

FSMA_2012_19 of 3/12/2012

Handbook on the procurement of an authorization or extension of authorization by an institution for occupational retirement provision governed by Belgian law

Scope:

Institutions for occupational retirement provision

Summary/Objectives:

This handbook contains the procedure that institutions for occupational retirement provision governed by Belgian law have to follow when submitting an application for authorization or extension of their authorization to the FSMA, and specifies the form and the content of these applications

Structure:

1. Introduction	3
1.1. Authorization prior to commencing or extending operations: application procedure	3
1.2. Scope	4
2. Procedure.....	5
2.1. Procedure for authorization or extension of authorization.....	5
2.2. Payment of a contribution for the examination of the application	5
2.3. The FSMA’s decision.....	6
2.4. Right of appeal against the FSMA’s decision	6
2.5. Commencement of activities	7
3. Authorization or extension dossier.....	8
3.1. General information about the IORP	8
3.2. The IORP’s activities	9
3.3. Institutional and organizational aspects	10
3.3.1. Articles of association	10
3.3.2. Sponsoring undertakings.....	10
3.3.3. Management structure	11
3.3.4. Members of operational bodies and external advisers	12
3.3.5. Administrative and accounting organization and internal control	13
3.4. Financial and technical aspects.....	13
3.4.1. Pension schemes	13
3.4.2. Solvency margin	15
3.4.3. Insurance and/or reinsurance	16
3.4.4. Investment policy	16
3.4.5. Financing plan	16

4. Declaration of the person responsible for submitting the authorization or extension application	20
5. Forms	21
Form A.....	21
Form B.....	22
Form C.....	24
Form D	25
Form E.....	33

The present handbook represents no more than a guide for the compilation of an application dossier for authorization or extension of authorization, and its use can in no way anticipate the outcome of the decision of the FSMA to grant or refuse the said authorization or extension of authorization.

Furthermore, attention is drawn to the importance of the answers provided in the application dossier for authorization or extension of authorization. In this respect, the applicant should be aware of the consequences of the declaration referred to in point 4 of this handbook.

1. Introduction

1.1. Authorization prior to commencing or extending operations: application procedure

1.1.1. In Belgium, the activity and supervision of institutions for occupational retirement provision (hereinafter "IORPs") are governed by the Law of 27 October 2006 on the supervision of institutions for occupational retirement provision (hereinafter the "Law"), as well as by the Royal Decree of 12 January 2007 on the prudential supervision of institutions for occupational retirement provision (hereinafter the "Royal Decree")¹.

IORPs governed by Belgian law must be constituted in the form of an organization for financing pensions (hereinafter "OFP"), as referred to in Title II, Chapter II, of the Law².

1.1.2. Establishments intending to carry out the activities of an IORP, namely the provision of the retirement benefits referred to in Article 2, 2°, of the Law³, are required, before commencing operations, to obtain authorization from the Financial Services and Markets Authority (hereinafter "FSMA")⁴.

Article 2, 2°, of the Law defines "retirement benefits" as "benefits paid by reference to reaching, or the expectation of reaching, retirement or, where they are supplementary to those benefits and provided on an ancillary basis, in the form of payments on death, disability, incapacity for work or cessation of employment or in the form of support payments or services in case of sickness, indigence or death".

1.1.3. Authorization is granted separately for the activities referred to in Article 55, paragraph 1, 1°, of the Law and the activities referred to in Article 55, paragraph 1, 2°⁵.

¹ The regulations on supplementary pensions and the FSMA's circulars may be consulted on the FSMA's web site (www.fsma.be).

² Article 8, para. 2, of the Law.

³ This handbook only concerns retirement benefits belonging to the second pillar of the pension system. The procedures described are mutatis mutandis applicable to the authorization of the IORPs whose object is the provision of retirement benefits belonging to the first pillar of the pension system.

⁴ Article 52 of the Law.

⁵ Article 55, para. 1, of the Law.

Article 55, paragraph 1, 1°, of the Law refers firstly to the provision in Belgium of fringe benefits, on an individual or collective basis, relating to retirement, death, disability or incapacity for work for staff or managers of one or several companies⁶, and secondly to the provision abroad of fringe benefits other than those referred to in Article 55, paragraph 1, 2° (hereinafter “employees’ fringe benefits”).

Article 55, paragraph 1, 2°, of the Law refers firstly to the provision in Belgium of fringe benefits relating to retirement, death, disability or incapacity for work for self-employed persons, as referred to in Title II, Chapter I, Section 4, of the Programme Law (I) of 24 December 2002⁷ and for non self-employed persons, as referred to in Article 54 of the Law on compulsory insurance for medical care and benefits, consolidated on 14 July 1994^{8 9}, and secondly to the provision abroad of similar fringe benefits accrued on a personal basis by self-employed persons in connection with their professional activity (hereinafter “self-employed persons’ fringe benefits”).

1.1.4. However, an IORP may make a simultaneous application for authorization for both types of activity.

1.1.5. If an IORP is only authorized to carry out activities of the employees’ fringe benefits type and wishes to extend its activities to include those of the self-employed persons’ fringe benefits type – or vice versa – it must submit an application for extension of authorization to the FSMA. This application for extension of authorization is subject to the same procedure as the application for authorization¹⁰.

1.2. Scope

The procedure described in this handbook applies to any application for carrying out activity in Belgium submitted by an IORP governed by Belgian law.

⁶ The retirement benefits in question are those which are authorized in Belgium under the terms of Article 74, § 1, 1°, of the Law.

⁷ Title II, Chapter I, Section 4, of the Programme Law (I) of 24 December 2002 refers to tax-liable self-employed persons who are liable for social security contributions at least equal to those referred to in Article 12, § 1, of Royal Decree 38 of 27 July 1967 with regard to the arrangements regarding the social status of self-employed persons, and to the self-employed persons referred to in Article 12, § 1*bis*, of the same decree.

⁸ Article 54 of the Law on compulsory insurance for medical care and benefits, consolidated on 14 July 1994, refers to doctors and dental practitioners who are deemed to have adhered to the terms of the agreements referred to in Article 50, § 1, of the same Law, and to pharmacists and physiotherapists who adhere to the relevant national convention concluded with the insurance organizations and who apply for the benefits thereof.

⁹ The retirement benefits in question are those which are authorized in Belgium under the terms of Article 74, § 1, 2°, of the Law.

¹⁰ Article 55, para. 2, of the Law.

2. Procedure

2.1. Procedure for authorization or extension of authorization

2.1.1. The authorization or extension of authorization of the IORP is granted on the basis of an application for authorization or extension, accompanied by a dossier, which applicants must submit to the FSMA¹¹.

Authorization and extension dossiers must consist of the documents and information described in point 3 of this handbook and listed in Article 53 of the Law.

