

## **DB2P for employers: substantive documentation**

Version 1.1 – 12/09/2013

## Introduction

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Employers will find in this document all the necessary information about the contents of their DB2P file and the obligations that go with it.

Firstly, this document provides extensive information about your DB2P file, pointing out the data to be consulted (meaning, source, etc.), and additional explanations about the situations in which you can use these data (for example the calculation of the 'Wijninckx contribution').

Secondly, it sets out the obligations that employers must meet within the framework of DB2P and the deadlines by which they must do so.

The document is divided into three parts. These information 'blocks' correspond to the three functionalities that you will also find in the online application (menu bar above). They concern information about:

1. Externally-financed pension commitments for employees;
2. The financing of the supplementary pension accrual within the framework of said commitments; and
3. Internally financed pension commitments.

The information for the first two blocks will be furnished by your pension institution. You yourself must communicate the information for the third block (if applicable) to DB2P. This document discusses the three information blocks in order. But, first we wish to give you an idea of how DB2P is organised.

**Where can I, as a user, find a practical guide for the online application?**

The document  
**'DB2P for employers: user guide'**  
offers screen-by-screen assistance when navigating through the application.

## DB2P, the context

The authorities decided a few years ago to set up a supplementary pension databank pursuant to Articles 305 and 306 of the Programme Law (I) of 27 December 2006. Sigedis was charged with the management of this databank (called DB2P for short) and must assemble data on all national and foreign benefits for employees, the self-employed and civil servants, who create a supplement to the statutory pension.

The reason for the databank is, on the one hand, the attempt to provide a better and more uniform application of the tax and social legislation in the area of supplementary pensions.

- It must, therefore, be possible in DB2P to check whether the 80%-limit has been respected. Supplementary pensions are indeed encouraged in tax terms, but this is not unconditional and takes place within a tax framework (see box).

The 80%-limit means that the legal and supplementary pensions together may no longer exceed 80% of the last salary. Payments for supplementary pensions that would lead to a higher total pension are no longer tax deductible.

- DB2P also facilitates the checking of whether the special social security contributions have been correctly collected. This concerns the special employer's contribution of 8.86% on supplementary pension premiums and the special levy of 1.5% on high supplementary pension accrual ('Wijninckx contribution').
- It will also, in the process, be a little easier to obtain a systematic supervision of the observance of the legislation on supplementary pensions for employees (WAP/LPC) and self-employed (WAPZ/LPCI).

On the other hand, the databank must also contribute to the transparency of and confidence in supplementary pensions.

- Policy makers will also obtain clear, trustworthy statistics. They will, in the future, be able to analyse the data in the databank in order to have a better view of the present situation in the area of supplementary pensions and be able to take policy measures on the basis of such knowledge.

- Employers and companies too can use DB2P to consult their pension files and find the information needed to fulfil their administrative obligations. DB2P will also, at a later stage, contribute to a reduction in their administrative tasks (such as the abolition of tax certificates or the automatic dispatch of pension statements, see box).

The law offers a pension institution the possibility, or at the request of the organizer, of transferring certain information requirements (see Article 26 WAP/LPC and Article 48 WAPZ/LPCI) with regard to the affiliated individuals and entitled persons to Sigedis. The databank is, on that point, in keeping with the objective set out in the Generation Pact in 2005 of providing better and more coordinated information to future pensioners.

- But certainly as important is that affiliated individuals can also consult their supplementary pension rights via the databank and retrieve 'forgotten' pension rights. Employees are ever more mobile and, consequently, they accrue pension rights during the course of their career when working for different enterprises. The databank makes it possible to identify all the rights so that a pension accrual also always leads to a supplementary pension.

In its advice note nr. 29 on sleeping rights in the second pension pillar, the Commission for Supplementary Pensions states: 'that Sigedis should act as contact point for an affiliated individual, who has queries about the existence of acquired benefits'.

## 1. External pension commitments for employees

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DB2P has been phased into service since 2011. The supplementary pension regulations for employees have already had to be registered since the start-up. The insurers and pension funds (also called 'pension institutions'), which manage these supplementary pensions, must communicate a series of data about them to DB2P. Your pension institution too must register your pension commitment(s) and forward information about them to DB2P. One first information block that you can consult in your DB2P file thus contains the list of said pension commitments and their features.

### 1.1. Summary of your commitments

When you consult DB2P, you obtain a summary of all the supplementary pension commitments for which you have been indicated as the organiser.

Collective and individual commitments are registered in the databank if you have entrusted their management to an external pension institution (insurer or pension fund).

A **pension commitment** is a commitment whereby you, as employer, undertake to build up supplementary pension benefits for all, a group or some individual staff members of your enterprise.

The **organizer** is the employer who makes a commitment.

- Under a collective commitment, the employer builds up supplementary pension rights for all employees or for a group of employees. This is, for example, your group insurance, company plan or pension system.
- Under an individual commitment, supplementary pension rights are accrued for a very specific employee. This commitment is also referred to as an individual pension promise.

Not all the supplementary pensions in which you are involved are already included in this summary.

- It is possible that new or recent pension commitments are not yet available in the summary, for a new commitment must be declared to DB2P within 90 calendar days. The 90-day deadline begins to run from the date of entry into force of the commitment or the date of signature of the pension regulation or the pension agreement (see table).
- If you, as employer, are participating in a sectoral pension plan, then you will not yet be able at this time to find anything on it in the summary.
- Nor is any information yet available on the welcome structure that you may have arranged for e.g. the reserves of the employees, who leave your firm.
- The same applies to some agreements with reduced contracts.
- If you still have one or more pension commitments for one specific employee, which you have been financing internally and have, therefore, not placed with a pension fund or insurer, then these too will not appear in the summary. Such internal pension commitments must always be declared by you (see information block 3).

### 1.2. The features of each commitment

A number of data, which you can also view, are to be found in DB2P for each registered commitment. The following data are communicated by your pension institution:

- the **type** of commitment it concerns: a collective or an individual pension commitment at a company level.
- who the **organizer** is. Your enterprise number (or Crossroads Bank for Enterprises number) and name are shown here. If other employers and you have signed the same regulation and your commitment is being implemented by the same pension institution, then it is possible that you will also see the names and enterprise numbers of the other employers in addition to your own.
- from when the commitment applies, i.e. its **date of entry into force**. This date must be communicated at the time of the registration of commitments organized on or after 1/1/2013. This was not required for earlier commitments (organized prior to 1/1/2013). It is, therefore, possible

that, when you consult your file, you do not see any date of entry into force but only the remark 'prior to 2013'.

