



COMMISSIE Individuele
TEGEMOETKOMING Slachtoffers
WOII Transporten NS

**Payment scheme
Foundation for Individual Compensation for
Victims of WWII Transport by NS**

August 1, 2019



Definitions.

Article 1.

1.1. In this scheme, the following terms have the following meanings:

- a. the Foundation: Foundation for Individual Compensation for Victims of WWII Transport by NS, established in Amsterdam;
- b. the Committee: the board of the Foundation;
- c. stakeholder the stakeholder as referred to in Article 2 of this scheme;
- d. widow/widower: the natural person with whom, at the time of his/her death, the stakeholder:
 - (i) was married, or
 - (ii) was registered as a partner within the meaning of the registered partnership;
- e. child: the person who, according to Dutch law, in relation to a stakeholder, is designated:
 - (i) as a child, or
 - (ii) as a foster child within the meaning of Section 19, subsection 2 of the Dutch Inheritance Tax Act (Successiewet) 1956;
- f. period of the Second World War: the period from 10 May 1940 through 8 May 1945
- g. compensation: a payment at the expense of the Foundation's assets, the amount of which is determined in accordance with the provisions of Article 7 of this scheme;
- h. applicant: the person who has applied for a compensation on the basis of this scheme;
- i. Office: the implementation bureau that acts on the instruction of the Foundation, which bureau coordinates and processes the applications for compensation.
- j. Nederlandse Spoorwegen N.V. Nederlandse Spoorwegen, having its registered office in Utrecht, the Netherlands.

1.2. Unless the contrary is shown, or it is manifestly intended otherwise:

- a. a reference to a definition or word in the singular includes the plural of that definition or word, and vice versa;
- b. a reference to the masculine form of a word includes a reference to the feminine form, and vice versa.



Stakeholders.

Article 2.

- 2.1. Stakeholders within the meaning of this scheme are:
- a. the natural persons from the Jewish community or the Roma or Sinti communities who, on the instructions of the occupier, were transported by Nederlandse Spoorwegen by designated trains and subsequently transported from the Netherlands to concentration camps and extermination camps outside of the Netherlands, where the occupier intended to exterminate them as a population group; or
 - b. the natural persons from the Jewish community or the Roma or Sinti communities who, on the instructions of the occupier, were transported by Nederlandse Spoorwegen by designated trains and subsequently transported to Westerbork, Vught or Amersfoort, from where the occupier intended to transport them to concentration camps and extermination camps outside of the Netherlands for extermination.
- 2.2. Concentration camps and extermination camps as referred to in Article 2.1 do not include prisoner of war camps, prisons, houses of correction, employment camps, factories and/or work camps.

Stakeholder's right to compensation.

Article 3.

A person applying for a compensation who claims to be a stakeholder is entitled to a compensation if (cumulatively):

- a. he/she was still alive on 27 November 2018, and
- b. in the opinion of the Committee, he/she has demonstrated sufficiently that he/she meets the criteria as referred to in Article 2.1 under a or b.

Widow/widower's right to compensation.

Article 4.

A person applying for a compensation who claims to be the widow/widower of a stakeholder is entitled to a compensation if (cumulatively):

- a. he/she was still alive on 27 November 2018;
- b. the stakeholder was no longer alive on 27 November 2018;
- c. he/she meets the criteria as referred to in Article 1, under d, and
- d. in the opinion of the Committee, he/she has demonstrated sufficiently that the stakeholder meets the criteria as referred to in Article 2.1 under a or b.



Child's right to compensation.

Article 5.

- 5.1. A person applying for a compensation who claims to be a child of a stakeholder is entitled to a compensation if (cumulatively):
- a. he/she was still alive on 27 November 2018;
 - b. the stakeholder and the widow/widower of the stakeholder were no longer alive on 27 November 2018;
 - c. he/she meets the criteria as referred to in Article 1, under e;
 - d. in the opinion of the Committee, he/she has demonstrated sufficiently that the stakeholder meets the criteria as referred to in Article 2.1 under a or b.
- 5.2. All children of the same stakeholder are entitled to an equal share of the compensation. The compensation will be paid out in full to the child who submits the first application for the relevant stakeholder, subject to the obligation of that child to share the compensation equally with the other child/children who were still alive on 27 November 2018 and, on the basis of this compensation scheme, are also considered a child/children of the relevant stakeholder.

Heirs/reference date.

Article 6.

- 6.1. In this scheme, all decisions will be based on the situation on 27 November 2018, the day on which Nederlandse Spoorwegen resolved to set up the scheme. This means that the heirs take the place of a natural person who, based on this scheme, would have been entitled to an individual compensation on 27 November 2018, but died on or after 27 November 2018.
- 6.2. Pursuant to Article 3, Article 4 or Article 5, all heirs of a natural person who died on or after 27 November 2018 are authorised to submit an application for that deceased natural person. The compensation will be paid out in full to the heir who submits the first application for the deceased, subject to the obligation for that heir to share the compensation with the other heirs (if applicable), in which case the entitlement of the heirs will be determined by the law of inheritance.



Amount of the compensation.

Article 7.

