



Financial Supervision Act

Part I General part

Chapter 1.1 General provisions

Section 1.1.1 Definitions

Article 1:1 Definitions*)

*) The definitions are listed in alphabetical order of the English translations.

- *administrator*: the administrator as referred to in Article 3:162, paragraph 4, or the person appointed by the administrative or judicial bodies in another Member State in order to implement financial reorganisation measures;

*) administrator in Dutch: bewindvoerder

- *advertisement*: any form of providing information that serves to praise or recommend a particular financial service or a particular financial product;

*) advertisement in Dutch: reclame-uiting

- *(to) advise*:

a. to recommend, in the pursuit of a professional practice or business, one or more specific financial products to a particular consumer, to the exclusion of premium pension entitlements, insurances and financial instruments; or

b. to recommend, in the pursuit of a professional practice or business, one or more specific contracts from which a premium pension entitlement arises, one or more specific insurances or one or more specific financial instruments to a particular client;

*) to advise in Dutch: adviseren

- *advisor*: the person who gives an advice;

*) advisor in Dutch: adviseur

- *Annual Accounts Directive*: Fourth Council Directive No. 78/660/EEC of 25 July 1978 based on Article 54(3)(g) of the Treaty on the annual accounts of certain types of companies (OJ L 222);

*) Annual Accounts Directive in Dutch: richtlijn jaarrekening

- *ancillary service*:

a. keeping in safe custody and the management and administration of financial instruments for account of clients, including safekeeping and related services such as the custody in regard of cash or collateral;

b. granting credits or loans to an investor so as to enable him to perform a transaction in one or more financial instruments, where the firm granting the credit or loan is a party to the transaction;

c. giving advice to enterprises on capital structure, business strategy and related matters, and giving advice and providing services relating to mergers and the taking over of enterprises;

d. foreign exchange services where these are connected to the provision of investment services;

e. investment research and financial analysis or other forms of general recommendations in connection with transactions in financial instruments;

f. services in connection with the taking over of financial instruments (underwriting);

g. investment services or activities as well as ancillary services relating to the underlying value of the financial instruments, as referred to in the definition of financial instruments under (e), (f), (g) or (i), to the extent that these are connected to the provision of investment or ancillary services;

*) ancillary service in Dutch: nevendienst

- *auditor*: an auditor as referred to in Article 393, paragraph 1, of Book 2 of the Dutch Civil Code;

*) auditor in Dutch: accountant

- *authorised agent*: a person acting as an authorised agent;

*) authorised agent in Dutch: gevolmachtigde agent

- *(to act as an) authorised agent*: to conclude an insurance contract with a client in the pursuance of a professional practice or business, as an authorised party of an insurer for account of the insurer;

*) to act as an authorised agent in Dutch: optreden als gevolmachtigde agent

- *authorised sub-agent*: a person acting as an authorised sub-agent;

*) authorised sub-agent in Dutch: ondergevolmachtigde agent

- *(to act as an) authorised sub-agent*: to conclude an insurance contract with a client in the pursuance of a professional practice or business under a sub-authorisation issued by an authorised agent or by an authorised sub-agent, as an authorised party of an insurer for account of the insurer;

*) to act as an authorised sub-agent in Dutch: optreden als ondergevolmachtigde agent

- *Authority for the Financial Markets*: Stichting Autoriteit Financiële Markten;

*) Authority for the Financial Markets in Dutch: Autoriteit Financiële Markten

- *bank*: a party whose business it is to obtain, beyond a restricted circle, the disposal of callable funds from others than professional market parties, and to extend loans for its own account;

*) bank in Dutch: bank

- *bidder*: a natural person, legal person or corporation, or an equivalent body or joint venture (collaboration contract) under foreign law, by which or on whose behalf, either individually or together with other natural persons, legal persons, companies or equivalent bodies or joint ventures, a public takeover bid is prepared or made, or has been made;

*) bidder in Dutch: bieder

- *branch office*:

a. a section without legal personality of a financial enterprise that is not an insurer, investment firm or payment institution, permanently existing in a State other than the State where this financial enterprise has its registered seat; or

b. a permanent section of an insurer, other than the registered seat, that is managed by the insurer's own staff or by an independent person authorised to represent the insurer on a permanent basis; or

c. joint sections without legal personality of an investment firm that performs investment services, investment activities or ancillary services, permanently existing in a State other than the State where this investment firm has its registered seat, or;

d. joint sections without legal personality of a payment institution, permanently existing in a State other than the State where this payment institution has its registered seat.

*) branch office in Dutch: bijkantoor

- *broker*: a party providing brokerage services;

*) broker in Dutch: bemiddelaar

- *(to provide) brokerage services*:

a. all activities carried out in the pursuance of a professional practice or business focused on establishing, as a broker (intermediary), a contract regarding a financial product other than a financial instrument, credit, premium pension entitlement or insurance between a consumer and a provider;

b. all activities carried out in the pursuance of a professional practice or business focused on establishing, as a broker (intermediary), a contract regarding credit between a consumer and a provider, or on giving assistance in regard of the administration and performance of such a contract; or

c. all activities carried out in the pursuance of a professional practice or business focused on establishing, as a broker (intermediary), a contract from which a premium pension entitlement arises between a client and a premium pension institution or on giving assistance in regard of the administration and performance of such contract, or;

d. all activities performed in the pursuance of a professional practice or business focused on establishing, as a broker (intermediary), an insurance contract between a client and an insurer, or on giving assistance in regard of the administration and performance of an insurance contract;

*) (to provide) brokerage services in Dutch: bemiddelen

- *callable funds*: funds that must be repaid at some moment in time, for whatever reason, and in respect of which it is clear in advance which nominal sum must be repaid;

*) callable funds in Dutch: opvorderbare gelden

- *central credit institution*: a bank which co-determines the policy relating to a group of banks of which the bank itself also forms part;

*) central credit institution in Dutch: centrale kredietinstelling

- *clearing institution*: a person whose business it is to conclude contracts regarding financial instruments with a central counterparty who acts as an exclusive counterparty in respect of these contracts, of which the provisions indicating the essence of the performance correspond to the provisions forming part of contracts concluded on a trading platform by third parties or by the person himself in his capacity as a party to the contract, and which indicate the essence of the performance in the latter contracts;