2.1.2. The FSMA will immediately acknowledge receipt of the application for authorization or extension¹².

2.1.3. To ensure that it has the necessary information, the FSMA expects applicants to provide it with detailed, complete information on the requested points.

Moreover, applicants are to notify the FSMA in writing of any changes to the information contained in the dossier submitted in support of the application for authorization or extension.

In any case, applicants should be aware that a false declaration or the withholding of relevant information may give rise to administrative or penal sanctions¹³.

2.1.4. If they wish, applicants may ask the FSMA to perform an initial analysis of their dossier before duly submitting an application for authorization or extension.

However, the deadlines referred to in Article 56 of the Law start only from the time of submission of the application for authorization or extension¹⁴.

2.2. Payment of a contribution for the examination of the application

The IORP that submits an application for authorization or for the extension of its authorization, pays a contribution to the FSMA for the examination of this application that is fixed at EUR 2,500 on 1 January 2012¹⁵. This amount is adjusted each year in accordance with the changes in operating expenses of the FSMA relating to, amongst others, its bodies and staff¹⁶.

The FSMA claims payment of the contribution due when it acknowledges receipt of the application for authorization or extension of the authorization¹⁷.

¹¹ Article 53 of the Law.

¹² Article 56 of the Law.

¹³ Title IV of the Law.

¹⁴ See points 2.2. and 2.3. of this handbook.

¹⁵ See Article 28, para. 1 of the Royal Decree of 17 May 2012 on the financing of the FSMA's operating expenses, implementing Article 56 of the Law of 2 August 2002 on the supervision of the financial sector and on financial services (Belgian Official Gazette, 21 June 2012).

¹⁶ Article 3, para. 2, of the aforementioned Royal Decree of 17 May 2012.

¹⁷ See point 2.1.2. of this handbook.

The contribution has to be paid within one month of the notification of the amount due¹⁸. If a formal notice has to be given by registered letter with an acknowledgement of receipt, an administration fee of 50 Euros will be charged for each formal notice¹⁹.

2.3. The FSMA's decision

2.3.1. If the IORP fulfils the conditions and rules stipulated in or pursuant to the Law, the FSMA will grant it the authorization or extension²⁰.

2.3.2. The FSMA will issue its decision about the application for authorization or extension within three months of the submission of a complete application dossier, and not later than nine months after receiving the application²¹.

The three-month period runs from the date of submission of a complete dossier to the FSMA. The nine-month period runs from the receipt of the application by the FSMA. If the dossier remains incomplete by the end of this nine-month period, the FSMA will refuse authorization on these grounds.

2.3.3. The IORP will be informed by registered letter of the decision to grant or to refuse authorization or extension²².

2.3.4. The FSMA draws up a list of authorized IORPs. This list indicates for which of the two activities referred to in Article 55, paragraph 1, the IORP has authorization²³.

The FSMA keeps this list up to date on its web site²⁴.

2.4. Right of appeal against the FSMA's decision

2.4.1. Applicants for authorization may lodge an appeal with the Council of State by expedited procedure against decisions to refuse authorization taken by the FSMA pursuant to Article 56 of the Law²⁵.

2.4.2. In accordance with the relevant administrative rules, applicants may likewise lodge an appeal if the FSMA has not announced a decision within the above-mentioned three- or nine-month periods.

2.4.3. An application to have FSMA decisions revoked may also be brought before the Council of State by any interested party²⁶.

¹⁸ Article 3, para. 3, of the aforementioned Royal Decree of 17 May 2012.

¹⁹ Article 3, para. 4, of the aforementioned Royal Decree of 17 May 2012.

²⁰ Article 57 of the Law.

²¹ Article 56 of the Law.

²² Article 58 of the Law.

²³ Article 59 of the Law, as amended by the Law of 6 May 2009.

²⁴ Article 59 of the Law, as amended by the Law of 6 May 2009.

²⁵ Article 122, 29°, of the Law of 2 August 2002 on the supervision of the financial sector and on financial services and Royal Decree of 15 May 2003 setting out the rules for the accelerated procedure in the event of an appeal to the Council of State against certain decisions by the Banking and Finance Commission.

²⁶ Article 14, § 1, of the Consolidated Laws on the Council of State of 12 January 1973.

2.5. Commencement of activities

2.5.1. The IORP may commence its activities on the date of the FSMA's decision to grant it authorization or extension.

2.5.2. The IORP is required to make use of the authorization within 12 months, on pain of the authorization's withdrawal by the FSMA²⁷.

²⁷ Article 130, para. 1, 1°, of the Law.

3. Authorization or extension dossier

If the IORP wishes to carry out activities of the employees' fringe benefits type, activities of the self-employed persons' fringe benefits type, or both types of activities, an application for authorization, accompanied by a dossier consisting of the documents and information described in the present point 3, must be submitted to the FSMA.

If the IORP already carries out activities of the employees' fringe benefits type and wishes to extend its activities to include those of the self-employed persons' fringe benefits type – or vice versa – it must submit an application for extension of authorization to the FSMA, accompanied by a dossier consisting of the documents and information described in the present point 3, apart from any items which are already held by the FSMA. Naturally, if documents which have been submitted in the past are out of date, an up-to-date version should be sent to the FSMA.

The authorization or extension dossier should be drawn up in one of the official languages of Belgium.

The authorization or extension dossier must be sent to the FSMA through the secured communication platform eCorporate²⁸.

In order to put together the authorization or extension dossier, the IORP is asked to answer in order the questions presented in this point, and to send the answers to the FSMA together with any annexes to which they refer, keeping the individual answers clearly separate from one another.

Some of the questions can be answered by simply filling in a form. In the case of others, it will be necessary to include in the answer points of information indicated in the comments preceding the question in this handbook.

The various forms to be filled in may be downloaded from the web site of the FSMA.

3.1. General information about the IORP

There are two possible scenarios.

The application may be for authorization for an IORP which has not yet been authorized by the FSMA.

Alternatively, the application may be for extension of authorization for an IORP which has already been authorized to carry out activities of the employees' fringe benefits type and which wishes to extend its activities to include those of the self-employed persons' fringe benefits type, or vice versa.

Question 1 *Using Form A, please provide information about the IORP for which the authorization or extension is being requested.*

²⁸ The circular of the FSMA on the eCorporate platform is available on the website of the FSMA (www.fsma.be).

3.2. The IORP's activities

3.2.1. In any case, it is important for the FSMA to be informed at the time of application for authorization or extension about all the activities the IORP is planning to carry out in Belgium and/or abroad.

3.2.2. Authorization is granted separately for activities of the employees' fringe benefits type and for activities of the self-employed persons' fringe benefits type²⁹.