- the date on which the commitment's details were last updated in DB2P by your pension institution. This is the **date of the last change** to the file. A commitment has in fact not only to be registered; your file must also be kept up-to-date. Your pension institution must register the change within 90 calendar days of the change (date of entry into force of the change or of the signature of the amended regulation or amended agreement). It is, therefore, possible that a recent change has not yet been registered when you consult the databank.
- the **pension institution** that has been given the task of implementing and managing the commitment. The pension institution is identified in DB2P by its enterprise number (or Crossroads Bank for Enterprises number, see box). We link that number to the name by which it is currently listed in the Crossroads Bank for Enterprises. It may be that this name is unknown to you because your pension institution has, in the meantime, changed name as a result, for example, of a merger of insurance companies or a take-over of activities. The online application offers you the possibility to request a summary of the details of the pension institution by a simple click of your mouse. You will then see a list of previous names and the most recent address details.

The Crossroads Bank for Enterprises (**CBE**) is a databank set up FPS Economy in which the identification details of enterprises have been assembled. Each enterprise, which is registered with the Crossroads Bank for Enterprises (CBE), is assigned an enterprise number. That is a unique identification number for each natural person or legal person. An enterprise can, with this number, prove its identity when exchanging data with the authorities.
- whether the technique of co-insurance is being applied and who the **co-insurance companies** are. Co-insurance means that a specific risk is covered by different insurance companies, via a co-insurance agreement.
- what the **status** is of the commitment. The status indicates whether the pension institution is still involved in the management of the commitment and to what extent, if any, future pension rights are still being accrued with the pension institution. The status may be active, passive or closed.

It is possible that no status is yet shown for your commitment. The status is only required to be stated for new commitments from 2013. For commitments organized prior to 1 January 2013, your pension institution has to complete the file with this detail by the end of 2014.

The status is **active** if the pension institution is involved in the management and further supplementary pension rights will be accrued for the future.

**Passive** means that the pension institution is still involved in the management but that no further supplementary pension rights will be accrued for the future with the pension institution. The pension institution's role is limited to managing the previously accrued rights.

The status is **closed** if the pension institution is no longer involved in the management and that, therefore, no more supplementary pension rights will be accrued with the pension institution. Nor are the rights that have been accrued in the past managed any longer by the pension institution.

- the **reference** that has been assigned to the commitment. The reference is the identification key that is assigned at the time of the registration in DB2P to the commitment. Sigedis allocates a unique number, but the pension institution may, in addition, also give its own reference. You should use this reference if you wish to send comments on the information about your commitment to your pension institution (preferably via the application).
- whether the commitment also has a social component, i.e. whether there is an associated **solidarity commitment**. This means that the organizer has extended the pension commitment and, in addition to the supplementary pension benefits, has also provided a number of solidarity benefits. These are supplementary rights, such as for example further financing of the pension accrual in the event of i.e. unemployment or sickness, the payment of an annuity in the event of death, invalidity or grave illness.
- the **documents** that form the basis of the commitment. These documents describe, among other, the rights and duties of all parties involved in the commitment, be it the employer, the affiliated individual and the pension institution. They may, for example, be your pension regulation, employment regulation, your insurance contract or the CLA that you have concluded. It is possible that some CLAs or employment regulations are not included in your file. These are only required from 2013 for new commitments.

A number of other specific details are also to be found for each commitment.

The procedure at the time of introduction that you followed is also shown. This is the procedure that you, as organizer, followed when introducing your collective company plan. The commitment may be the result of a unilateral decision by the employer, a change to the employment regulation, the conclusion of a collective labour agreement or a specific procedure that is laid down in Article 12 of the WAP/LPC (see box).

#### Art. 12 WAP/LPC

§ 1. The procedure referred to in this Article is to be following when introducing a pension commitment as referred to in Article 11 in an enterprise [without a works council, without a committee for prevention and protection at work and] without any trade union representation.

§ 2. The employees in question are notified of the drafted pension regulation and the chosen the pension institution either in writing or by a publication on the notice boards, at the option of the employer. Each employee may upon simple request obtain a copy of the text of the draft regulation.

§ 3. The employer shall, within fifteen days of the day of the notification, make a special register available to the employees in which they may record their remarks. At the end of the period, the employer sends the register to the official designated by the King for inspection.

§ 4. Upon the expiry of the period, the remarks are immediately brought to the attention of the employees in question by posting a notice. The official appointed by the King shall seek to reconcile the different positions. Upon agreement, the pension commitment shall enter into force on the eighth day after the date of reconciliation, unless the pension regulation provides for another date. The date is at the latest one year after the reconciliation. Should the official appointed by the King not succeed in reconciling the positions, he shall immediately send a copy of the minutes recording the unsuccessful reconciliation to the chairperson of the competent joint committee. The minutes must state the reasons given by the employer for the introduction of the pension commitment, on the one hand, and the remarks of the employees, as recorded in the special register, on the other hand. The joint committee shall make a final endeavour to reconcile positions during the first following meeting. If the joint committee is not successful, the pension commitment shall not be

The fact of whether the collective company plan has come into being is also registered **within the framework of an opting-out**. Opting-out refers to the possibility that, when a pension system is organized at a sectoral level, the sectoral CLA offers the employer the possibility of organizing the implementation of the pension system either entirely or partially and either for all or for some of his employees at the level of the enterprise. In that case, the supplementary benefits at the enterprise level must be equivalent to those set out in the sector plan. If your collective pension commitment has come into being at the enterprise level within the framework of an opting-out, there will be a reference to the sectoral pension system. The features of this sectoral pension system cannot for the time being be consulted.

Finally, it is also shown **whether there are employees who have refused to join** the commitment that has been introduced or amended. Employees, who are already employed at the moment of the introduction of the collective pension commitment, are not obliged to participate. They may refuse to join the introduced commitment. Also, whenever a change to a commitment leads to an increase in the employee's obligations (e.g. increased personal contributions), the affiliated individual is not required to participate in the amended commitment. This does not apply if the amendment occurs via a CLA.

The names, first names and SSIN (Social Security Identification Number) of employees, who have refused to participate, are shown in a table. It is possible that employees refuse to join at the time of the introduction of the commitment or later following an amendment (for example when the employee's contribution is increased). For that reason, a date (of introduction or amendment) is added to the table.

Your pension institution must forward the list of refusals, the information on opting-out and the procedure that was followed at the time of the introduction of the commitment for commitments that have entered into force on or after 1 January 2013 and for amendments (also to commitments made prior to 2013) that occur on or after 1 January 2013. It is, therefore, possible that your file does not (yet) contain any information.

**Are some of the terms used in this document not clear?**

An explanatory glossary (lexicon) is available via the online DB2P application.

### 1.3. Registration by the pension institution ...

The DB2P declaration instructions state that the registration of pension commitments in DB2P and the

#### DB2P General Working Group

A General Working Group was set up within the General Coordination Committee of the Social Security Crossroads Bank to determine which data must be entered into the databank. It includes representatives from Sigedis, CBSS, FSMA, FPS Finance and the pension institutions (represented by Assuralia and BAPI). The instructions on the data to be communicated are submitted for approval to the Management Committee of the Crossroads Bank for Social Security, in which employers, employees, as well as the self-employed are represented. The information that is already present in the Social Security network is also incorporated into the databank. Sigedis has been authorised by the competent Sectoral Committee of the Privacy Commission.

