If Ms A died before the reference date (27 November 2018), but Mr B was still alive at the time, he could be eligible for compensation as the stakeholder's widower. In that case, Messrs C and D would not be eligible for compensation as the stakeholder's children.
  - If both Ms A and Mr B died before the reference date, as long as Messrs C and D were still alive as of 27 November 2018, as the stakeholder's children, they would be eligible for an amount of €5,000 or €7,500, depending on their dates of birth. If one of them was born on or before 8 May 1945, they would be collectively eligible for an amount of €7,500. If both of them were born after 8 May 1945, they would be collectively eligible for an amount of €5,000. The child who files the application and receives the payment is obliged to distribute the money proportionally amongst their siblings and themselves. In this case, that would mean that the brother who receives the payment would be obliged to transfer half the amount to the other brother.
  - If Ms A died before the reference date, but Mr B died after that date, his heirs would be eligible to receive compensation on his behalf, for which compensation he himself would have been eligible as the stakeholder's widower, i.e. €7,500. In that case, Messrs C and D would not be eligible for compensation as the stakeholder's children.

- If Ms A had died after the reference date (e.g. on 1 July 2019), Messrs B, C and D could replace Ms A, the stakeholder, as her only heirs, making them collectively eligible for compensation amounting to €15,000. This sum would have to be divided up amongst them according to the laws of inheritance. In this case, they could not be eligible for compensation as the stakeholder's widower or children.

### **Multiple compensation payments for a single person**

- Mr A was married to Ms B and they had one son, Mr C. They were together during the war and all three are stakeholders for the purposes of the payment scheme. Mr A did not survive the war. Ms B did survive the war, but died afterwards (i.e. prior to the reference date of 27 November 2018). Mr C is still alive.
  - As a stakeholder for the purposes of this scheme, Mr C is at any rate eligible for compensation amounting to €15,000.
  - In addition, he is eligible for compensation amounting to €7,500 as Mr A's child, as Mr A, a stakeholder for the purposes of the payment scheme, was no longer alive on 27 November 2018, nor was there a living widow. The amount concerned is €7,500 because Mr C was born before 8 May 1945. Because Mr A had no other children, Mr C is entitled to the full amount.
  - Moreover, since Mr C's mother died before 27 November 2018, and there was no living widower, as Ms B's child, he would be eligible for compensation amounting to €7,500 (since he was born before 8 May 1945). Ms B had no other children, so Mr C is entitled to the full amount.
  - If Ms B had remarried after the war and her new spouse was still alive on 27 November 2018, Mr C could not be eligible for compensation as the stakeholder's child. Rather, in that case, the stakeholder's widower would be eligible for compensation amounting to €7,500.
- Mr A was orphaned as a result of the war. He is not considered a stakeholder for the purposes of the payment scheme. His parents and sister, however, are regarded as stakeholders. All three of them died in the war.
  - Mr A's parents are no longer alive and there could not be a surviving widow or widower. Therefore, Mr A could be eligible for compensation as the child of both parents. That means he would receive two payments amounting to €7,500 each, because he was born before 8 May 1945. His parents had no other children, so Mr A is entitled to the full amount.
  - Mr A could not be eligible for compensation as his sister's brother.
- Before the war, Mr A married Ms B and they had one daughter together, Ms C, who was born before the war. All three of them are stakeholders for the purposes of the payment scheme. Ms B died during the war. Mr A then remarried, to Ms D, who is not considered a stakeholder for the purposes of the payment scheme. He and Ms D had a son, Mr E (born

after 8 May 1945). Both Mr A and Ms B have since died (before the reference date of 27 November 2018).

- As a stakeholder, Ms C would be eligible for compensation amounting to €15,000.
- Ms C would also be eligible for compensation as Ms B's daughter. The amount of this compensation would be €7,500, since she was born before 8 May 1945. Ms B did not have any other children, so Ms C would be entitled to the full amount.
- Furthermore, Ms C and Mr E are collectively eligible for compensation as Mr A's children. The amount of this compensation would be €7,500, given that the oldest living child, Ms C, was born before 8 May 1945. They must divide this amount proportionally amongst themselves. If Ms C filed the application, once she receives the payment, she must transfer half of the amount (€3,750) to her half-brother.