3.2.3. In the case of activities carried out abroad, where a distinction between the two types of activities cannot be made, all activities should be regarded as activities of the employees' fringe benefits type.

3.2.4. In addition, the IORP may provide, in Belgium or abroad, other retirement benefits as referred to in Article 2, 2°, of the Law, provided they are authorized.

In Belgium, these may be, firstly, benefits arising from the solidarity commitments introduced on behalf of employees referred to in Articles 10 and 11 of the Law of 28 April 2003 on supplementary pensions and on tax regulations applicable to such pensions and to certain additional social security benefits (hereinafter "the LSP") and, secondly, benefits arising from the solidarity commitments introduced on behalf of self-employed persons referred to in Article 46 of the Programme Law (I) of 24 December 2002 (hereinafter "the LSPS")³⁰. Although authorization is not required for the said solidarity benefits, these are retirement benefits authorized in Belgium³¹.

An IORP may not manage death, disability or incapacity for work benefits, or solidarity schemes or commitments except as an activity ancillary to the management of retirement benefits³².

3.2.5. An IORP that plans to carry out cross-border activity, ie an activity in an EEA Member State, or an activity in a non-EEA country, needs authorization and must notify its intention to the FSMA before commencing its activities^{33 34}.

However, the notification of a cross-border activity, or of an activity in a non-EEA country may be submitted together with the authorization file of the IORP.

Question 2 <i>Using Form B, please indicate all the activities that the IORP is planning to carry out.</i>

²⁹ Article 55 of the Law. See point 1.1.3. of this handbook.

³⁰ In Belgium, solidarity benefits are stipulated, in the case of employees, by the Royal Decree of 14 November 2003 establishing the solidarity benefits linked to social supplementary pension schemes, and in the case of self-employed persons, by the Royal Decree of 15 December 2003 establishing the solidarity benefits linked to social pension agreements.

³¹ Article 74, § 1, 3° and 4°, of the Law.

³² Article 76 of the Law.

³³ Articles 64 and 70 of the Law.

³⁴ The notification procedure for a cross-border activity or an activity in an EEA Member State is laid down in circular CBFA_2010_03 of 12 January 2010 on the notification by an institution for occupational retirement provision governed by Belgian law of a cross-border activity or of an activity in a country that is not a member of the European Economic Area. The FSMA's circulars may be consulted on the FSMA's web site (www.fsma.be).

3.3. Institutional and organizational aspects

Every new IORP governed by Belgian law must be established as a legal person distinct from the sponsoring undertaking and take the form of an OFP³⁵.

Chapter II of Title II of the Law determines the status and operating rules of the OFP.

An OFP may be declared null if one of the purposes for which it has been established is contrary to the Law or public order³⁶.

3.3.1. Articles of association

The Law stipulates certain information which must be included in the articles of association of the IORP³⁷.

The absence of either of the following two items may lead to the annulment of the OFP³⁸:

- the IORP's name and the address of its registered office;
- the precise description of its company object.

The IORP's company object must be confined to the activities referred to in Article 2, 2°, of the Law and to the activities arising therefrom³⁹.

The provision of the retirement benefits defined in Article 2, 2°, of the Law should constitute the corporate object as such of the OFP.

Question 3 *Please include the IORP's articles of association or consolidated articles of association in the dossier, as well as its deed of incorporation where applicable.*

If the articles of association have already been published in the annexes to the Belgian Official Gazette, the date of publication should be specified.

3.3.2. Sponsoring undertakings

3.3.2.1. The Law uses the term "sponsoring undertaking" to refer to any undertaking or other body, regardless of whether it includes or consists of one or more legal or natural persons, which acts as an employer or in a self-employed capacity or a combination thereof and which pays contributions into an IORP⁴⁰.

3.3.2.2. The Law requires each sponsoring undertaking to be a member of the IORP for as long as the latter is responsible for managing its pension scheme or schemes, where such schemes stipulate employees' fringe benefits⁴¹.

³⁵ Article 8 of the Law.

³⁶ Article 35, § 1, para. 1, 2°, of the Law.

³⁷ Article 46 of the Law.

³⁸ Article 35, § 1, para. 1, 1°, of the Law.

³⁹ Article 10 of the Law.

⁴⁰ Article 2, para. 1, 4°, of the Law.

⁴¹ Article 14, § 1, of the Law, as amended by the Law of 6 May 2009.

Sponsoring undertakings which are self-employed persons are thus not subject to this requirement.

With regard to pension schemes governed by Belgian law, any jointly composed legal person designated via a collective labour agreement by the representative bodies of a joint committee or sub-committee which sets up a pension scheme at sectoral level is treated as a sponsoring undertaking⁴²

⁴³.

Question 4 *Please use Form C to provide relevant information about each sponsoring undertaking whose pension schemes the IORP is planning to manage where these schemes stipulate employees' fringe benefits.*

3.3.2.3. Any IORP managing pension schemes stipulating employees' fringe benefits is required to lay down, either in its articles of association or in an agreement concluded with the sponsoring undertaking or undertakings concerned, management and operating rules which clearly define the said sponsoring undertakings' rights and obligations⁴⁴.

These operating and management rules are specified by the Royal Decree⁴⁵.

Question 5 *If the operating and management rules are not included in the IORP's articles of association, please include in the dossier the draft agreement which the IORP is planning to conclude or the agreement concluded with the sponsoring undertaking or undertakings concerned.*

3.3.3. Management structure

The IORP's management structure must be appropriate to the activities it will be carrying out⁴⁶.

This management structure should be based around at least one operational body within the meaning of the Law⁴⁷, namely the board of directors. This latter should exercise the powers reserved for it by the Law or the articles of association. In particular, it should define the IORP's general policy⁴⁸.

Other operational bodies may also be established⁴⁹. These should be executive bodies whose role is to implement in full or in part the IORP's general policy as defined by the board of directors.

If other operational bodies exist, the board of directors shall supervise them⁵⁰.

Moreover, the Law lists various operational tasks which must be clearly assigned to an operational body⁵¹.

⁴² Or "organizer" within the meaning of Article 3, § 1, 5°, of the LSP.

⁴³ Article 2, para. 2, of the Law.

⁴⁴ Article 79 of the Law and Article 4 of the Royal Decree.

⁴⁵ Articles 4, 6 and 7 of the Royal Decree.

⁴⁶ Article 77 of the Law.

⁴⁷ Articles 21 to 26 of the Law.

⁴⁸ Articles 27 to 30 of the Law.

⁴⁹ Articles 31 to 33 of the Law.

⁵⁰ Article 27 of the Law.

⁵¹ Article 22 of the Law.

Finally, within the context of the social and labour law applicable to the pension schemes managed by an IORP, one or more social committees may also be established within the IORP in Belgium or abroad. Although these committees are not bodies of the IORP, they may have powers of consultation or decision-making powers in one or more areas or situations relating to the latter's functioning⁵².

