

Complaints Protocol – Compensation for the Expropriation of SNS REAAL and SNS Bank

Chapter 1 – General provisions

Article 1.1 – Definitions

The following terms bear the meaning assigned to them below for the purposes of this protocol:

Awb	General Administrative Law Act [<i>Algemene wet bestuursrecht</i>];
Subject	the person(s), party or parties against whom a complaint is submitted;
CAA	Corporate Action Agent, being Kroll Issuer Services Ltd.;
Complaint	a complaint submitted using a Complaints Form at www.vergoedingsns.nl or www.compensationsns.nl , being a notice of complaint within the meaning of Article 9.2 of the Awb;
Complaints file	a file concerning a Complaint which a Complaints Officer opens;
Complaints Form	a complaints form such as that available at www.vergoedingsns.nl or www.compensationsns.nl ;
Complaints Officers	the complaints officers who have been authorised to deal with complaints on behalf of the Financial Markets Director concerning the manner in which the Implementing Organisation, the CAA or any person working under their responsibility has acted towards a Complainant in so far as such conduct pertains to the payment of compensation to the relevant rightsholders in connection with the nationalisation of SNS Reaal N.V. and SNS Bank N.V.;
Complaints Report	a report prepared by the Chair containing the decision taken and any recommendations;
Complaints Register	a register referred to in Article 9:12a of the Awb in which the Secretary will keep all current and completed Complaints;
Procedure	this complaints procedure;
Protocol	this protocol, which sets out the Procedure;
Secretary	the official working for the Implementing Organisation, which provides the Complaints Officers with support;
Complainant	anyone who submits a Complaint concerning the behaviour of the Implementing Organisation, the CAA or any person working under their responsibility towards the complainant;

Implementing Organisation	the organisation that administers the arrangement of payment of compensation to the rightsholders in connection with the nationalisation of SNS Reaal N.V. and SNS Bank N.V.;
Chair	the Complaints Officer who has been appointed to serve as the chair;

Article 1.2 – Nature of this Protocol

Articles 9.1.1. and 9.1.2 of the Awb apply to the handling of complaints concerning the manner in which the Complaints Body, the CAA or any person working under their responsibility has behaved towards a Complainant;

Article 1.3 – Application

1. This Procedure will apply in the case complaints concerning the manner in which the Implementing Organisation, the CAA or any person working under their responsibility has acted towards the relevant Complainant in so far as such conduct pertains to the payment of compensation to the relevant rightsholders in connection with the nationalisation of SNS Reaal N.V. and SNS Bank N.V. Where mention is made of a Complaint, the Implementing Organisation or the CAA will itself first endeavour to accommodate the relevant Complainant within a reasonable period of time. Should this occur to the Complainant's satisfaction, the duty to continue to apply this Procedure will lapse. Following an accommodation, the Implementing Organisation or CAA will ask the Complainant to confirm in writing whether the Complaint has been appropriately dealt with. Should the Complainant indicate that the report of a Complaint has not been dealt with to the Complainant's satisfaction, the Implementing Organisation or the CAA will forward the Complaint to the Complaint Officers and the latter will consider it in accordance with this Procedure. The complaint will be registered by the Secretary in the Complaints Register.
2. A Complaint may also be filed anonymously. In that case, the Implementing Organisation and/or the CAA will follow up on the Complaint to the extent possible. An anonymous Complaint will not be forwarded to the Complaint Officers for handling. An anonymous Complaint will be forwarded to the Secretary for registration in the Complaints Register.

Article 1.4 – General

This Procedure sets out how a Complainant may submit a Complaint against the Implementing Organisation or the CAA and how it is to be dealt with.

Article 1.5 – Complaints Officers

1. The Complaints Officers' powers will extend to the consideration of Complaints pertaining to the conduct of the Implementing Organisation, the CAA and any person working under their responsibility in so far as such conduct pertains to the payment of compensation to the relevant rightsholders in connection with the nationalisation of SNS Reaal N.V. and SNS Bank N.V.
2. The Chair will report to the Financial Markets Director on the performance of their duties.
3. In the event that the Complaints Officers are absent or otherwise indisposed, a deputy officer appointed by the Implementing Organisation or the Financial Markets Director may assume their role.
4. A Complaints Officer's appointment will terminate:
 - at their request;

- simultaneously with the termination of their service agreement with the Implementing Organisation;
 - at the request of the Financial Markets Director of the Ministry of Finance.
5. The Complaints Officers may draw up regulations which set out the practical procedures for their handling of Complaints in greater detail. Such regulations may not conflict with this Procedure.