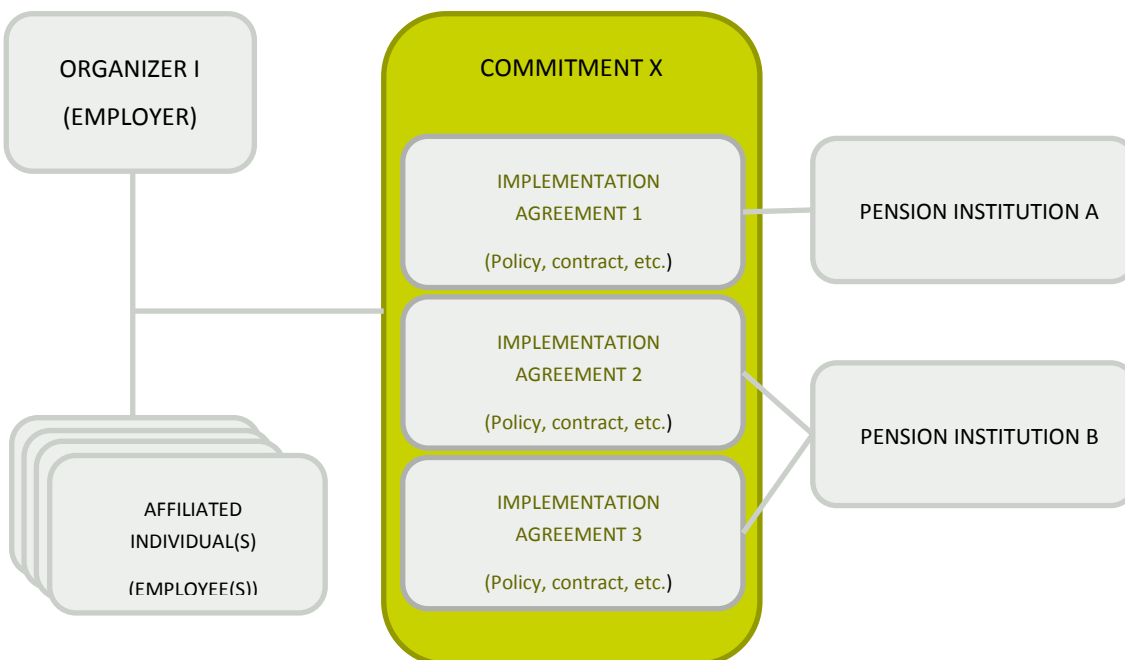
information about them must, in the first instance, be carried out by the insurers and pension funds. After the registration of the commitment, the pension institution must also to link all the individual accounts of the affiliated individuals to said commitment and communicate the information on the financing of the supplementary pension accrual for each commitment.

The social legislation (more specifically, the WAP/LPC) provides that the organiser alone is competent to introduce a pension commitment. It is the organizer, i.e. you as employer, who decides whether there will be a supplementary pension commitment and what it will look like. You can, furthermore, as organizer, set out the commitment in several agreements or pension regulations and then entrust them to one or more pension institutions.

It is, therefore, possible that what the pension institution has declared about your pension commitment(s) does not completely coincide with your own viewpoint.

- It is possible that you have entrusted the pension commitment to several pension institutions. In that case, each pension institution is only involved in a part of the commitment and equally is aware only of the part that it implements and not of the entire picture. For example (see diagram), organizer I makes a pension commitment X for all of his employees. The management of the commitment is entrusted to two pension institutions A and B. Three implementation agreements (1, 2 and 3) are concluded with the two institutions for the implementation of one commitment. Pension institution A is only aware of implementation agreement 1; pension institution B is only aware of agreements 2 and 3.

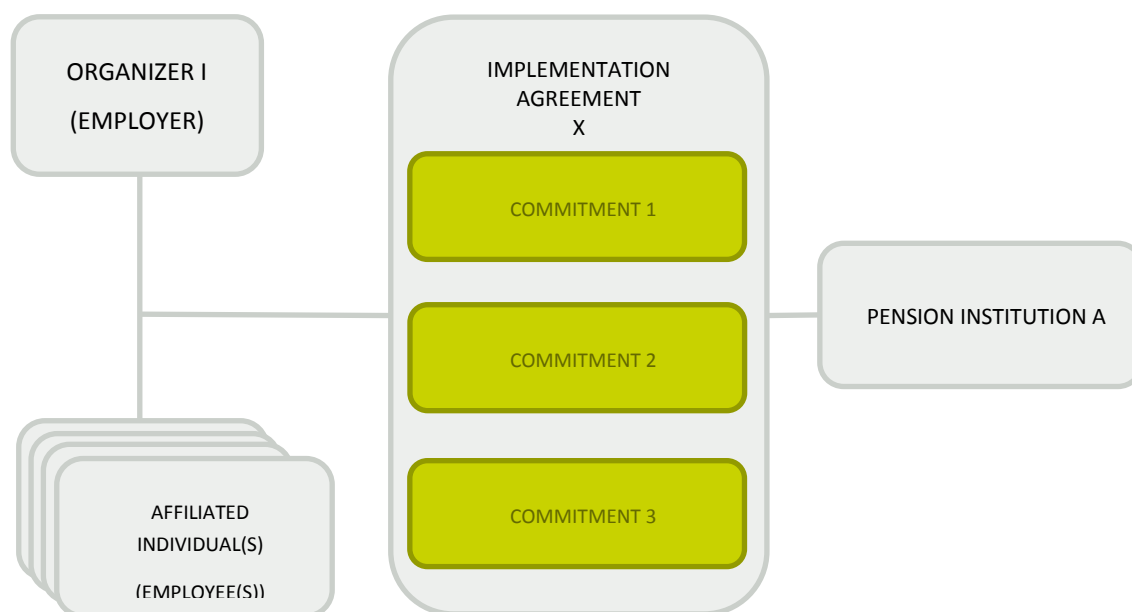
Diagram. One commitment for the organizer, several agreements for the pension institution





- But it is also possible that, if you work with only one pension institution, it has registered your commitment differently from how you see it. The implementation agreement is indeed important for the pension institution. This is, for example, the insurance contract, the policy, the group insurance agreement, etc. This implementation agreement does not necessarily correspond to the concept of ‘commitment’ in labour law. You have possibly in the past made a series of commitments (for example, first for the management (commitment 1), then for office employees (commitment 2) and then still later for the workers (commitment 3)), that you consider to be different commitments. It may, however, be that your insurer (A) has, for technical reasons, included said commitments in the same insurance contract (X) and that, consequently, only one commitment is registered in DB2P.