*) clearing institution in Dutch: clearinginstelling

- *clearing institution established in a non-designated State*: a clearing institution having its registered seat in a State other than the Netherlands that is not designated under Section 2:6, paragraph 2, as a State in which the supervision of clearing institutions provides sufficient safeguards with regard to the interests which the present Act seeks to protect;

*) clearing institution established in a non-designated State in Dutch: clearinginstelling met zetel in een niet-aangewezen staat

- *collective investment scheme*: investment company or unit trust;

*) collective investment scheme in Dutch: beleggingsinstelling

- *collective investment scheme having its registered seat in a non-designated State*: a collective investment scheme having its registered seat outside the Netherlands in a State not designated on the basis of Article 2:66, paragraph 1, as a State where supervision is exercised on collective investment schemes providing sufficient safeguards with regard to the interests which the present Act seeks to protect, not being an enterprise for collective investment in negotiable securities;

*) collective investment scheme having its registered seat in a non-designated State in Dutch: beleggingsinstelling met zetel in een niet-aangewezen staat

- *commission*: remuneration or fee, in whatever form, for acting as a broker or advisor in respect of a financial product or the provision of an investment service or ancillary service;

*) commission in Dutch: provisie

- *commodity derivative*: a Financial instrument as referred to under (e), (f) and (g) of the definition of financial instrument;

*) commodity derivative in Dutch: grondstoffenderivaat

- *Community co-assurance*: direct non-life insurance regarding major risks, effected in co-insurance, whereby:

a. the non-life insurer who acts as the first non-life insurer has entered into his obligations under the non-life insurance contract from a place of business in a Member State other than the Member State in which at least one of the other co-insurers has done so; and

b. the risk is situated in a Member State;

*) Community co-assurance in Dutch: communautaire co-assurantie

- *Consolidated Accounts Directive*: Seventh Council Directive 83/349/EEC of 13 June 1983 based on Article 54(3)(g) of the Treaty on consolidated accounts (OJ L 193);

*) Consolidated Accounts Directive in Dutch: richtlijn geconsolideerde jaarrekening

- *consumer*: a natural person not acting in the pursuance of his business or professional practice to whom a financial enterprise provides a financial service;

*) consumer in Dutch: consument

- *contributing enterprise*: a contributing enterprise as referred to in Article 1 of the Pension Act;

*) contributing enterprise in Dutch: bijdragende onderneming

- *controlled enterprise*:

- a. a subsidiary as referred to in Article 24a of Book 2 of the Dutch Civil Code; or
- b. an enterprise of which a person may exercise predominant control;

*) controlled enterprise in Dutch: gecontroleerde onderneming

- *credit*:

- a. to make a sum of money available to a consumer, with respect to which the consumer is obliged to make one or more repayments;
- b. to provide to a consumer a service or the enjoyment of movable property, a financial instrument or an investment object, or to make a sum of money available to a consumer or a third person in respect of a service or the enjoyment of movable property, a financial instrument or an investment object provided to that consumer, in regard of which the consumer is obliged to make one or more payments, to the exclusion of the provision of services or the delivery of similar movable property, financial instruments or investment objects on a regular basis, under which the consumer is obliged to pay in instalments as long as the regular provision of services or the regular delivery takes place

*) credit in Dutch: krediet

- *(to) delegate*: the issuance of an instruction to a third party by a financial enterprise to carry out activities on behalf of that financial enterprise:

- a. which form part of or arise from the operation of its business or the provision of financial services; or
- b. which form part of the essential operating processes in support thereof;

*) to delegate in Dutch: uitbesteden

- *deposit*: a balance credit that is formed by funds in an account or that temporarily arises out of normal bank transactions, and that a bank must repay pursuant to the applicable statutory and contractual conditions, as well as debts represented by debt instruments to name issued by a bank, with the exception of bonds that meet the requirements stated in Article 52, paragraph 4, of the revised Directive for collective investment schemes;

*) deposit in Dutch: deposito

- *depository*: a legal person entrusted with the safekeeping of the assets of a collective investment scheme;

*) depository in Dutch: bewaarder

- *deposit-guarantee scheme*: a system providing a guarantee for claims of deposit holders against banks under the risk that these banks are unable to comply with their obligations relating to such claims;

*) deposit-guarantee scheme in Dutch: depositogarantiestelsel

- *designated State*: a State designated under the present Act as the State in which supervision is exercised on collective investment schemes, clearing institutions and funeral expenses and benefits in kinds insurers, respectively, money transactions offices, providing sufficient safeguards with regard to the interests which the present Act seeks to protect;

*) designated State in Dutch: aangewezen staat

- *distance communication technologies*: any device which, without a simultaneous physical presence of a financial enterprise and a consumer or client, may be used to provide financial services.

*) distance communication technologies in Dutch: techniek voor communicatie op afstand

- *distance contract*:

- a. a contract regarding a financial service or financial product, concluded between a financial enterprise and a consumer in the context of a system organised by the financial enterprise for distance sales or distance services, which contract is established exclusively by using one or more distance communication technologies, or;
- b. a contract intended to create a fund for the payment of services at the funeral of a natural person, concluded between a funeral expenses and benefits in kind insurer and a consumer in the context of a system organised by the funeral expenses and benefits in kind insurer for distance sales or distance services, which contract does not enclose an investment risk for the funeral expenses and benefits in kind insurer and is established exclusively by using one or more distance communication technologies;

*) distance contract in Dutch: overeenkomst op afstand

- *Directive for the implementation of the Markets in Financial Instruments*: Commission Directive 2006/73/EC of 10 August 2006 implementing Directive 2004/39/EC of the European Parliament and of the Council as regards organisational requirements and operating conditions for investment firms and defined terms for the purposes of that Directive (OJ L 241);

*) Directive for the implementation of the Markets in Financial Instruments in Dutch:
uitvoeringsrichtlijn markten voor financiële instrumenten

- *domestic merger*: a merger between two or more institutions for collective investments in negotiable securities, having their registered seat all in the Netherlands, if at least one of the managers (administrators) involved, may offer on the basis of Article 2:123, paragraph 5, in another Member State units in an institution for collective investments in negotiable securities with its registered seat in the Netherlands, which is managed (administrated) by him;

*) domestic merger in Dutch: binnenlandse fusie

- *durable medium*: a device enabling a person to store information addressed personally to him in a manner that makes this information accessible for future reference for a period of time appropriate for the objective which the information may serve, and that allows the unchanged reproduction of the information stored;

*) durable medium in Dutch: duurzame drager

- *Dutch bank*: a bank having its registered seat in the Netherlands that holds a licence to conduct its business;

*) Dutch bank in Dutch: Nederlandse bank

- *Dutch Central Bank*: De Nederlandsche Bank N.V.;

*) Dutch Central Bank in Dutch: De Nederlandsche Bank N.V.