Question 6 *Please provide a description of the IORP's management structure, specifying at least the name, composition and competencies of the operational bodies, as well as the assignment of the operational tasks referred to in Article 22 of the Law.*

Please also indicate whether there are any social committees, and if so, specify their names and competencies.

Please provide a summary organization chart of the IORP's management structure, specifying the identity of the members of the various bodies or committees.

3.3.4. Members of operational bodies and external advisers

The members of the IORP's operational bodies must have the necessary professional integrity. They must also have appropriate professional qualifications and experience to carry out their functions⁵³, unless they are able to enlist the services of external advisers who possess such qualifications and experience⁵⁴.

Persons who have been convicted of an offence under Article 25 of the Law may not exercise or continue to exercise the functions of a member of an operational body, nor may they represent legal persons exercising such functions.

On this point, the IORP should refer to the FSMA's guidelines on IORP governance⁵⁵.

Question 7 *Using the form relating to the designation of a member of an operational body⁵⁶, please provide information about each person applying to exercise the function of member of one of the IORP's operational body and about each external adviser.*

Where necessary, please include in the dossier the documents specified in the form.

⁵² Article 34 of the Law.

⁵³ Article 24 of the Law.

⁵⁴ Article 24 of the Law.

⁵⁵ Circular CPP-2007-2-LIRP/WIBP of 23 May 2007 on the governance of IORPs and note CPP-2007-2-LIRP/WIBP on the prudential expectations of the CBFA regarding the governance of IORPs. The FSMA's circulars may be consulted on the FSMA's web site (www.fsma.be).

⁵⁶ This form is attached to the FSMA's handbook FSMA_2012_18 of 16 October 2012 regarding the designation of the IORP's key people and the notification thereof to the FSMA. This operational guide may be consulted on the FSMA's web site (www.fsma.be).

3.3.5. Administrative and accounting organization and internal control

The IORP must have an administrative and accounting organization and internal control mechanisms which are appropriate to the activities it carries out⁵⁷.

To this end, in particular, the IORP is required to set up a compliance function and an internal audit function, and to define the business continuity policy that the IORP is planning to apply in order to ensure the uninterrupted provision of its services.

The IORP may use outsourcing.

On this point, the IORP should refer to the FSMA's guidelines on IORP governance⁵⁸.

Question 8 *Please provide a description of the IORP's administrative and accounting organization and its internal control mechanisms, including its business continuity policy and the compliance and internal audit functions.*

If the IORP intends to outsource, please specify the activities which will be outsourced as well as, if this is already known, the identity of the service providers on which the IORP is planning to rely.

3.4. Financial and technical aspects

3.4.1. Pension schemes

3.4.1.1. Regardless of the type of pension scheme that it manages, the IORP may undertake an obligation of result or an obligation of means.

An IORP undertakes an obligation of result when it guarantees a given level of performance or a defined return based on the contributions paid⁵⁹.

The IORP merely undertakes an obligation of means when it undertakes to manage the funds entrusted to it to the best of its ability with a view to carrying out the retirement plan, regardless of the nature of the provision of the retirement benefits⁶⁰. In other words, the IORP undertakes only to manage with due diligence the funds which are entrusted to it and to seek a defined level of performance or investment result, even though the sponsoring undertaking promises a defined level of performance or return to its members.

The type of the IORP's obligation has a direct impact on the technical and financial requirements which apply (financing plan, level of provisions, calculation of solvency margin, etc.).

Question 9 *Please specify the nature of the IORP's obligation (of result or of means) for each pension scheme.*

⁵⁷ Article 77 of the Law.

⁵⁸ Circular CPP-2007-2-LIRP/WIBP of 23 May 2007 on the governance of IORPs and note CPP-2007-2-LIRP/WIBP on the prudential expectations of the CBFA regarding the governance of IORPs. The FSMA's circulars may be consulted on the FSMA's web site (www.fsma.be).

⁵⁹ Article 2, para. 1, 12°, of the Law.

⁶⁰ Article 2, para. 1, 13°, of the Law.

3.4.1.2. The FSMA must have a full and accurate picture of the performance commitments made in connection with the pension scheme or schemes that the IORP manages in order to assess the IORP's technical and financial aspects.

This is why the IORP must draw up a list of the different pension schemes⁶¹ that it manages, with a description of the retirement benefits and how they are financed.

As well as the different types of benefits it manages, the IORP should also mention the conditions or guarantees associated with the benefits, and any factors which may have an effect on their financing and on the establishment of the technical provisions. The IORP should also ensure that the description reflects *all* obligations that the IORP accrues or incurs. This includes the IORP's obligations towards its members (dormant members, pensioners, transitional provisions, etc.) by virtue of existing pension schemes (e.g. those taken over from other pension institutions).

The following is a non-exhaustive list of points for attention which the IORP may take as its basis.

- a. per type of benefit: on retirement (defined contribution with or without guaranteed return, cash balance, defined benefit, etc.), on death (before or after retirement, widow's pension, orphan's pension, death-in-service benefit, etc.), in the event of incapacity for work or disability (pension, contribution exemption, etc.), other⁶²:
 - the allocated retirement benefits, meaning the planned benefits (defined benefit or benefit definable by formula, investment performance, etc.) including current benefits (retirement, widow's, orphan's, disability pension, etc.) which the IORP will take on at the moment of authorization plus any outstanding benefits in consequence of transfers, transitional schemes, grandfather clauses, etc.;
 - the allocation criteria for shares of profit⁶³;
 - the characteristics of each benefit: age (retirement age, etc.), members (e.g. group of employees who are eligible for a defined benefit), possibility of conversion of the capital into income or vice versa, allocation of back-service, early retirement (age, conditions, additional benefits, etc.), etc.;
 - the contributions paid by the sponsoring undertakings and the members (fixed amount or amount calculable by formula, etc.);
 - the method of calculating the vested reserves as determined by the pension scheme or by social and labour legislation⁶⁴;

⁶¹ Article 2, para. 1, 3°, of the Law.

⁶² See point 3.2.4. of this handbook.

⁶³ In Belgium, including allocated shares of profit for members receiving income under Article 28, § 1, of the LSP or Article 50, § 1, of the LSPS.

⁶⁴ In Belgium the minimum vested reserves are determined by social or labour law for the employees defined in Chapter IV of the Royal Decree of 14 November 2003 implementing the Law of 28 April 2003 on supplementary pensions and the tax system for such pensions and for certain social security benefits. For self-employed people, social or labour law does not stipulate any minimum vested reserves. However, a vested reserve may be provided contractually. Naturally, if the pension scheme makes provision for a vested reserve which yields a higher result than the minimum legal vested reserve, the calculation method for this higher result should be described.