Diagram. Several commitments for the organizer, one agreement for the pension institution



The implementation agreement will generally fully cover the commitment (thus, one pension commitment matches, for example, one insurance contract), but it is also possible that this is not the case. In that event, you must add your own viewpoint to the picture that your pension institution has communicated. The final file will thus be made up of two components:

1. Firstly, the declaration by the pension institution. Of course, the pension institution may only communicate whether it is involved in the implementation of a pension commitment and what it knows about that part of the pension commitment in which it, in accordance with the implementation agreement, is involved. The pension institution, therefore, declares what it is aware of: the commitment or the part of the commitment the implementation of which is entrusted to it via, for example, an insurance contract. It registers in the databank as the same number of ‘commitments’ as the number of contracts that it manages. It is not deemed to be aware of any larger picture (the global commitment) of which the contract forms a part.
2. Secondly, you, as organizer, have the possibility of reacting to the information declared by your insurer or fund. You have the possibility (Manage regulations link ) of declaring via the application whether or not the various commitments declared by the pension institution, and for which you are indicated to be the organizer, form part of the one and the same pension commitment. How this must actually be done, you will find in 1.4.

#### 1.4. ... but also a role for the employer

Although it is primarily the duty of insurers and pension funds to furnish information to DB2P, you too, however, as employer, have a role to play in keeping your DB2P file in order. Your contributions and premiums for the accrual of the pensions of your staff members will from next year no longer be tax-deductible if your file in DB2P is not in order. It is, therefore, important that you actively cooperate in ensuring that your DB2P is up-to-date and complete.

First and foremost, your insurer or pension fund can only transfer your file to DB2P correctly if it has all the necessary information. The pension institution is, for some data, dependent on the information that you have declared. So, the pension regulation may only be uploaded if you forward it to your pension fund or insurer. Examples of the information about which you must keep your pension institution up-to-date are the procedure that you followed when introducing or amending the commitment, the list of individuals who refused to participate and the explanation of whether or not your commitment took place within the framework of an opting-out. It is, therefore, important that you furnish the information that your pension institution actually requests from you and in a timely fashion. That way, your insurer or pension fund can fulfil its declaration obligations and forward your file correctly to DB2P.

But also, once that has happened, you may still react to the data that is known about you. If you ascertain that the information registered is not entirely correct, you can communicate that via the online application. You can, via the possibility to 'Report an error', let your pension institution know that certain features or documents are not correct. You cannot yourself directly adjust the data in the databank. Your message will be forwarded to your insurer or pension fund so that the latter may check whether and how the information in DB2P has to be adjusted.

You can, using the possibility to 'Manage regulations link', communicate directly in the online application your viewpoint on the relationship between the commitments declared by your pension institution. If you agree with the declaration by your insurer or fund, then all you have to do is confirm it. Has your pension institution registered two or more commitments in DB2P, but are they in reality part of one global commitment? Then you must group these commitments together. Has your insurer or fund registered only one commitment whereas for you there are actually two or more commitments? Then you must also declare that.

You do not, in this declaration, say anything about the features of the commitment which were previously communicated by your pension institution. You may only indicate which commitments must be examined together to have an overall picture of the commitment as defined by you. Your viewpoint will then be updated in DB2P in addition to that of the pension institution. Your insurer or pension fund too can then see that you have communicated your viewpoint.

#### How to manage the link between your commitments?

All the possibilities are laid out, screen-by-screen, in the [user guide](#) (chapter 3.3).

## **1.5. Manage the connection between commitments: an obligation!**

Sigedis's request that you react to the commitments as registered in DB2P is not a casual one. Indeed, when one or more collective pension commitments - for which you have been reported to be the organizer - have been registered in DB2P, then you are required to comment on their structure. If there are one or more individual commitments in DB2P that are known for you, then you have the possibility to make your viewpoint known, but you are not required to do so.

Regarding your obligations with regard to collective commitments, we make a distinction between commitments that were already registered in DB2P prior to 1 May 2013 and those that are registered in DB2P from 1 May 2013.

### *1.5.1. Collective commitments registered prior to 1 May 2013*

If there are commitments, which were already registered in DB2P prior to 1 May 2013, then you have received/will receive a letter from Sigedis in the course of May, June or July. That letter informs you about your access to DB2P and the possibilities and obligations that go with it. That letter is, furthermore, a request from Sigedis that you communicate your viewpoint on (the connection between) the commitments, as declared by your pension institution(s).

It has been possible to communicate your viewpoint since 1 May 2013 via the online application. You have until 31 December 2014 to do so. This deadline is, however, shortened if another, new commitment has been or is registered for you after 1 May 2013. In that case, you must communicate your viewpoint within the deadline (= within 90 days) that applies to commitments registered after 1 May 2013 (see 3.5.2).

If you do not communicate your viewpoint and thus not act via the 'Manage regulations link' feature prior to the applicable deadline, then we shall assume that you are in agreement with the commitments as indicated in DB2P.

### *1.5.2. Collective commitments registered after 1 May 2013*

You are required to react to each new commitment that is registered in DB2P after 1 May 2013, via 'Manage regulations link'. Sigedis shall invite you to do so no later than 90 days after your pension institution has declared the commitment. The way in which you are invited depends on your situation.

- Are you already known as an employer in the user management of the Social Security, then the invitation will be sent to your e-box (in the DB2P folder)
- If you are not yet known as an employer in the user management of the Social Security, then you will receive the invitation by post.

You will then have 90 (calendar)days, calculated from the reception of the invitation, in which to communicate your viewpoint on (the connection between) your commitments.

If you do not communicate your viewpoint and thus not act via the 'Manage regulations link' feature prior to the applicable deadline, then we shall assume that you are in agreement with the commitments as indicated in DB2P.

It is always possible to communicate your viewpoint beforehand (via 'Manage regulations link'), even before you have been expressly invited to do so by Sigedis.

Table. Obligations and declaration deadlines that apply to the pension or solidarity institutions with regard to DB2P\*

Declaration to DB2P	Declaration requirement and deadline
<b>Registration of the commitment</b> (via CreateRegulation declaration)	Your pension institution must register the commitment in DB2P within the 90 calendar days of its introduction (calculated from the date of entry into force or the date of signature of the regulation or the agreement). Some flexibility applies for regulations introduced prior to 2013.
Date of entry into force (see p. 3)	Is not required for commitments introduced prior to 2013.
Status (see p. 4)	For commitments introduced prior to 2013, you have up to the end of 2014 to complete this field.
Documents (see p. 5)	CLAs and the employment regulations regarding collective commitments introduced prior to 2013 must only be furnished upon request.
Introduction procedure (see p. 5)	Must only be communicated for collective commitments. Is not required for commitments introduced prior to 2013.
Opting-Out (see p. 5)	Must only be communicated for collective commitments. Is not required for commitments introduced prior to 2013.
Refusals (see p. 6)	Must only be communicated for collective commitments. Is not required for commitments introduced prior to 2013.
Solidarity benefits (see p. 5)	Must only be communicated for solidarity commitments . Is not required for commitments introduced prior to 2013.
<b>Change in the features of the commitment</b> (via UpdateRegulation declaration)	Your pension institution must register the change in the commitment in DB2P within the 90 calendar days of its introduction (calculated from the date of entry into force or the date of signature of the regulation or the agreement). Some flexibility applies for regulations introduced prior to 2013.
<b>Employer's contributions subject to 8.86%</b> (via Deposit declaration)	Your pension institution must declare the premiums that it has received in a given year prior to 30 June of the following year.
<b>Contributions in respect of solidarity commitment</b> (via Deposit declaration)	Your pension institution must declare the premiums that it has received in a given year prior to 30 June of the following year.
<b>Supplementary pension accrual subject to 1.5%</b> (via Premium declaration)	Your pension institution must declare the information on the amounts for a given year for 30 June of that contribution year.