- *Dutch EU parent bank*: a parent bank having its registered seat in the Netherlands that is not itself a subsidiary of an investment firm, a bank or a financial holding company with a registered seat in a Member State;

*) Dutch EU parent bank in Dutch: Nederlandse EU-moederbank

- *Dutch EU parent investment firm*: a parent investment firm having its registered seat in the Netherlands that is not itself a subsidiary of an investment firm, bank or of a financial holding company with a registered seat in a Member State;

*) Dutch EU parent investment firm in Dutch: Nederlandse EU-moederbeleggingsonderneming

- *Dutch financial EU parent holding company*: a financial holding company having its registered seat in the Netherlands that is not a subsidiary of an investment firm, bank or a financial holding company with a registered seat in a Member State;

*) Dutch financial EU parent holding company in Dutch: Nederlandse financiële EU-moederholding

- *Dutch investment firm*: an investment firm having its registered seat in the Netherlands that holds a licence to conduct its business;

*) Dutch investment firm in Dutch: Nederlandse beleggingsonderneming

- *Dutch parent bank*: a bank having its registered seat in the Netherlands that has as a subsidiary an investment firm, a bank or a financial institution or that owns a shareholder's participation in such a financial enterprise and that itself is not a subsidiary of another Dutch investment firm, Dutch bank or financial holding company with a registered seat in the Netherlands;

*) Dutch parent bank in Dutch: Nederlandse moederbank

- *Dutch parent investment firm*: investment firm having its registered seat in the Netherlands that has as a subsidiary an investment firm, a bank or a financial institution or that owns a shareholder's participation in such a financial enterprise and that itself is not a subsidiary of another Dutch investment firm, Dutch bank or financial holding company with a registered seat in the Netherlands;

*) Dutch parent investment firm in Dutch: Nederlandse moederbeleggingsonderneming

- *Dutch reinsurer, life insurer or non-life insurer*: a reinsurer, life insurer or non-life insurer having its registered seat in the Netherlands that holds a licence to conduct its business;

*) Dutch reinsurer, life insurer or non-life insurer in Dutch: Nederlandse herverzekeraar, levensverzekeraar of schadeverzekeraar

- *electronic money*: a monetary value stored on an electronic or magnetic device representing a claim against the issuer, that is issued in exchange for received funds to perform payment transactions as referred to in Article 4, point 5, of the Payment Service Directive, and with which payments can be performed to another person than the issuer;

*) electronic money in Dutch: elektronisch geld

- *electronic money institution*: a person whose business it is to issue (extend) electronic money;

*) electronic money institution in Dutch: elektronischgeldinstelling

- *electronic way*: electronic equipment for processing, including digital compression, storage and transmission of data through wires, radio optical technologies or other electromagnetic means;

*) electronic way in Dutch: elektronische weg

- *eligible counterparty*:

a. bank

b. management company of a collective investment scheme;

c. management company of a pension fund or of a comparable legal person or corporation;

d. collective investment scheme;

e. investment firm;

f. national or regional government body, or government body administering the public debt;

g. central bank;

h. financial institution;

i. international or supranational organisation governed by public law or a comparable international organisation;

j. market maker;

k. pension fund or comparable legal person or corporation;

l. person or corporation trading for its own account in commodities and derivatives on commodities;

m. local firm;

n. insurer;

*) eligible counterparty in Dutch: in aanmerking komende tegenpartij

- *entity for risk acceptance*: an institution, not being an insurer, which accepts risks transferred from an insurer, and finances the acceptance of these risks exclusively by attracting funds from third parties in regard of which the repayment obligations are subordinate to the payment obligations arising from accepting the transferred risks;

*) entity for risk acceptance in Dutch: entiteit voor risico-acceptatie

- *entity for risk acceptance having its registered office in a non-designated State*: an entity for risk acceptance having its registered seat in a non-Member State that is not designated under Article 2:54d, paragraph 2, as a State where the supervision on entities for risk acceptance is exercised, providing sufficient safeguards with respect to the interests which the present Act seeks to protect;

*) entity for risk acceptance having its registered office in a non-designated State in Dutch: entiteit voor risico-acceptatie met zetel in een niet-aangewezen staat

- *European bank*: a bank with its registered seat in another Member State that has obtained a licence there to conduct of its business

*) European bank in Dutch: Europese bank

- *European investment firm*: investment firm having its registered seat in another Member State that has obtained a licence there to conduct its business;

*) European investment firm in Dutch: Europese beleggingsonderneming

- *European life insurer or non-life insurer*: life insurer or non-life insurer having its registered seat in another Member State that has obtained a licence there to conduct its business which corresponds to the licence referred to in Article 2:27;

*) European life insurer or non-life insurer in Dutch: Europese levensverzekeraar of schadeverzekeraar

- *European reinsurer*: a reinsurer having its registered seat in another Member State that has obtained a licence there to conduct its business which corresponds to that referred to in Article 2:26a;

*) European reinsurer in Dutch: Europese herverzekeraar

- *European supervisory authorities*: the European Authority for negotiable securities on markets, the European Authority for insurances and business pensions and the European Bank Authority;

*) European supervisory authorities in Dutch: Europese toezichthoudende autoriteiten

- *exchange institution*: the person whose business it is to perform an exchange transaction;

*) exchange institution in Dutch: wisselinstelling

- *exchange institution with its registered seat in a non-designated State*: an exchange institution having its registered seat in a State other than the Netherlands that is not designated on the basis of Article 2:54l, paragraph 2, as a State in which the supervision over

exchange institutions is exercised in a way that provides sufficient guarantees in regard of the interests which the present Act seeks to protect

*) exchange institution with its registered seat in a non-designated State in Dutch: wisselinstelling met zetel in een niet-aangewezen staat

- *exchange transaction*:

- a. a money exchange transaction;
- b. the payment of coins and banknotes on presentation of a credit card or against the handing in of a document as referred to in Article 1:5a, paragraph 2, under (g);
- c. a similar activity designated by Order in Council;

*) exchange transaction in Dutch: wisseltransactie:

- *execution fees*: expenses which are directly related to the performance (execution) of an order with regard to a financial instrument and are charged to the client;

*) execution fees in Dutch: uitvoeringskosten

- *feeder institution for collective investment in negotiable securities*: an institution for collective investment in negotiable securities that has invested at least 85% of the managed capital in rights in units in a master institution for collective investment in negotiable securities.