Chapter 2 – Individual complaints procedure

Article 2.1 – Submission and handling of complaints

1. A Complainant may submit a Complaint concerning the conduct of the Implementing Organisation, the CAA or any person working under their responsibility.
2. The Complainant may submit a Complaint electronically using the Complaints Form and it will at the very least contain the Complainant's name, the organisation (if applicable), the Complainant's email address and telephone number, the date on which the Complaint was submitted and a description of the behaviour addressed in the Complaint. A Complainant will be required to give their explicit consent for their data to be processed and stored in accordance with this Procedure.
3. Where the Implementing Organisation or the CAA satisfactorily accommodates a Complainant (see Article 1.3.1), the Procedure will not be continued.
4. Within two weeks after a Complaint is received by the Complaints Officers, the latter will confirm its receipt in writing and will notify the Complainant as to whether the Complaint will be dealt with. As soon as a Complaint is considered, all of the Subjects will be informed that a Complaint has been submitted by forwarding a copy of it to them.
5. The Complaints Officers will deal with a Complaint within six weeks after receiving it. Acting within the confines of the law, the Complaints Officers will have the power to collect all relevant information which they require to make a decision. The Complaints Officers may extend their activities by no more than four weeks. A further postponement may be possible provided that the Complainant consents to this in writing. The deadline for making a decision may also be postponed if there are any outstanding questions for the Complainant and/or there is any question of a delay for which the Complainant may be held responsible. The Complaints Officers shall notify the Complainant and all Subjects of any postponement or suspension in writing.
6. The Secretary will receive and collect the Complaints, draw up reports of the meetings of the Complaints Officers (minutes) and will ensure that the Complaints Officers approve these minutes in writing. The Complaints Officers' meetings will be held behind closed doors.
7. The Complaints Officers will excuse themselves where a Complaint concerns conduct which does not fall within their jurisdiction in addition to the grounds stipulated in Article 9:8 of the Awb. Complaints that do not fall within the competence of the Complaints Officers include complaints that do not relate to conduct on the part of the Implementing Organisation or the CAA, objections to the decision whether or not to award compensation, or complaints which are subject to a ruling by another body.
8. Where a Complaint is dealt with in accordance with this Procedure, the Complainant and the Subject(s) will be afforded an opportunity to be heard.
9. The examination of the Complainant and the Subject(s) will occur behind closed doors. The Complainant and the Subject(s) will be examined separately. The Secretary will prepare a report on the hearing.

10. The Secretary will ensure that the Complaints Report is sent to the Complaints Officers. The report on the hearing will also be shared with the Complainant and Subject(s).
11. Acting at the request of anyone whom the Complaints Officers have examined, the report on the relevant hearing may be amended within a period of two weeks, provided that all of the Complaints Officers approve the amendment(s). In the absence of such approval any proposed amendment(s) will be appended to the final Complaints Report as an addendum.

Article 2.2 – Complaints Officers’ decision

1. A decision taken by the Complaints Officers will be accompanied by reliable grounds in the Complaints Report.
2. The Chair will draw up a Complaints Report containing the proposed decision, including:
 - whether the investigation elicited sufficient grounds to support the Complaint;
 - whether the Complaint was well-founded, unfounded or partly well-founded;
 - where the Complaint is (partly) well-founded, what recommendations follow from it, including any timelines for the restoration of responsibilities.
3. The Chair will send their proposed findings from the investigation of the Complaint, their proposed decision and recommendations to the other Complaints Officer for their approval. If the Complaints Officers are unable to reach a unanimous decision, the Chair will have a casting vote.
4. The Complainant, the Subject and the Financial Markets Director will each receive a copy of the final Complaints Report.
5. If the Complainant disagrees with the Complaints Officers’ ruling on the Complaint, they may submit an application for an inquiry into the way in which the Complaint has been dealt with to the National Ombudsman.

Article 2.3 – Termination of the Complaints Procedure

The Complaints Procedure will terminate when the Complaints Report is sent. After a Complaint has been dealt with, the Chair will close the relevant Complaints File subject to the provisions of Article 3 of this Procedure concerning confidentiality.

Chapter 3 – Confidentiality

Article 3.1 – Confidentiality

1. The Chair will be responsible for opening a Complaints File and will ensure that the Complaints File is dealt with in confidence.
2. Once a Complaints File is closed, the Chair will hand the entire Complaints File to the Ministry of Finance.
3. The Complaints Officers and the Secretary will not retain any copies of information on their personal devices and will destroy all data which they have in their possession in relation to a Complaint.