\* Only the obligations and deadlines are included in this table, which are relevant for the employer when consulting his DB2P file. Furthermore, it concerns only obligations in the framework of commitments for employees.

## **2. Financing of your external pension commitments**

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Your pension institution must, in addition to registering the commitments and their specific features, also communicate information to DB2P on the financing of the commitments that they manage. This information must, among other, permit the NSSO and the NSSO-PPO to check whether the social security contributions for the supplementary pensions have been correctly paid in. A second information block that you can consult in your DB2P file therefore contains data on said financing of your external pension commitments. More concretely, it relates to:

- the deposits that you, as employer, made within the framework of a pension commitment and that are subject to the special contribution of 8.86%;
- the supplementary pension accrual for your affiliated employees that are taken into account for the calculation of the special contribution of 1.5%; and
- the deposits that you, as employer, made within the framework of a solidarity commitment.

### **2.1. Employer's premiums subject to the special contribution 8.86%**

#### *2.1.1. Your data in DB2P*

Pension institutions must communicate to DB2P the amounts that were lodged by employers for, on the one hand, the supplementary pension accrual of their staff members and, on the other hand, the solidarity benefits offered.

Firstly, the premiums that you have lodged to the pension institution for the supplementary pension accrual of your employees must be declared. This applies to employers who are subject to the special contribution of 8.86% (Article 38 § 3 of the Act of 29 June 1981 on the general principles of Social Security for employees). More specifically, your pension institution must communicate to DB2P the amount that is used as the basis for the calculation of this contribution of 8.86%.

Your pension institution must declare for each pension commitment which amounts it has effectively received from you and on precisely which dates it received them. These are the amounts that have actually been paid and not those that were invoiced or are due under the pension regulation or the pension agreement. They are also the amounts that you must declare on your DmfA declaration. The declaration of the premiums received in a given year must be made prior to 30 June of the following year at the latest. The amounts that the pension institution has received in 2012 have, therefore, to be reported prior to 30 June 2013 at the latest.

### 2.1.2. Who makes use of these data?

The information on the employer's contributions for the supplementary pension accrual must permit the NSSO (LPA) to check whether the special contribution of 8.86% has been correctly paid in. The diagram below illustrates how this is done.

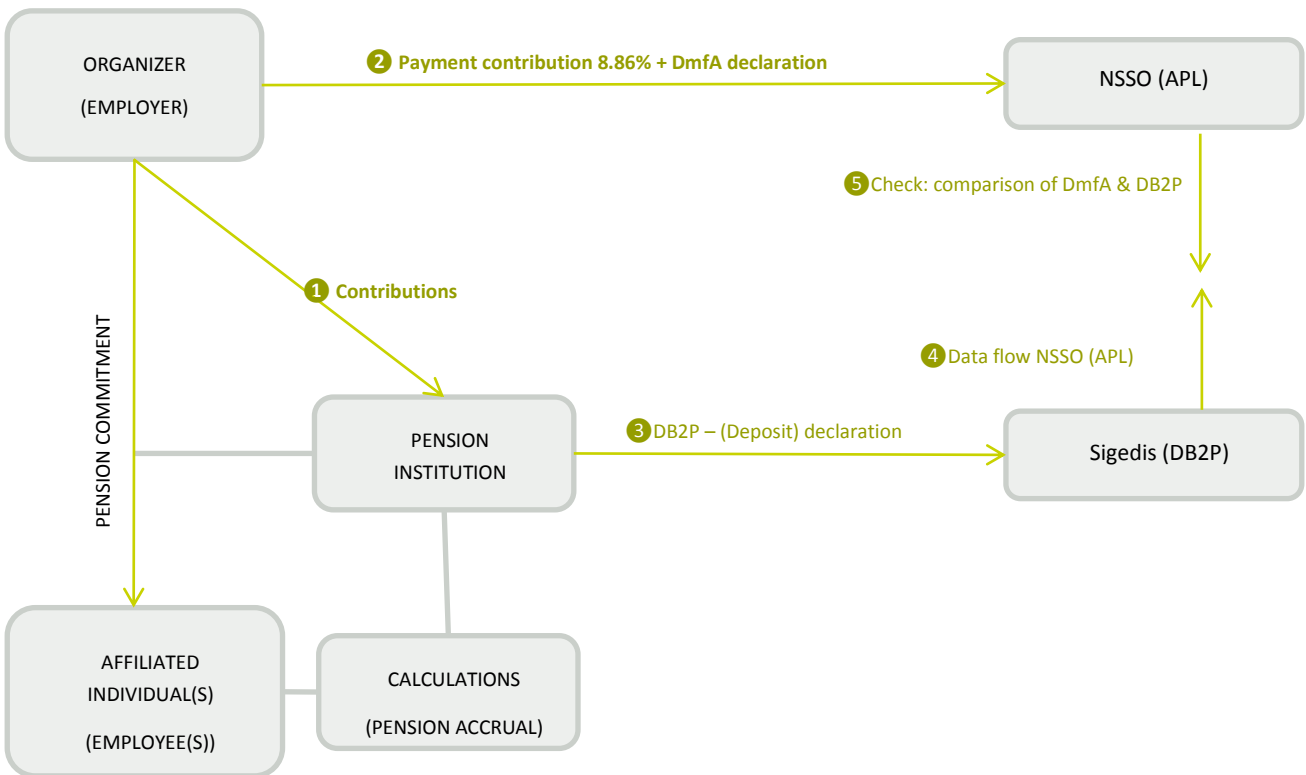
An employer, who lodges premiums to his pension institution in the framework of a pension commitment for his employees **1**, must pay a special employer's contribution on those premiums.

This contribution of 8.86% is due from the employer to the NSSO (LPA) and he must enter it on his DmfA declaration **2**.

The pension institution, which receives the employer's premiums, is required to declare them to DB2P. It must do so via the special 'Deposit' declaration provided for that purpose **3**.

Sigedis, as the manager of DB2P, has the legal duty to make the information (furnished by the pension institution) regarding the calculation basis for the contribution of 8.86% available to the collection institutions (NSSO and NSSOLPA) **4**.

The NSSO (LPA) checks the payments are correct by comparing the DmfA data (furnished by the employer) with the data from DB2P **5**.



### 2.1.3. Consulting your data

When consulting DB2P your employer's contributions within the framework of a pension commitment are shown at three levels:

1. **Per calendar year** : the sum of the contributions that you have paid in in that year is shown. This is the overall amount of your employer's premiums for (all) your pension commitments or (all) your solidarity commitments.
2. You can also obtain a breakdown and see the amounts that were paid in in a particular year **for a given commitment**.
3. You can in addition view the exact amount for each commitment **for a given payment date**. The date on which you made the payment may differ from the date on which it was declared by the pension institution. Your pension institution has to communicate the date on which it actually received the payment.