*) feeder institution for collective investment in negotiable securities in Dutch: feeder-instelling voor collectieve belegging in effecten

- *financial Dutch parent holding company*: financial holding company having its registered seat in the Netherlands that is not a subsidiary of a Dutch investment firm or a Dutch bank or of a financial holding company having its registered seat in the Netherlands, whereby the term 'subsidiary' shall be deemed to mean a subsidiary as referred to in Articles 1 and 2 of the Consolidated Accounts Directive, or an enterprise over which, in the opinion of the Dutch Central Bank (De Nederlandsche Bank N.V.), a parent enterprise exercises actually a predominant influence;

*) financial Dutch parent holding company in Dutch: financiële Nederlandse moederholding

- *financial enterprise*:

- a. a bank
- b. a management company;
- c. a collective investment scheme;
- d. an investment firm;
- e. a payment service provider
- f. a depositary;
- g. a clearing institution;
- h. an entity for risk acceptance;
- i. a financial service provider;
- j. a financial institution;
- k. a pension depositor;
- l. an insurer, or;
- m. a money transactions office;

*) financial enterprise in Dutch: financiële onderneming

- *financial means*: cash (money in circulation), deposit money (money by Giro) and electronic money;

*) financial means in Dutch: geldmiddelen

- *financial institution*: a person, not being a bank, who has as his main business the performance of one or more of the activities referred to under 2 up to and including 12 of Annex I to the Recast Banking Directive, or the acquisition or holding of units;

*) financial institution in Dutch: financiële instelling

- *financial instrument*:

- a. negotiable securities;
- b. money market instruments;
- c. units in a collective investment scheme, not being negotiable securities;
- d. options, futures, swaps, forward rate agreements and any other derivative contracts relating to negotiable securities, currencies,

interest rates or returns, or other derivative instruments, indices or financial measures which may be settled physically or in cash;
 e. options, futures, swaps, forward rate agreements and any other derivative contracts relating to commodities that must or may be settled in cash at the option of one of the parties, otherwise than for the reason of a default in performance or another event leading to the end of the contract;

f. options, futures, swaps and any other derivative contracts relating to commodities that can only be physically settled provided they are traded on a regulated market or a multilateral trading facility;

g. options, futures, swaps or forward rate agreements other than those referred to under (f) and any other derivative contracts relating to commodities which can be physically settled and are not intended for commercial purposes, and which have the characteristics of other derivative financial instruments;

h. derivative instruments for the transfer of credit risk;

i. financial contracts to settle differences;

j. options, futures, swaps, forward rate agreements and any other derivative contracts relating to climate variables, freight rates, emission rights, inflation rates or other official economic statistics that must or may be settled in cash at the option of one of the parties, otherwise than for the reason of a default in performance or another event leading to the rescission of the contract, as well as any other derivative contracts relating to assets, rights, obligations, indices or measures other than those referred to above which have the characteristics of other derivative financial instruments;

*) financial instrument in Dutch: financieel instrument

- *financial product*:

a. an investment object;

b. a current account including the ancillary payment facilities attached to it;

c. electronic money;

d. a financial instrument;

e. credit;

f. a savings account including the ancillary savings facilities attached to it;

g. an insurance not being a reinsurance;

h. a premium pension entitlement, or;

i. another product to be specified by Order in Council;

*) financial product in Dutch: financieel product

- *financial service*:

a. to offer;

b. to advise on financial products other than financial instruments;

c. to manage (administrate) an institution for collective investment in negotiable securities;

d. to provide brokerage services;

e. to provide reinsurance brokerage services;

f. to act as a clearing institution;

g. to act as an authorised agent or authorised sub-agent;

h. to provide an investment service, or;

i. to perform an investment activity;

*) financial service in Dutch: financiële dienst

- *financial service provider*: a person who offers a financial product other than a financial instrument, who advises on a financial product other than a financial instrument or who provides brokerage services, provides reinsurance brokerage services or acts as an authorised agent or authorised sub-agent;

*) financial service provider in Dutch: financiële dienstverlener

- *framework agreement for payment services*: a contract governing the performance (execution) of separate and successive payment transactions and that may contain the obligations and conditions for opening a payment account;

*) framework agreement for payment services in Dutch: raamovereenkomst voor betaaldiensten

- *funeral expenses and benefits in kind insurance*: an insurance contract relating to the provision of the funeral of a natural person, under which the insurer engages himself to perform an obligation that does not include the payment of a financial benefit;

*) funeral expenses and benefits in kind insurance in Dutch: natura-uitvaartverzekering

- *funeral expenses and benefits in kind insurer*: a person, not being a life insurer, whose business it is to enter into funeral expenses and benefits in kind insurance contracts for its own account and to settle such insurance contracts;

*) funeral expenses and benefits in kind insurer in Dutch: natura-uitvaartverzekeraar

- *funeral expenses and benefits in kind insurer having its registered seat in a non-designated State*: a funeral expenses and benefits in kind insurer having its registered seat in another State than the Netherlands that is not designated under Article 2:50, paragraph 2, as a State in which the supervision of funeral expenses and benefits in kind insurers provides sufficient safeguards with regard to the interests which the presents Act seeks to protect;

*) funeral expenses and benefits in kind insurer having its registered seat in a non-designated State in Dutch: natura-uitvaartverzekeraar met zetel in een niet-aangewezen staat

- *guarantee scheme*: the investor-compensation scheme or the deposit-guarantee scheme;

*) guarantee scheme in Dutch: vangnetregeling

- *IAS Regulation*: Regulation (EC) No. 1606/2002 of the European Parliament and the Council of the European Union of 19 July 2002 on the application of international accounting standards (OJ L 243);