- b. the number of members (active members, dormant members, pensioners, etc.);
- c. any other item of information which is needed for an accurate assessment of the obligations.

Question 10 *For each pension scheme that the IORP manages, please describe the main characteristics, so that the FSMA can form a full and accurate picture of it with a view to assessing its financial and technical aspects related to the management of these schemes.*

3.4.2. Solvency margin

If the IORP is required to establish a solvency margin, it must provide proof that it has made provision for sufficient capital for the composition of the solvency margin⁶⁵.

This capital should be backed by assets which are free from any possible form of liability and which comply with the stipulations of Article 14 of the Royal Decree.

3.4.2.1. The calculation of the minimum required solvency margin should be performed in accordance with Articles 8 to 12 of the Royal Decree. This calculation should be performed separately for the employees' fringe benefits and for the self-employed persons' fringe benefits activities, and separately for activities with an obligation of means and those with an obligation of result⁶⁶.

Question 11 *Using Form D, please perform the calculation of the solvency margin required for the activities for which the application for authorization is being made.*

3.4.2.2. Proof that the IORP possesses the required solvency margin can be provided by means of:

- a. A list of assets, free from any possible form of liability, which satisfy the stipulations of Article 14 of the Royal Decree;
- b. Payment from the sponsoring undertaking: in this case, proof of payment should be provided;
- c. Bank guarantee: in this case, the agreement concluded should be included with the application;
- d. (Re)insurance: in this case, the (re)insurance agreement should be included⁶⁷.

Question 12 *Please provide the supporting documents you possess about the required solvency margin.*

⁶⁵ Articles 87 and 88 of the Law.

⁶⁶ See point 3.4.1.1. of this handbook.

⁶⁷ If the insurance or reinsurance company is established in a non-EEA country, it has to comply with the conditions set by the FSMA (Article 9, para. 1, 4°, c), of the Royal Decree).

3.4.3. Insurance and/or reinsurance

In addition to the insurance or reinsurance that is contracted to reduce the required solvency margin⁶⁸, any other insurance or reinsurance contracts entered into by the IORP are also to be provided.

Question 13 *If the IORP is planning to contract insurance or reinsurance, please indicate the method of (re)insurance, give a description of the covered risks and identify the (re)insurance company or companies.*

3.4.4. Investment policy

The IORP should draw up a written statement of its investment policy principles⁶⁹. This statement should be revised every three years and immediately after any significant change.

The statement should at least include the weighting method used for investment risks, the risk management procedures and the strategic spread of assets in the light of the nature and duration of the pension obligations.

Question 14 *Please include your statement of investment policy principles.*

3.4.5. Financing plan

3.4.5.1. The IORP's financing plan⁷⁰ should comprehensively and exhaustively describe the financing method for the pension commitments undertaken and the method of calculating the technical provisions for each pension scheme and of calculating the elements which are common to the different pension schemes, such as the solvency margin and the costs, as well as all obligations managed by the IORP, in order to allow the FSMA to assess the calculation of the contributions and the technical provisions⁷¹.

- a. Financing of benefits and establishment of technical provisions (per pension scheme)
 - If an IORP manages pension schemes which cover biometric risks or provide a return on investment or a given level of benefits⁷² (hereinafter referred to as "section II pension schemes"), it should achieve a balance in both the long and the short term with regard to their financing and the establishment of the technical provisions.

⁶⁸ See point 3.4.2. of this handbook.

⁶⁹ Article 95 of the Law.

⁷⁰ Article 86 of the Law and Article 15 of the Royal Decree.

⁷¹ So that the FSMA can ascertain, by cross-checks to the description referred to in question 10 and to future actuary reports, that all obligations have been taken into account while drawing up and applying the financing plan.

⁷² Chapter IV, section II, of the Royal Decree.

In its financing plan, the IORP should describe, per type of benefit, the prudent methods and principles used (actuarial method and depreciation, interest percentages, biometric tables, assumptions used, etc.) for the financing of the benefits and the establishment of the technical provisions⁷³. In its answer to question 16, it should justify⁷⁴ these methods and principles in the light of long-term balance.

The IORP's financing plan should also indicate whether the methods and principles used for long-term balance are sufficient to cover the absolute lower limit⁷⁵ for the technical provisions which is necessary for short-term balance.

- For the IORP's pension schemes which do not cover biometric risks or provide a return on investment or a given level of benefits⁷⁶ (hereinafter referred to as "section III pension schemes"), the financing plan may confine itself to the coverage of the absolute lower limit⁷⁷ for achieving the short-term balance.

It should describe how the individual accounts⁷⁸ are funded.

b. Financing of the solvency margin (where applicable)

- The financing plan should indicate how the required *solvency margin* (see question 11) will be financed.
- It should provide an estimate for the first three financial years of the financial means required to form the solvency margin.

c. Financing of costs (for all schemes combined)

- The financing plan should provide a prudent estimate of the costs that the IORP itself incurs and describe, for all schemes combined, how these will be adequately financed.
- It should provide an estimate of the set-up costs⁷⁹ including, where applicable, the costs of starting up the administrative services and the new business network and the means of covering these costs.
- It should also include, for the first three financial years, for all activities, an estimate of the management costs excluding set-up costs, and of their financing.

d. Cohesion

The plan should form a logical and coherent whole which pays due consideration to both the overall structure and any mutual connections or interactions between the schemes or between the different retirement benefits in the financing and the establishment of the technical provisions and to each pension scheme or benefit offered individually, as listed and described in question 10.

Where necessary, the financing plan should also take account of the operating and management rules determined in accordance with Articles 6 and 7 of the Royal Decree.

⁷³ Article 16, § 1, of the Royal Decree.

⁷⁴ Article 16, § 2, of the Royal Decree.

⁷⁵ Article 17 of the Royal Decree.

⁷⁶ Chapter IV, section III, of the Royal Decree.

⁷⁷ Article 18 of the Royal Decree.

⁷⁸ Article 19 of the Royal Decree.

⁷⁹ Any costs for the purchase of equipment and buildings at the time of start-up.

Where applicable, the financing plan should also indicate how the net result is apportioned to the different pension schemes, if such an apportionment is undertaken.

3.4.5.2. Commitment of the sponsoring undertaking

In the case of employees' fringe benefits, the Law stipulates that each sponsoring undertaking should undertake to comply with the financing plan drawn up by the IORP⁸⁰. This commitment may appear in particular in the articles of association or in the agreement concluded between the IORP and the sponsoring undertakings.