The employer's contributions in the framework of a pension commitment must, since 2011, be reported to DB2P by your pension institution. You will, therefore, be able to view the contributions you paid in 2010 (the earliest date possible).

The requirement to report the contributions for each commitment applies only from 2013. It is thus possible that you will find only the overall amounts for all your pension commitments for the years **2010 and 2011** (and possibly even for 2012). You can in that case always view the exact amounts per payment date.

It is possible that the premiums that you have paid in in 2012 are still not yet fully available in the summary. Your pension institution must forward the premiums that it has received in 2012 prior to 30 June 2013 to DB2P. From July 2013, all the payments made in 2012 should be available.

In the summary, you will (probably) not find contributions which you have **paid in the framework of a sectoral commitment**. Your pension institution is not required to report these payments to DB2P.

The summary of your employer's contributions allows you to check whether your contributions are properly and fully reported in DB2P and to view the detailed information on which the legal users of DB2P, such as NSSO (LPA), will base themselves in their checks. If, when consulting the data you note that the data in your employer's contributions in DB2P are not entirely correct or complete, then you can also report that. On each screen in the online application, you can click on the link, on the upper right-hand side (under the menu bar), 'Report an error'.

## 2.2. Supplementary pension accrual subject to the special contribution 1.5% ('Wijninckx contribution')

### 2.2.1. Your data in DB2P

From 2013, pension institutions must communicate to DB2P all the information needed to calculate the special 1.5% social security contribution ('Wijninckx contribution'). The Wijninckx contribution was introduced by the Programme Law of 22 June 2012 (Belgian Official Journal 26/06/2012) and was further detailed in the Programme Law of 27 December 2012 (Belgian Official Journal 31/12/2012). It is being introduced in two phases: a transitional rule applies from 1 January 2012 to 31 December 2015: this will be followed by a definitive rule that will be applicable from 1 January 2016.

You are, from 2012 (during the transitional rule period), required to pay a contribution of 1.5% for each and every employee if the supplementary pension accrual of said employee exceed an annual (indexed) threshold of 30,000 euros. The supplementary pension accrual (see box) takes the amounts financed by both the employer and the employee into account. The Wijninckx contribution per se is, however, only due on that part of the remuneration that exceeds the threshold and only on the employer's share.

Your pension institution must, therefore, communicate the supplementary pension accrual for each

#### Individual supplementary pension accrual

In concrete terms, the (indexed) threshold is assessed on the sum of: (1) the amounts allocated to the individual account of the individual affiliated to a pension commitment of the fixed contribution type, fixed benefits managed through individual contracts or cash balance; (2) the amount of the evolution of the (acquired) reserves of the individual affiliated to a pension commitment of the fixed benefit type that is not managed via individual contracts; and (3) the amount of the premium(s) for death coverage that is (are) not financed by amounts allocated to the account or by the evolution of the acquired reserve.

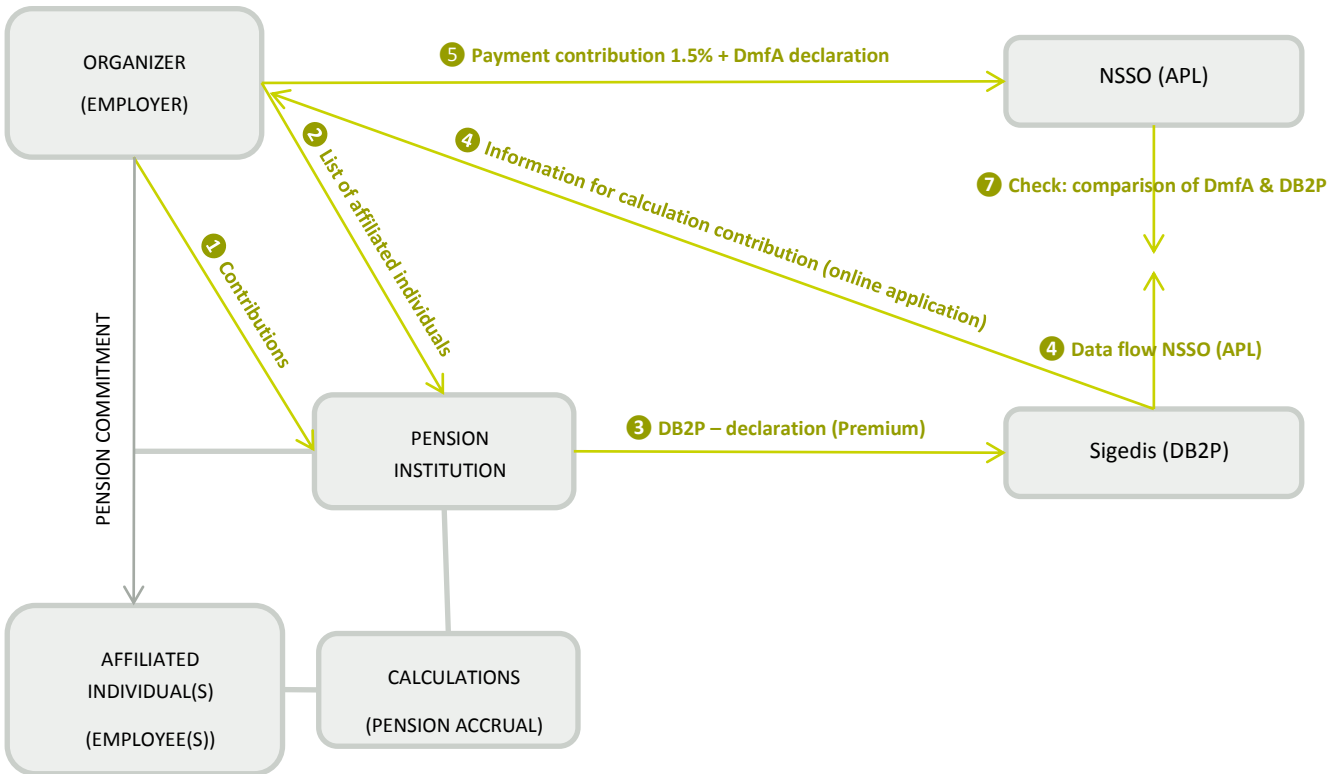
affiliated employee to DB2P information. The amounts needed for the calculation of the Wijninckx contribution in a given contribution year must be communicated by 30 June of that contribution year at the latest. The first amounts that your pension institution must declare are those needed for the contribution year 2012. These data are, exceptionally, to be communicated only in 2013. Your pension institution must, therefore, declare both the amounts for the contribution year 2012 and those for the contribution year 2013 by 30 June 2013. The declaration for the contribution years 2012 and 2013 does not concern the sectoral pension plans. The pension accrual in the framework of sectoral pension plans must only be reported from contribution year 2014.