*) IAS Regulation in Dutch: IAS-verordening

- *individual portfolio management*: the discretionary management conducted in the pursuance of a professional practice or business, other than as a management company, of financial instruments belonging to a person or of funds belonging to this person that are available for investment in financial instruments, pursuant to instructions issued by this person;

*) individual portfolio management in Dutch: beheren van een individueel vermogen

- *institution for collective investment in negotiable securities (UCITS)*:

a. a collective investment scheme as referred to in Article 1, paragraph 2, of the UCITS Directive;

b. a feeder institution for collective investments in negotiable securities, or;

c. a master institution for collective investments in negotiable securities which at least has two feeder institutions for collective investments in negotiable securities as unit holders, and of which the units are negotiable and are bought up or repaid directly or indirectly at the expense of the assets upon the request of the unit holders;

*) institution for collective investment in negotiable securities (UCITS) in Dutch: instelling voor collectieve belegging in effecten

- *institutional investor*:

a. collective investment scheme;

b. life insurer;

c. pension fund, or;

d. premium pension institution;

*) institutional investor in Dutch: institutionele belegger

- *insurance*:

a. reinsurance;

b. life insurance;

c. funeral expenses and benefits in kind insurance; or

d. non-life insurance;

*) insurance in Dutch: verzekering

- *insurance claim*: a direct claim against the insurer of an insured party, policyholder, beneficiary or harmed person, including the claim relating to sums reserved for these persons as long as not all elements of the claim are known, as well as the claim to refund premiums received by the insurer in the non-fulfilled expectation that an insurance contract would be concluded, or received under an insurance contract that was subsequently dissolved or annulled;

*) insurance claim in Dutch: vordering uit hoofde van verzekering

- *Insurance Brokerage Directive*: Directive 2002/92/EC of the European Parliament and of the Council of 9 December 2002 on insurance brokerage (OJ L 9);

*) Insurance Brokerage Directive in Dutch: richtlijn verzekeringsbemiddeling

- *insurer*: a reinsurer, a life insurer, a funeral expenses and benefits in kind insurer or a non-life insurer;

*) insurer in Dutch: verzekeraar

- (*performance of an*) investment activity:

- a. to act for one's own account in the pursuance of a professional practice or business;
- b. to exploit (operate) a multilateral trading facility in the pursuance of a professional practice or business;

*) performance of an investment activity in Dutch: verrichten van een beleggingsactiviteit

- *investment company*: a legal person requesting or acquiring funds or other goods for collective investment in order to let the unit-holders share in the return on the investments;

*) investment company in Dutch: beleggingsmaatschappij

- investment firm: a party providing an investment service or performing an investment activity;

*) investment firm in Dutch: beleggingsonderneming

- *investment object*:

- a. a thing (item of property), a right in a thing (in an item of property) or a right to part of or the full return in money or a part of the proceeds of a thing (an item of property), not being a product as referred to under (b) up to and including (h) of the definition of financial product in the present Article, acquired for consideration (not gratuitously), upon which acquisition a return in money is held out as prospect to the acquiring party and whereby a party other than the acquiring party performs most of the management of the thing (item of property); or
- b. another right, to be specified by Order in Council;

*) investment object in Dutch: beleggingsobject

- *investment firm operating as a systematic internaliser*: an investment firm which frequently conducts transactions in an organised, regular and systematic manner for its own account and outside a regulated market or a multilateral trading facility, by executing client orders with regard to shares;

*) investment firm operating as a systematic internaliser in Dutch: beleggingsonderneming met systematische interne afhandeling

- (*to provide an*) investment service:

- a. to receive and forward, in the pursuance of a professional practice or business, client orders with regard to financial instruments;
- b. to perform (execute), in the pursuance of a professional practice or business, orders with regard to financial instruments for account of those clients;
- c. to manage and administer an individual capital;
- d. to give advice with regard to financial instruments in the pursuance of a professional practice or business;
- e. to take over (underwrite) or place financial instruments when they are offered, as referred to in Chapter 5.1, on a firm commitment basis, in the pursuance of a professional practice or business;
- f. to place financial instruments when they are offered, as referred to in Chapter 5.1, without a firm commitment basis, in the pursuit of a profession or business;

*) to provide an investment service in Dutch: verlenen van een beleggingsdienst

- *investor-compensation scheme*: a system providing a guarantee for claims of investors in connection with investment operations against banks, investment firms or financial institutions that are permitted to provide investment services, under the risk that these financial enterprises are unable to comply with their obligations relating to such claims;

*) investor-compensation scheme in Dutch: beleggerscompensatiestelsel

- *issuer*: any person who has issued negotiable securities or intends to issue such securities;

*) issuer in Dutch: uitgevende instelling

- *large risks*:

- a. the risks belonging to the following sectors listed in the Annex to the present Act: the Casco of Railway Rolling Material, the Casco of Aircraft, the Casco of Seagoing Ships and Inland Navigation Vessels, Goods in Transit, Liability Aircraft and Liability Seagoing Ships and Inland Navigation;
- b. the risks belonging to the following sectors listed in the Annex to the present Act: Credits And Sureties, insofar as the policyholder acts in the pursuance of a professional practice or business and the risk relates to such professional practice or business; or
- c. the risks belonging to the following sectors listed in the Annex to the present Act: Casc of Vehicles, Fire and Natural Forces, Other Damage to Property, Motor Vehicle Liability, Road Transport Liability, General Liability and various monetary losses, insofar as the policyholder meets two or more of the following requirements:

1°. the value of the assets according to the balance sheet is more than € 6,200,000;
 2°. the net turnover of the previous financial year is more than € 12,800,000;
 3°. the average number of employees of the previous financial year amounts to more than 250;
 on the understanding that, if the insurer forms a part of a group of which the consolidated annual accounts are adopted in accordance with the Consolidated Accounts Directive, the aforementioned requirements are applied on the basis of the consolidated accounts and, if the insurer forms a part of a joint venture (collaboration contract), the aforementioned requirements apply to the participants in that joint venture (collaboration contract) collectively;

*) large risks in Dutch: grote risico's

- *legal aid insurer*: a non-life insurer active in the Legal Aid sector;

*) legal aid insurer in Dutch: rechtsbijstandverzekeraar

- *life insurance*: a life insurance contract as referred to in Article 975 of Book 7 of the Dutch Civil Code, on the understanding that the obligation of the life insurer is performed only in money, or a funeral expenses and benefits in kind insurance contract as referred to in the present Article;