- 7.1. The amounts of the compensations as referred to in Article 3, Article 4 and Article 5 are as follows:
- a. the compensation for a stakeholder who is entitled to a compensation pursuant to Article 3 amounts to: € 15,000
 - b. the compensation for a widow/widower who is entitled to a compensation pursuant to Article 4 amounts to: € 7,500
 - c. the compensation for the joint children who are entitled to a compensation pursuant to Article 5, the eldest living child of which was born before or on 8 May 1945, amounts to: € 7,500
 - d. the compensation for the joint children who are entitled to a compensation pursuant to Article 5, the eldest living child of which was born after 8 May 1945, amounts to: € 5,000
- 7.2. Implementation of this scheme may result in an applicant being entitled to multiple compensations (for example both as a stakeholder and as a widow/widower and/or as a child), for which separate applications must be submitted.

Hardship clause.

Article 8.

The Committee may derogate from this scheme if, in the opinion of the Committee, application of this scheme would result in exceptional cases of extreme unfairness.

Procedure for the granting of a compensation.

Article 9.

- 9.1. Those who wish to be eligible for a compensation must first submit an application to that end via the Foundation's website, by means of a digital application form adopted by the Foundation.
- 9.2. The applicant must submit the completed application form to the Foundation before 5 August 2020. The Committee may, in consultation with Nederlandse Spoorwegen, decide to extend this term.
- 9.3. The applicant is obliged to:
- a. upon request or on his/her own initiative provide the officers the Foundation has charged with the implementation of this scheme with all the information and assistance that may be relevant to the assessment of the application, which is at the discretion of the officer involved;



- b. insofar as the applicant is a child: divide the compensation equally among those who, pursuant to this compensation scheme are also considered a child/children of the relevant stakeholder (if any);
 - c. insofar as the applicant is an heir as referred to in Article 6.2: divide the compensation among those who, pursuant to Article 6.2, are considered heirs of the relevant natural person as well (if any).
- 9.4. Through submission of the application form:
- a. the applicant declares that he/she is familiar with this scheme and to accept the obligations that arise for him/her from this scheme (including the obligations under Article 9.3);
 - b. the applicant grants permission for an investigation into and of those of his/her personal details that may be relevant to the assessment of that application, which will be at the discretion of the officers the Foundation has charged with the implementation of this scheme and, in the case of a child, those of himself/herself and those of the stakeholder(s) of whom he/she is a child; and
 - c. the applicant accepts that all correspondence of the Committee with the applicant may also be sent by email to the email address the applicant has communicated to the Committee for that purpose;
 - d. the applicant accepts that payment of the compensation may, under certain circumstances, result in a (tax) levy being imposed on the applicant (such as taxation in box 3 or taxation by foreign authorities in the event of payment of the compensation to an applicant residing abroad).

Decision on compensation.

Article 10.

- 10.1. Within thirteen (13) weeks of receipt of the completed application for a compensation, the Committee will decide whether the applicant will receive a compensation. The Committee strives to assess the applications with urgency, particularly if an application is submitted by a natural person of advanced years. If the decision cannot be taken within that term, the Foundation will inform the applicant thereof and will set a reasonable term within which the decision can be taken.
- 10.2. The term for the decision on the application will be suspended as of the day following the day on which, pursuant to Article 9.3, under a, the Committee requests that the applicant provide the information that is reasonably required for the Committee to decide on the application. This suspension will last until the Committee has received the relevant information and has determined that the information is sufficient to decide on the application.



10.3. A decision on whether or not a compensation is granted will be communicated to the applicant in writing (which includes email).

Payment of the compensation.

Article 11.

- 11.1. Where possible, a compensation will be paid out to the applicant within fourteen (14) days of a decision as referred to in Article 10.3, on the basis of which a compensation is granted.
- 11.2. Compensations will only be paid into a bank account abroad if (international) laws and regulations do not preclude that.

Review.

Article 12.

- 12.1. The Committee may review or revoke a decision to grant a compensation in the event that:
 - a. the applicant to whom a compensation has been granted has provided incorrect or incomplete information, as a result of which the compensation was unduly or erroneously granted.
 - b. the decision to grant the compensation was otherwise incorrect and the applicant knew this or should have known this.
- 12.2. Any amounts or excess amounts that, due to a decision as referred to in Article 12.1, were unduly paid out will be reclaimed from the person to whom these have been paid out.

Complaint.

Article 13.

- 13.1. Complaints against a decision of the Committee as referred to in Article 10 or Article 12 can only be submitted to the Foundation's complaints committee.
- 13.2. The decision of the complaints committee is definitive and binding on the applicant and the Committee.
- 13.3. The complaints procedure has been laid down in the complaints protocol, which will be communicated to those who qualify for that.



Applicable law.

Article 14.

14.1. This scheme is subject to Dutch law.

14.2. The Dutch General Administrative Law Act (Algemene Wet bestuursrecht) does not apply to (decisions of) the Foundation and/or the Committee.

Concluding provisions.

Article 15.

15.1. The Foundation is charged with the implementation of this scheme. The Committee will decide on all cases not provided for by this scheme.

15.2. This scheme can be referred to as the 'Payment Scheme of the Foundation for Individual Compensation for Victims of WWII Transport by NS' and is the payment scheme of the Foundation as referred to in Article 2.2 of the Foundation's articles.