Please consult the NSSO and NSSOLPA directly, if you need more information about the Wijninckx contribution.



### 2.2.2. Who makes use of these data?

The information on individual supplementary pension accrual in DB2P will, on the one hand, assist employers in the calculation of the Wijninckx contribution and must, on the other hand, permit the NSSO (LPA) to check efficiently that this contribution has been paid in. The Programme Law of 27 December 2012 sets out a specific administrative procedure (see diagram).



The procedure provides that employers, who pay premiums in the framework of a pension commitment **1**, must furnish a list of the individuals affiliated to their pension institutions during the year preceding the contribution year. The employer must ensure that the list, containing the SSIN numbers (Social Security Identification Number) and his own CBE (Crossroads Bank for Enterprises) number, is with his pension institution by 28 February of the contribution year at the latest **2**.

This information must permit the pension institution to communicate the amounts that form the assessment basis for the Wijninckx contribution to DB2P **3**. The pension institution is required to submit the declaration by 30 June of said contribution year at the latest and must do so for the first time by 30 June 2013 at the latest. The first declaration exceptionally includes the data for the past two years: on the one hand, the contribution year 2013 (with data for 2012) and, on the other hand, a catch-up 'declaration' for the contribution year 2012 (with data for 2011).

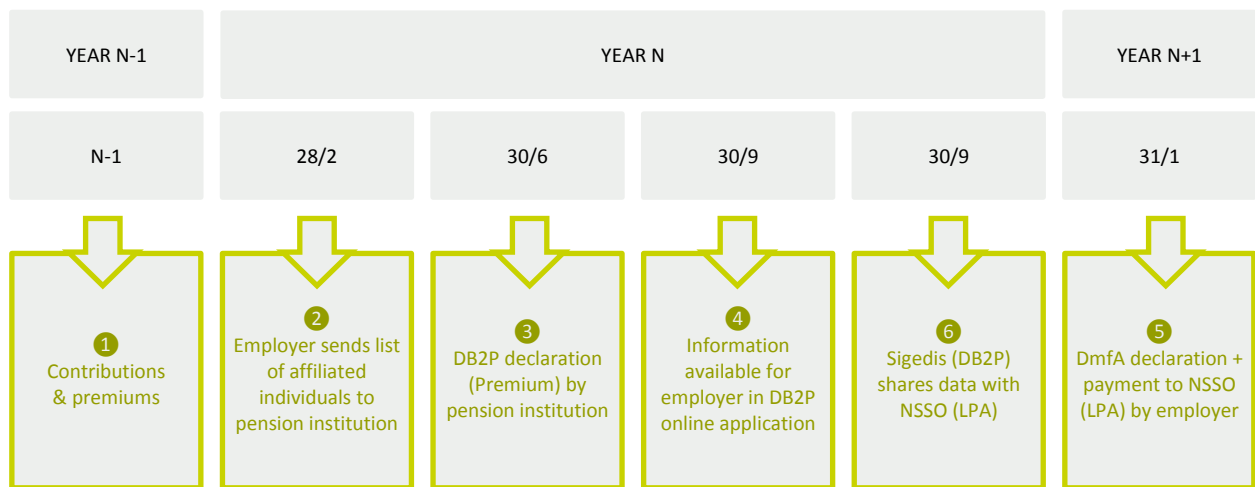
Sigedis (DB2P) puts all the necessary information at the disposal of employers prior to 30 September of each contribution year so that they can calculate and pay the special contribution of 1.5% **4**. The information is made available via the DB2P online application. Employers will be able to consult the necessary information for the first time from September 2013.

This information in their online DB2P file allows employers to calculate and pay the Wijninckx contribution **5**. Employers must declare the contribution due to the NSSO (LPA) for the fourth quarter of the contribution year using the DmfA declaration as per the instructions from NSSO and NSSOLPA.

Sigedis has, furthermore, the legal duty to make the information (furnished by the pension institution) regarding the calculation basis for the contribution of 1.5% available to the collection institutions (NSSO and NSSOLPA) **6**.

The NSSO (LPA) will check that the payments are correct by comparing their own DmfA data (furnished by the employer) with the data from DB2P **7**.

*Timeline administrative procedure*



### 2.2.3. Consulting your data

Now you can consult information in your online DB2P file that you need for the calculation of the Wijninckx contribution. Here you can immediately find what contribution you need to pay and file but you can also check the calculation and the different calculation elements in detail.

#### Overview per employer

In the overview you can find the amount of the payable special contribution (Wijninckx contribution) per contribution year. This is the **'calculated contribution'** in the overview. The contribution has been calculated on the basis of the information that is available for you in DB2P on the calculation date and that was filed by your insurance company or pension fund. The calculation was performed by Sigedis in conformity with the instructions of the NSSO and the NSSO-PPO and on the basis of the statutorily established calculation method. You can find more information about the calculation method on the website of the NSSO and the NSSO-PPO.

Your pension institution must file the amounts that determine the collection basis for the Wijninckx contribution (reference is also made to the diagram above "Timeline administrative procedure") with DB2P at the latest on 30 June of each contribution year. You, as an employer, can then consult these amounts and the calculation of the contribution in your online file as from 1 September of each contribution year. This is the date that you can find in the overview under **"situation as at"**.

Your situation is always communicated on 1 September and 31 December of each contribution year and with every change of the information in DB2P. It is therefore possible that you see three rows in the overview. A first row for the situation as at 1 September, a second row for changes between 1 September and 31 December and a third row if the information in DB2P still changes after 31 December of the contribution year.

Under **"calculated on"** in the overview the calculation date is shown. The amounts are recalculated with every change of the information in DB2P as filed by the pension institution. If the situation is communicated on 1 September and 31 December then the recalculation date can differ from – and therefore be earlier than – the date that is shown under **"situation as at"**.

In addition you can find the **"calculation basis"** in the overview. This is the total amount in respect of which you, as an employer, are liable to pay a special contribution of 1.5% (calculation basis \* 1.5% = calculated contribution). The calculation basis for you, as an employer, equals the sum of the calculation basis of each individual affiliate for whom the supplementary pension accrual exceeds the statutorily established threshold for this contribution year.

If you want to check the calculation in more detail then you can click to the various calculation elements in the overview. You are then shown a list of all affiliates for whom you must pay a special contribution of 1.5% this contribution year. In addition to the SSIN number, the given name and the surname, the **"calculation basis per affiliate"** is also shown. This is, per affiliate, the part of the supplementary pension accrual in respect of which a special contribution of 1.5% must be paid for this contribution year. The calculation basis therefore equals the part of the supplementary pension accrual that exceeds the statutory threshold of this contribution year and is only limited to the share financed by the employer.