Question 15 *Please draw up a detailed financing plan presenting an appropriate financing method for the retirement benefits commitment and the principles of calculating and methods of establishing the technical provisions, taking account of the characteristics and risks of each pension scheme and the financing method for the solvency margin and costs. Please also pay due regard to overall consistency. This financing plan should also contain an exhaustive and comprehensive description of all obligations managed by the IORP. Any future changes in these obligations must be described comprehensively and exhaustively in the financing plan or in all actuary reports subsequent to these changes.*

Please also provide proof that each of the sponsoring undertakings concerned has undertaken to comply with the financing plan drawn up by the IORP.

3.4.5.3. Justification of technical and financial methods and principles

3.4.5.3.1. IORPs with section II pension schemes should justify – taking a prudent approach which should contribute to appropriate financing of the obligations and the establishment of the technical provisions in the light of the intended duration – among other things, its actuarial method, depreciation, interest percentages, biometric tables, investment policy, matching of assets and liabilities, risk management and reinsurance policy⁸¹.

If the IORP manages both section II and section III pension schemes, and interaction may arise between these schemes, the justification should relate to all these schemes.

In its justification, the IORP should ensure both the coherence and the soundness of the method used and the principles for the calculation of the technical provisions. In this connection, it should pay due regard to any actuarial depreciation.

3.4.5.3.2. The appointed actuary must also take account of this justification in his advice⁸².

⁸⁰ Article 86, para. 1, of the Law.

⁸¹ Article 16, § 2, of the Royal Decree.

⁸² Article 109 of the Law and Article 44 of the Royal Decree.

Question 16 *For IORPs which manage pension schemes which cover biometric risks or provide a return on investment or a given level of benefits, please provide a justification of the technical and financial methods and the principles used with a view to ensuring the durability of the pension scheme obligations.*

Please include the advice of an actuary about the financing plan, insurance, reinsurance and the justification thereof.

4. Declaration of the person responsible for submitting the authorization or extension application

4.1. Applications for authorization or extension must be signed by the person representing the IORP.

In the case of IORPs which have already been formed, this must be a person or persons who are authorized to represent the IORP in accordance with Article 28, paragraphs 2 and 3 of the Law. If the person or persons authorized to represent the IORP is/are a legal person or legal persons, the application for authorization or extension will be signed by its/their duly appointed representative(s)⁸³.

In the case of an IORP which is in the process of formation, the person who signs the application for authorization or extension will undertake this commitment in accordance with Article 11, paragraph 2, of the Law.

4.2. To ensure that it has the appropriate information, the FSMA expects applicants to provide the information required by this handbook in detailed, complete form.

Moreover, applicants are to notify the FSMA in writing on their own initiative of any changes to the information contained in the dossier submitted in support of the application for authorization or extension of authorization.

4.3. Applicants should be aware of the importance of the information provided. A false declaration or the withholding of relevant information may give rise to administrative or penal sanctions⁸⁴.

Question 17 *The person responsible for the application for authorization or extension is asked to complete and sign Form E.*

⁸³ Article 23 of the Law.

⁸⁴ Title IV of the Law.

5. Forms

<p>Form A</p> <p>Information about the IORP (question 1)</p>

Company name	in full	
	in short⁸⁵	
	acronym⁸⁶	
Company number^{87 88}		
FSMA identification code⁸⁹		
Address of registered office	Street	
	Number	
	Postcode	
	City	
	Country	
Postal address⁹⁰	Street	
	Number	
	Postcode	
	City	
	Country	
E-mail address		
Telephone		
Fax		
Position of the contact person within the operational body responsible for providing information to the FSMA⁹¹		
The personal data which you have provided to the FSMA via this form will be processed by the FSMA as set out in its Privacy Policy .		

⁸⁵ Where applicable.

⁸⁶ Where applicable.

⁸⁷ The unique identification number (consisting of 10 digits) assigned by the Crossroads Bank for Enterprises of the Federal Public Service Economy, SMEs, Self-Employed and Energy.

⁸⁸ If already assigned.

⁸⁹ If the IORP has already been authorized by the FSMA.

⁹⁰ If the postal address is different from that of the registered office.

⁹¹ Article 22, para. 1, 4°, of the Law.

<p>Form B</p> <p>The IORP's activities (question 2)</p>
--

B1. Activity to which the application for authorization or extension relates

B1.1. Activity of the employees' fringe benefits type in Belgium and/or abroad

Does the application for authorization or extension relate to an activity of the employees' fringe benefits type?

Yes	No
-----	----

If so, please specify the nature of the managed pension scheme(s)?

Company scheme	
Sectoral scheme	
Individual commitment	
Other⁹²	

B1.2. Activity of the self-employed persons' fringe benefits type in Belgium and/or abroad

Does the application for authorization or extension relate to an activity of the self-employed persons' fringe benefits type?

Yes	No
-----	----

⁹² To be specified (see point 3.2.3. of this handbook).

B2. Other authorized activities

B2.1. Other authorized activities in Belgium

Is the IORP planning to carry out other authorized activities in Belgium⁹³?

Yes	No
-----	----

If so, please specify which

--

B2.2. Other authorized activities abroad

Is the IORP planning to carry out other authorized activities abroad?

Yes	No
-----	----

If so, please specify which

--

⁹³ For example, the provision of benefits arising from the solidarity schemes introduced on behalf of self-employed persons referred to in Article 46 of the LSPS, or the provision of benefits arising from the solidarity commitments set up on behalf of workers referred to in Articles 10 and 11 of the LSP.

<p>Form C</p> <p>Sponsoring undertakings (question 4)</p>
--

For employees' fringe benefits, this form must be completed in as many copies as there are sponsoring undertakings.

Company name ⁹⁴		
Legal form		
Company number ⁹⁵		
Joint (sub-) committee number ⁹⁶		
NACE code ⁹⁷		
Address of registered office	Street	
	Number	
	Postcode	
	City	
	Country	
Postal address ⁹⁸	Street	
	Number	
	Postcode	
	City	
	Country	
Contact person	Surname	
	Given names	
	Telephone	
	Fax	
	E-mail address	
Activities ⁹⁹		
The personal data which you have provided to the FSMA via this form will be processed by the FSMA as set out in its Privacy Policy .		

⁹⁴ In full.

⁹⁵ The unique identification number (consisting of 10 digits) assigned by the Crossroads Bank for Enterprises of the Federal Public Service Economy, SMEs, Self-Employed and Energy, except in the case of sponsoring undertakings governed by foreign law.

⁹⁶ Apart from sponsoring undertakings governed by foreign law.

⁹⁷ Nomenclature of Economic Activities in the European Community.

⁹⁸ If the postal address is different from that of the registered office.

⁹⁹ Short description, specifying in particular the sector in which the sponsoring undertaking is active.