*) life insurance in Dutch: levensverzekering

- *life insurer*: a person whose business it is to enter into life insurance contracts for his own account and settle such life insurance contracts;

*) life insurer in Dutch: levensverzekeraar

- *limit order*: an order to buy or sell a financial instrument for the limit price stated or for a better price, and in a specified quantity;

*) limit order in Dutch: limietorder

- *local firm*: a person who trades, solely for his own account or for account of investment firms that have been admitted to trading on those markets, or quoting these investment firms a price insofar as the execution and settlement of the transactions takes place under the responsibility of and is guaranteed by a clearing institution having its registered seat in the Netherlands, on the markets for:

- a. options for the acquisition or alienation (transfer) of financial instruments;
- b. commodities futures or equivalent instruments aimed at monetary settlement;
- c. other derivative financial instruments; or
- d. financial instruments in relation to the derivative financial instruments referred to under (a) up to and including (c), solely to cover positions on markets for said derivative financial instruments;

*) local firm in Dutch: plaatselijke onderneming

- *location of performance*: regulated market, multilateral trading facility, investment firm operating as a systematic internaliser, market maker or other liquidity provider or entity performing a task in a third country similar to that of one of the aforesaid parties;

*) location of performance in Dutch: plaats van uitvoering

- *management company*: a legal person managing one or more collective investment schemes;

*) management company in Dutch: beheerder

- *Market Abuse Directive*: Directive No. 2003/6/EC of the European Parliament and of the Council of the European Union of 28 January 2003 on insider dealing and market manipulation (OJ L 96);

*) Market Abuse Directive in Dutch: richtlijn marktmisbruik

- *market maker*: a person who constantly displays a willingness on the financial markets to trade for his own account by buying and selling financial instruments for prices set by him;

*) market maker in Dutch: marketmaker

- *market operator*: a person managing (administering) or operating a regulated market;

*) market operator in Dutch: marktexploitant

- *Markets in Financial Instruments Directive*: Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments amending Council Directives 85/611/EEC and 93/6/EEC and Directive 2000/12/EC of the European Parliament and of the Council and repealing Council Directive 93/22/EEC (OJ L 145);

*) Markets in Financial Instruments Directive in Dutch: richtlijn markten voor financiële instrumenten

- *master institution for collective investments in negotiable securities*: an institution for collective investments in negotiable securities which:

- a. has at least one feeder institution for collective investments in negotiable securities as unit holder;
- b. is itself not a feeder institution for collective investments in negotiable securities, and;
- c. does not invest in rights in units in a feeder institution for collective investments in negotiable securities;

*) master institution for collective investments in negotiable securities in Dutch: master-instelling voor collectieve belegging in effecten

- *Member State*: a State that is a member of the European Union as well as a State, not being an EU Member State, that is party to the Agreement on the European Economic Area;

*) Member State in Dutch: lidstaat

- *Minister*: the Minister of Finance;

*) Minister in Dutch: Onze Minister

- *money exchange transaction*: a transaction through which coins and banknotes are exchanged for other coins and banknotes and where the financial means are not held in a payment account.

*) money exchange transaction in Dutch: geldwisseltransactie

- *multilateral trading facility*: multilateral system operated by an investment firm which brings together multiple buying and selling interests of third persons in regard of financial instruments – within the system and in accordance with its non-discretionary rules – in a way that results in a contract in accordance with the applicable rules on licensing and ongoing supervision;

*) multilateral trading facility in Dutch: multilaterale handelsfaciliteit

- *municipal credit bank*: a party offering credit, formed by one or more municipalities;

*) municipal credit bank in Dutch: gemeentelijke kredietbank

- *negotiable security*:

- a. a negotiable share or other negotiable instrument or right considered equivalent and not being an apartment right;
- b. a negotiable bond or other negotiable debt instrument; or
- c. any other negotiable instrument issued by a legal person, corporation or institution by which securities referred to under (a) or (b) may be acquired through exercising the rights attached to this instrument or through conversion, or that can be settled in cash;

*) negotiable security in Dutch: effecten

- *non-European bank*: a bank having its registered seat in a non-Member State that holds a licence there to conduct its business;

*) non-European bank in Dutch: niet-Europese bank

- *non-European investment firm*: an investment firm that has been licensed in a non-Member State where, in the opinion of the Dutch Central Bank, the prudential supervision is at least equivalent to the prudential supervision based on the present Act;

*) non-European investment firm in Dutch: niet-Europese beleggingsonderneming

- *non-European reinsurer, life insurer or non-life insurer*: reinsurer, life insurer or non-life insurer having its registered seat in a non-Member State that holds a licence there to conduct its business;

*) non-European reinsurer, life insurer or non-life insurer in Dutch: niet-Europese herverzekeraar, levensverzekeraar of schadeverzekeraar

- *non-life insurance*:

- a. a non-life insurance contract as referred to in Article 944 of Book 7 of the Dutch Civil Code, not being a funeral expenses and benefits in kind insurance contract;
 - b. an accident insurance contract; or
 - c. an insurance contract providing for payment of a capital sum as referred to in Article 964 of Book 7 of the Dutch Civil Code, not being a life insurance contract or a financial instrument,
- on the understanding that, for the purposes of the present Act, insurance is only deemed to be a non-life insurance if it involves a payment obligation as a consequence of an uncertain event or an uncertain circumstance that affects the insured person's interests;

*) non-life insurance in Dutch: schadeverzekering

- *non-life insurer*: a person whose business it is to conclude non-life insurance contracts for his own account and to settle such non-life insurance contracts;

*) non-life insurer in Dutch: schadeverzekeraar

- *non-professional investor*: a client that is not a professional investor;

*) non-professional investor in Dutch: niet-professionele belegger

- *(to) offer*:

a. make a sufficiently specific proposal, either directly or indirectly, in the pursuance of a professional practice or business to act as the counterparty in a contract with a consumer regarding a financial product that is not a financial instrument, premium pension entitlement or insurance, or to enter into, manage or perform such a contract in the pursuit of a professional practice or business;

b. make a sufficiently specific proposal, either directly or indirectly, in the pursuance of a professional practice or business to act as the counterparty in a contract from which a premium pension entitlement arises, or to enter into, manage or perform such a contract in the pursuit of a professional practice or business; or

c. make a sufficiently specific proposal, either directly or indirectly, in the pursuance of a professional practice or business to act as the counterparty in a contract regarding an insurance, or to enter into, manage or perform such a contract in the pursuit of a professional practice or business; or

d. to make a sufficiently specific proposal, either directly or indirectly, to act as the counterparty in a contract regarding units in a collective investment scheme, or to request or acquire, either directly or indirectly, funds or other goods from a client in order to hold units in a collective investment scheme;