When processing the declarations in DB2P by your pension institution the affiliates are identified on the basis of their SSIN number. If the affiliate can be identified and an SSIN number is therefore retrieved then in the overview the information for all declarations (possibly filed by multiple pension institutions) is aggregated for one affiliate. If an unambiguous SSIN number cannot be retrieved for the affiliate during the processing of the declaration then only the information from this declaration is shown. The overview only includes the unidentified declarations from which it becomes apparent that the supplementary pension accrual exceeds the statutorily established threshold. In the overview the “unidentified” value is then used instead of the SSIN number.

### **Detailed records per affiliate**

To verify how the calculation basis per affiliate has been established you can, ultimately, retrieve more details per affiliate. Here you can consult the total amount (**total amount**) of the supplementary pension accrual of the affiliate. For the supplementary pension accrual the sum of the following is taken into account:

- the amounts allocated to the individual account of the affiliate in case of a pension commitment of the type fixed contributions, fixed benefits administered via individual agreements or cash balance;
- the amount of the evolution of the (vested) reserves of an affiliate in case of a pension commitment of the type fixed benefits that is not administered via individual agreements;
- the amount of the premium(s) for the death cover that is not financed by amounts allocated to the account or through the evolution of the vested reserve.

The detailed records also provide you with the threshold amount for the contribution year in question and the share of the supplementary pension accrual that was financed by you, as an employer. In order to assess whether or not the supplementary pension accrual exceeds the threshold amount the complete pension accrual is taken into account regardless of the fact whether it was financed by the employer or by the employee. However in case of an overstepping of the threshold amount the special contribution of 1.5% is only payable in respect of the share of the employer. More specifically, if the share of the employer in the supplementary pension accrual is smaller than the amount that exceeds the threshold then the contribution will only be payable in respect of the share of the employer.

If multiple pension institutions filed amounts for the affiliate then these amounts are first shown on the detailed records in an aggregated manner *per affiliate*. In addition you can also consult detailed records *per pension institution*. In addition to the total amount of the supplementary pension accrual per pension institution and the share of the employer and the employee in the same, you can also find the different amounts here that are taken into account for the supplementary pension accrual (allocated amounts, evolution of vested reserves, ...).

### **Search affiliate**

Via the overview you have the possibility of clicking to the detailed records of the affiliate for whom you are liable to pay a special contribution. In addition you can also consult detailed records for each affiliate via a search on the SSIN number and contribution year. Hence this search is not limited to the affiliates for whom you are liable to pay a special contribution. After all, your insurance company or pension fund must file the amounts of the supplementary pension accrual of all affiliates with DB2P.

## **Unidentified affiliates list**

Individuals are identified in DB2P on the basis of their SSIN number. It is, however, possible that an affiliate cannot be identified during the processing of the declarations in DB2P. On the basis of the information that the pension institution communicates an unambiguous SSIN number can in that case not be retrieved for the affiliate in question during a search in the national register (or the KSZ register).

If an SSIN number cannot be retrieved for one or more affiliates then you can request the list of these unidentified affiliates in your DB2P file about the Wijninckx contribution. This list includes each individual declaration for which the affiliate could not be identified.

Unidentified declarations can result in an incorrect or incomplete calculation of the special contribution. We therefore request you to, if the occasion arises, forthwith contact your pension institution and to provide the required information in order that all affiliates can be identified unambiguously.

## **Responsibility of employers**

The special contribution of 1.5% has been calculated on the basis of the information that is available for you in DB2P on the calculation date and that was filed by your insurance company or pension fund. The calculation was performed by Sigedis in conformity with the instructions of the NSSO or the NSSO-PPO and on the basis of the statutorily established calculation method.

The calculation is indicative and can only be deemed to be correct if the data in DB2P are also complete and no longer change. Hence as an employer you always remain responsible for the correct calculation and payment of the contribution. It is therefore important that you verify whether or not the information filed by your pension institution is entirely correct and complete.

If you determine that the registered information is not entirely correct then you can report this via the online application. Via the "Report an error" option you can inform your pension institution that certain features or documents are not correct. You cannot directly adjust the data in the database yourself. Your report is forwarded to your insurance company or pension fund in order that the latter can verify if and how the information in DB2P needs to be adjusted.

## 2.3. Employer's premiums for a solidarity commitment

### 2.3.1. *Your data in DB2P*

Pension institutions must report the amounts to DB2P that are deposited by employers for the offered solidarity benefits. Your solidarity institution must indicate per solidarity commitment what amounts it effectively received and when exactly. Again, not the payable amounts but the actually paid amounts must be communicated with the exact date of receipt by the solidarity institution. The same declaration time limits as in case of the employer's premiums subject to the contribution of 8.86% are applicable: the declaration must be filed at least annually and the premiums received in a certain year must be reported by 30 June of the subsequent year.

### 2.3.2. *Who makes use of these data?*

The information about the contributions within the framework of a solidarity commitment will be used to verify whether or not the commitment complies with the conditions (as determined in articles 3, 10 and 12 of the WAP) for recognition as a social system.

### 2.3.3. *Consultation of your data*

When consulting DB2P your employer's contributions within the framework of a solidarity commitment are shown at three levels:

1. Per calendar year the sum of the contributions that you deposited in that year is shown. This is the global amount of your employer's premiums for (all of) your solidarity commitment(s).
2. Per year you can moreover view the amounts that were deposited for a certain commitment in more detail.
3. Per commitment you can consult the exact amount for a specific deposit date. The date when you made the deposit can differ from the date filed by the solidarity institution. After all, the latter must communicate the date when it effectively received the deposit.

The contributions within the framework of a solidarity commitment can only be filed since 2013. The deposits that you can consult will therefore at the earliest be related to 2012.

It is possible that the premiums that you deposited in 2012 are not fully available in the overview yet. Your pension institution must indeed communicate the premiums that it received to DB2P at the latest by 30 June 2013. As from July 2013 all deposits made in 2012 should be available.

### **3. Internally financed individual pension commitments**

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Although it is primarily the duty of insurers and pension funds to furnish information to DB2P, you too, however, as employer, must report certain parts of your DB2P file. The declaration obligations of your pension institution are limited, however, to the commitments which you have asked them to implement. If you have another (or several) pension commitment(s) for a specific employee that you are financing internally, then you yourself are responsible for registering it (them) in DB2P.

This relates to an individual pension promise to a specific employee, granted prior to 16 November 2003. Such individual commitments are, regarding their financing in the past, not subject to the requirement that they be placed with a separate, external pension institution. The financing of the promise does not, therefore, have to be externalised but may take place via provisions in the balance sheet within the enterprise or by taking out company manager's insurance (a life insurance policy on life of the employee concerned for the benefit of the employer, without said employee himself being able to draw any rights directly from it).

These individual commitments, for which the internal provision (from prior to 2012) had not been transferred to an external pension institution, must be reported by the employer himself to DB2P. This may be done via the online application from January 2014. Your internal pension commitments must be registered and the associated information (i.e. the amount of the provision or the insured capital) communicated by 31 December 2014 at the latest.

Concrete instructions and further information regarding the declaration of internally financed individual pension commitments will be included in a further version of this document (substantive documentation). This version shall be made available in a timely fashion.