<p>Form D</p> <p>Solvency margin (question 11)</p>

D.1. Activities referred to in Article 55, paragraph 1, 1°, of the Law with an obligation of means for risks linked to death, disability and incapacity for work

Definition	Codes	Financial year
I. First operation		
a) Tranche which is less than or equal to €30,000 of the highest of the capital at risk, the disability capital and the capital for incapacity for work	S.1.01	.....
X 10 =	S.1.02	.....
b) Sum of the five highest of the capital at risk, the disability capital and the capital for incapacity for work	S.1.03	.....
c) Sum, for all members, of the highest of the capital at risk, the disability capital and the capital for incapacity for work	S.1.04	.....
X 0.001 =	S.1.05	.....
Sum: (S.1.02) + (S.1.03) + (S.1.05)	S.1.06	.....
II. Second operation		
Sum, for all members, of the highest of the capital at risk, the disability capital and the capital for incapacity for work	S.1.07	.....
III. Third operation		
Lowest amount of (S.1.06) and (S.1.07)	S.1.08	.....
IV. Fourth operation		
a) Fraction expressing the ratio between the amount of the capital at risk, the disability capital and the capital for incapacity for work underwritten by the IORP net of insurance or reinsurance and the capital at risk, the disability capital and the capital for incapacity for work gross of insurance and reinsurance	S.1.09	.....
b) Fraction referred to in Article 9, § 1, 4°, b) of the Royal Decree	S.1.10	.....
c) Ratio percentage, if this is greater than or equal to 50%, otherwise 50% unless the insurance or reinsurance company meets the set conditions	S.1.11	.....

V. Result		
Solvency margin required		
$S.1.12 = (S.1.08) \times (S.1.11)$	S.1.12	.....

D.2. Activities referred to in Article 55, paragraph 1, 1°, of the Law with an obligation of result

D.2.1. For risks linked to retirement and death

Definition	Codes	Financial year
I. First operation		
(a) Technical provisions gross of the benefits transferred to insurance and reinsurance	S.2.01	.....
(b) Technical provisions, reinsurers' share	S.2.02	.....
(c) Retention ratio: $[(a) - (b)] / (a) = [(S.2.01) - (S.2.02)] / (S.2.01)$	S.2.03	.....
If $(S.2.03) > 0.85$ then $(S.2.04) = (S.2.01) \times (S.2.03) \times 0.04$	S.2.04	.....
If $(S.2.03) \leq 0.85$ then $(S.2.04) = (S.2.01) \times 0.85 \times 0.04$		
II. Second operation		
(a) Risk-bearing capitals gross of insurance and reinsurance, excluding negative risk-bearing capitals	S.2.05	.....
(b) Non-negative risk-bearing capitals, reinsurers' share	S.2.06	.....
(c) Retention ratio: $[(a) - (b)] / (a) = [(S.2.05) - (S.2.06)] / (S.2.05)$	S.2.07	.....
If $(S.2.07) > 0.50$ then $(S.2.08) = [(S.2.05) \times 0.003] \times (S.2.07)$	S.2.08	.....
If $(S.2.07) \leq 0.50$ then $(S.2.08) = [(S.2.05) \times 0.003] \times 0.50$		
III. Result		
$S.2.09 = (S.2.04) + (S.2.08)$	S.2.09	.....

D.2.2. For risks linked to incapacity for work or disability

Definition	Codes	Financial year
I. First operation		
a) Contributions issued during the last financial year, including ancillary charges and less amounts cancelled during the last financial year and the sum of the taxes and levies and other supplements collected on behalf of third parties	S.2.10	.....
b) Contributions received during the financial year	S.2.11	.....
Higher of (S.2.10) and (S.2.11)	S.2.12	.....
II. Second operation		
<i>S.2.12 divided into:</i>		
- tranche up to and including €53,100,000	S.2.13	..... x 0,18
	S.2.14	.....
- tranche in excess of €53,100,000	S.2.15	..... x 0,16
	S.2.16	.....
Sum: (S.2.14) + (S.2.16) =	S.2.17	.....
III. Third operation		
Ratio between the amount of the benefits still underwritten by the IORP after deducting the amounts recoverable through insurance and reinsurance, and the total gross benefits:		
(a) Benefits gross of insurance and reinsurance		
	Last financial year X	S.2.18.1
	Financial year X - 1	S.2.18.2
	Financial year X - 2	S.2.18.3
	Total (a)	S.2.18
(b) Insurers' or reinsurers' share	Last financial year X	S.2.19.1
	Financial year X - 1	S.2.19.2
	Financial year X - 2	S.2.19.3
	Total (b)	S.2.19
(c) Retention ratio: $[(a) - (b)] / (a) = [(S.2.18) - (S.2.19)] / (S.2.18)$		S.2.20
Result		
If $(S.2.20) > 0.50$ then $(S.2.21) = (S.2.17) \times (S.2.20)$		
If $(S.2.20) \leq 0.50$ then $(S.2.21) = (S.2.17) \times 0.50$	S.2.21	.....

D.2.3. Total

S.2.22 = (S.2.09) + (S.2.21)	S.2.22
------------------------------	---------------	-------

D.3. Activities referred to in Article 55, paragraph 1, 2°, of the Law with an obligation of means**D.3.1. For risks linked to retirement and death**

Definition	Codes	Financial year
I. First operation		
(a) Technical provisions gross of the benefits transferred to insurance and reinsurance	S.3.01	.....
(b) Technical provisions, reinsurers' share	S.3.02	.....
(c) Retention ratio: $[(a) - (b)] / (a) = [(S.3.01) - (S.3.02)] / (S.3.01)$	S.3.03	.....
If $(S.3.03) > 0.85$ then $(S.3.04) = (S.3.01) \times (S.3.03) \times 0.04$	S.3.04	.....
If $(S.3.03) \leq 0.85$ then $(S.3.04) = (S.3.01) \times 0.85 \times 0.04$		
II. Second operation		
(a) Risk-bearing capitals gross of insurance and reinsurance, excluding negative risk-bearing capitals	S.3.05	.....
(b) Non-negative risk-bearing capitals, reinsurers' share	S.3.06	.....
(c) Retention ratio: $[(a) - (b)] / (a) = [(S.3.05) - (S.3.06)] / (S.3.05)$	S.3.07	.....
If $(S.3.07) > 0.50$ then $(S.3.08) = [(S.3.05) \times 0.003] \times (S.3.07)$	S.3.08	.....
If $(S.3.07) \leq 0.50$ then $(S.3.08) = [(S.3.05) \times 0.003] \times 0.50$		
III. Result		
$S.3.09 = (S.3.04) + (S.3.08)$	S.3.09	.....