*) to offer in Dutch: aanbieden

- *offeree company*: the institution that issued negotiable securities on which a public takeover bid has been announced, is made or must be made;

*) offeree company in Dutch: doelvennootschap

- *overdraft facility*: a provider of credit makes available to a consumer funds which exceed the current balance in the consumer's current account;

*) overdraft facility in Dutch: geoorloofde debetstand

- *own-account trading*: dealing in financial instruments using one's own capital, which results in the performance (execution) of transactions;

*) own-account trading in Dutch: handelen voor eigen rekening

- *parent company*: a legal person having one or more subsidiaries as referred to in Article 24a of Book 2 of the Dutch Civil Code;

*) parent company in Dutch: moedermaatschappij

- *parent enterprise*: a parent enterprise as referred to in Articles 1 and 2 of the Consolidated Accounts Directive, or an enterprise which, in the opinion of the Dutch Central Bank (De Nederlandsche Bank N.V.), effectively exercises a predominant influence over another enterprise;

*) parent enterprise in Dutch: moederonderneming

- *participator in a pension*: a natural person who on account of the work he has performed shall be entitled to obtain a pension payment in accordance with the provisions of the pension regulation.

*) participator in a pension in Dutch: pensioendeelnemer

- *payee*: a natural or legal person who is the intended recipient of funds which have been the subject of a payment transaction;

*) payee in Dutch: betalingsbegunstigde

- *payer*: a natural or legal person who holds a payment account and allows a payment transaction from that payment account, or, where there is no payment account, a natural or legal person who gives a payment order

*) payer in Dutch: betaler

- *payment account*: an account held in the name of one or more payment service users which is used for the execution of payment transactions

*) payment account in Dutch: betaalopdracht

- *payment institution*: a payment service provider to which a license as referred to in Article 2:3a is granted;

*) payment institution in Dutch: betaalinstelling

- *payment instrument*: any personalised device or personalised devices or set of procedures agreed between the payment service user and the payment service provider, and used by the payment service user in order to initiate a payment order;

*) payment instrument in Dutch: betaalinstrument

- *payment order*: any instruction by a payer or payee to his payment service provider requesting the execution of a payment transaction;

*) payment order in Dutch: betaalrekening

- *payment service*: a business activity as referred to in the annex to the Payment Service Directive

*) payment service in Dutch: betaaldienst

- *payment service agent*: a person who acts on behalf and for account of a payment institution or an electronic money institution in providing payment services;

*) payment service agent in Dutch: betaaldienstagent

- *Payment Service Directive*: Directive 2007/64 EC of the European Parliament and the Council of the European Union of 13 November 2007 in regard of payment services in the internal market (OJ L 319)

*) Payment Service Directive in Dutch: richtlijn betaaldiensten

- *payment service provider*: a person whose business it is to provide payment services;

*) payment service provider in Dutch: betaaldienstverlener

- *payment service user*: a natural or legal person making use of a payment service in the capacity of either payer or payee, or both

*) payment service user in Dutch: betaaldienstgebruiker

- *payment system*: a funds transfer system with formal and standardised arrangements and common rules for the processing, clearing and/or settlement of payment transactions;

*) payment system in Dutch: betalingssysteem

- *payment transaction*: an act, initiated by the payer or by the payee, of depositing, transferring or withdrawing funds, irrespective of any underlying obligations between the payer and the payee;

*) payment transaction in Dutch: betalingstransactie

- *pension custodian*: a legal person charged with the safekeeping of the assets (property) of a premium pension institution to the extent that this results from the performance (execution) of pension regulations;

*) pension custodian in Dutch: pensioenbewaarder

- *pension capital*: the capital (property) in regard of a pension regulation

*) pension capital in Dutch: pensioenvermogen

- *pension fund*:

a. a sectoral pension fund as referred to in Article 1 of the Pensions Act (Pensioenwet);

b. a company pension fund as referred to in Article 1 of the Pensions Act; or

c. an occupational pension fund as referred to in Article 1 of the Occupational Pension Scheme (Compulsory Membership) Act (Wet verplichte beroepspensioenregeling) as well as the pension fund referred to in Article 113a, paragraph 1, of the Notaries Act (Wet op het notarisambt);

*) pension fund in Dutch: pensioenfonds

- *pension payment*: a payment made when reaching or probably reaching the pension date or, when it forms a supplement to such payment and is provided in an additional way, made by means of a payment upon death, physical or mental inability to work or the ending of work, or by means of supporting payments or services in case of illness, need or death;

*) pension payment in Dutch: pensioenuitkering

- *pension regulation*: a contract, trust deed or arrangement in which is specified which pension payments are promised and under which conditions;

*) pension regulation in Dutch: pensioenregeling

- *person entitled to a pension*: a natural person who obtains pension payments

*) person entitled to a pension in Dutch: pensioengerechtigde

- *person*: a natural person or legal person;

*) person in Dutch: persoon

- *persons acting in joint consultation*: natural persons, legal persons or cooperations collaborating on the basis of a contract with the objective to acquire predominant control in an Open Corporation (public limited company) or, where the collaboration takes place with the offeree company, to frustrate the success of an announced public takeover bid for that company; the following categories of natural persons, legal persons or corporations are deemed in any case to act in joint consultation:

1°. legal persons or corporations which together form part of a group as referred to in Article 24b of Book 2 of the Dutch Civil Code;

2°. natural persons, legal persons or corporations and the enterprises controlled by them;

*) persons acting in joint consultation in Dutch: personen met wie in onderling overleg wordt gehandeld

- *place of business*: a branch office or registered seat

*) place of business in Dutch: vestiging

- *portfolio manager*: a person who manages and administrates an individual capital;

*) portfolio manager in Dutch: vermogensbeheerder

- *predominant control*: the right to exercise at least 30 percent of the voting rights in a General Meeting of shareholders of an Open Corporation (public limited company);