D.3.2. For risks linked to incapacity for work or disability

Definition	Codes	Financial year
I. First operation		
a) Contributions issued during the last financial year, including ancillary charges and less amounts cancelled during the last financial year and the sum of the taxes and levies and other supplements collected on behalf of third parties	S.3.10	.....
b) Contributions received during the financial year	S.3.11	.....
Higher of (S.3.10) and (S.3.11)	S.3.12	.....
II. Second operation		
<i>S.3.12 divided into:</i>		
- tranche up to and including €53,100,000	S.3.13	..... x 0,18
	S.3.14	.....
- tranche in excess of €53,100,000	S.3.15	..... x 0,16
	S.3.16	.....
Sum: (S.3.14) + (S.3.16) =	S.3.17	.....
III. Third operation		
Ratio between the amount of benefits still underwritten by the IORP after deducting the amounts recoverable through insurance and reinsurance, and the total gross benefits:		
(a) Benefits gross of insurance and reinsurance		
	Last financial year X	S.3.18.1
	Financial year X - 1	S.3.18.2
	Financial year X - 2	S.3.18.3
	Total (a)	S.3.18
(b) Insurers' or reinsurers' share	Last financial year X	S.3.19.1
	Financial year X - 1	S.3.19.2
	Financial year X - 2	S.3.19.3
	Total (b)	S.3.19
(c) Retention ratio: [(a) - (b)] / (a) = [(S.3.18) - (S.3.19)] / (S.3.18)	S.3.20	.....
Result		
If (S.3.20) > 0.50 then (S.3.21) = (S.3.17) x (S.3.20)	S.3.21	.....
If (S.3.20) ≤ 0.50 then (S.3.21) = (S.3.17) x 0.50		

D.3.3. Total

S.3.22 = (S.3.09) + (S.3.21)	S.3.22
------------------------------	---------------	-------

D.4. Activities referred to in Article 55, paragraph 1, 2°, of the Law with an obligation of result**D.4.1. For risks linked to retirement and death**

Definition	Codes	Financial year
I. First operation		
(a) Technical provisions gross of the benefits transferred to insurance and reinsurance	S.4.01	.....
(b) Technical provisions, reinsurers' share	S.4.02	.....
(c) Retention ratio: $[(a) - (b)] / (a) = [(S.4.01) - (S.4.02)] / (S.4.01)$	S.4.03	.....
If $(S.4.03) > 0.85$ then $(S.4.04) = (S.4.01) \times (S.4.03) \times 0.04$	S.4.04	.....
If $(S.4.03) \leq 0.85$ then $(S.4.04) = (S.4.01) \times 0.85 \times 0.04$		
II. Second operation		
(a) Risk-bearing capitals gross of insurance and reinsurance, excluding negative risk-bearing capitals	S.4.05	.....
(b) Non-negative risk-bearing capitals, reinsurers' share	S.4.06	.....
(c) Retention ratio: $[(a) - (b)] / (a) = [(S.4.05) - (S.4.06)] / (S.4.05)$	S.4.07	.....
If $(S.4.07) > 0.50$ then $(S.4.08) = [(S.4.05) \times 0.003] \times (S.4.07)$	S.4.08	.....
If $(S.4.07) \leq 0.50$ then $(S.4.08) = [(S.4.05) \times 0.003] \times 0.50$		
III. Result		
$S.4.09 = (S.4.04) + (S.4.08)$	S.4.09	.....

D.4.2. For risks linked to incapacity for work or disability

Definition	Codes	Financial year
I. First operation		
a) Contributions issued during the last financial year, including ancillary charges and less amounts cancelled during the last financial year and the sum of the taxes and levies and other supplements collected on behalf of third parties	S.4.10	.....
b) Contributions received during the financial year	S.4.11	.....
Higher of (S.4.10) and (S.4.11)	S.4.12	.....
II. Second operation		
<i>S.4.12 divided into:</i>		
- tranche up to and including €53,100,000	S.4.13	..... x 0,18
	S.4.14	.....
- tranche in excess of €53,100,000	S.4.15	..... x 0,16
	S.4.16	.....
Sum: (S.4.14) + (S.4.16) =	S.4.17	.....
III. Third operation		
Ratio between the amount of benefits still underwritten by the IORP after deducting the amounts recoverable through insurance and reinsurance, and the total gross benefits:		
(a) Benefits gross of insurance and reinsurance		
	Last financial year X	S.4.18.1
	Financial year X - 1	S.4.18.2
	Financial year X - 2	S.4.18.3
	Total (a)	S.4.18
(b) Insurers' or reinsurers' share		
	Last financial year X	S.4.19.1
	Financial year X - 1	S.4.19.2
	Financial year X - 2	S.4.19.3
	Total (b)	S.4.19
(c) Retention ratio: [(a) - (b)] / (a) = [(S.4.18) - (S.4.19)] / (S.4.18)	S.4.20	.....
Result		
If (S.4.20) > 0.50 then (S.4.21) = (S.4.17) x (S.4.20)	S.4.21	.....
If (S.4.20) ≤ 0.50 then (S.4.21) = (S.4.17) x 0.50		

D.4.3. Total

S.4.22 = S.4.09 + S.4.21	S.4.22
--------------------------	---------------	-------

D.5. Total solvency margin required

Definition	Codes	Financial year
A. Total margin of pension schemes under obligation of means = (S.1.12) + (S.3.22)	S.5.01	.....
B. Total margin of pension schemes under obligation of result = Higher of [(S.2.22) + (S.4.22)] and €3,200,000	S.5.02	.....
C. Total solvency margin required S.5.03 = (S.5.01) + (S.5.02)	S.5.03	.....

Form E

Declaration of the person responsible for
submitting the authorization
or extension application
(question 17)

1. Information about the person responsible for submitting the application for authorization or extension

The personal data which you have provided to the FSMA via this form will be processed by the FSMA as set out in its [Privacy Policy](#).

If the person responsible for the application for authorization or extension is not applying to exercise the function of a member of one of the IORP's operational bodies, please complete point 1.1. or point 1.2 as appropriate.

1.1. The person responsible for submitting the application for authorization or extension is a natural person

Surname	
Given names	
Position	
Postal address	
E-mail address	
Telephone	
Fax	

1.2. The person responsible for submitting the application for authorization or extension is a legal person

Company name		
Legal form		
Registered office		
Permanent representative	Surname	
	Given names	
	Position	
	Postal address	
	E-mail address	
	Telephone	
	Fax	

2. Declaration of the person responsible for submitting the application for authorization or extension

Please complete and sign the following declaration:

I, the undersigned¹⁰⁰,,

hereby confirm the accuracy of the information provided in this authorization or extension dossier and in its annexes.

I am aware that communicating inaccurate information to the FSMA may adversely affect its assessment of this authorization or extension application.

Signed at _____, on _____

(Signature to be preceded by the words "read and approved")

¹⁰⁰ Surname and given names of the person responsible for the application for authorization or extension.