*) predominant control in Dutch: overwegende zeggenschap

- *premium*: the performance, expressed in money, to be paid by the policyholder under an insurance contract, not including insurance premium tax;

*) premium in Dutch: premie

- *premium pension entitlement*: a claim of a participator in a pension or of a person entitled to a pension, which such participator or person has against a premium pension institution in regard of promised pension payments (benefits);

*) premium pension entitlement in Dutch: premiepensioenvordering

- *premium pension institution*: an enterprise formed with the objective to perform premium regulations and other regulations under which a premium pension institution bears the risk, which regulations, on the basis of the law applicable, regarded as work related pension regulations;

*) premium pension institution in Dutch: premiepensioeninstelling

- *premium regulation*: a pension regulation in regard of a fixed premium that is converted, at the latest when reaching the pension date, into a pension payment and where the paid premium is invested up until the date of the conversion into a pension payment;

*) premium regulation in Dutch: premieregeling

- *professional investor*:

a. bank

b. management company of a collective investment scheme;

c. management company of a pension fund or of a comparable legal person or corporation;

d. collective investment scheme;

e. investment firm;

f. national or regional government body, or government body administering the public debt;

g. central bank;

h. financial institution;

i. international or supranational organisation governed by public law or comparable international organisation;

j. market maker;

k. enterprise of which the main activity is investing in financial instruments, implementing securitisation programmes or other financial transactions;

l. pension fund or comparable legal person or corporation;

m. person or corporation trading for its own account in commodities and derivatives on commodities;

n. local firm;

o. legal person or corporation that meets two of the following requirements:

1°. a balance sheet total of € 20,000,000 or more;

2°. A net turnover of € 40,000,000 or more;

3°. equity capital of € 2,000,000 or more;

p. insurer;

*) professional investor in Dutch: professionele belegger

- *professional market party*:

a. a qualified investor;

b. a subsidiary of a qualified investor that is involved in the supervision over the qualified investor on a consolidated basis;

c. any other persons or corporation designated by Order in Council as professional market parties;

*) professional market party in Dutch: professionele marktpartij

- *Prospectus Directive*: Directive 2003/71/EC of the European Parliament and of the Council of the European Union of 4 November 2003 on the prospectus to be published when securities are offered to the public or admitted to trading and amending Directive 2001/34/EC (OJ L 345);

*) Prospectus Directive in Dutch: richtlijn prospectus

- *Prospectus Regulation*: Regulation (EC) No. 809/2004 of the Commission of the European Communities of 29 April 2004 implementing Directive 2003/71/EC of the European Parliament and of the Council of the European Union as regards information contained in prospectuses, as well as the format, incorporation by reference and publication of such prospectuses and dissemination of advertisements (OJ L 149);

*) Prospectus Regulation in Dutch: prospectusverordening

- *provider*: a party making an offer;

*) provider in Dutch: aanbieder

- *public takeover bid*: a bid on negotiable securities as referred to in Article 217, paragraph 1, of Book 6 of the Dutch Civil Code, made by means of a public announcement, or an invitation to make a bid for negotiable securities, whereby the bidder has the intention to acquire these securities;

*) public takeover bid in Dutch: openbaar bod

- *qualified investment unit-holding*: a direct or indirect interest of at least 10 % in the issued share capital of an enterprise or a direct or indirect possibility to exercise at least 10% of the voting rights within an enterprise, or the direct or indirect exercise of a similar right of say within the enterprise, whereby in the assessment of the number of voting rights which someone has within an enterprise, this person's voting rights shall include the votes which are at his disposal or which are deemed to be at his disposal on the basis of Article 5:45;

*) qualified investment unit-holding in Dutch: gekwalificeerde deelneming

- *qualified investor*:

a. a professional investor, unless he has requested to be considered as a non-professional investor in conformity with Annex II, Section I, of the Directive for Markets in Financial Instruments and Article 28, paragraph 3, beginning and under (b), of the Implementation Directive for Markets in Financial Instruments;

b. a person who upon his request is considered as a professional investor in conformity with Annex II, Section I and II, of the Directive for Markets in Financial Instruments, or;

c. a qualified counterparty, unless he has requested not to be considered as a professional investor in conformity with Article 28, paragraph 3, of the Implementation Directive for Markets in Financial Instruments;

*) in qualified investor Dutch: gekwalificeerde belegger

- *rationalisation measure*: the emergency regulations referred to in Section 3.5.5, or a measure taken in another Member State which comprises any action of the competent authorities in that Member State and is meant to maintain or remedy the financial position of a bank or an insurer, and is of such a nature that the measure affects existing rights of third persons;

*) rationalisation measure in Dutch: saneringsmaatregel

- *Recast Banking Directive*: Commission Directive 2006/48/EC of the European Parliament and of the Council of 14 June 2006 relating to the taking up and the pursuit of the business of credit institutions (recast) (OJEU L 177);

*) Recast Banking Directive in Dutch: herziene richtlijn banken

- *Recast Capital Adequacy Directive*: Commission Directive 2006/49/EC of the European Parliament and of the Council of 14 June 2006 on the capital adequacy of investment firms and credit institutions (recast) (OJ L 177);

*) Recast Capital Adequacy Directive in Dutch: herziene richtlijn kapitaaltoereikendheid

- *registered seat*: the place where an enterprise is established according to its articles of incorporation (articles of association) or internal regulations or, where it is not a legal person, the place where such enterprise has its main place of business.

*) registered seat in Dutch: zetel

- *register holder*:

a. where the register concerns financial enterprises that may conduct activities under Sections 2.2.1 up to and inclusive 2.2.4B and 2.3.1 up to and including 2.3.4A and data that may be registered under the Part 'Prudential Supervision over Financial Enterprises': the Dutch Central Bank;

b. where the register concerns financial enterprises that may conduct activities under Sections 2.2.5 up to and including 2.2.13 inclusive and 2.3.5 up to and including 2.3.8 and data that may be registered under the Part 'Conduct of Business Supervision over Financial Enterprises' or the Part 'Market Conduct Supervision': the Authority for the Financial Markets;

*) register holder in Dutch: registerhouder

- *registration period*: the period during which the negotiable securities for which a public takeover bid is made can be registered;

*) registration period in Dutch: aanmeldingstermijn

- *regulated information*: information which an issuer or a person who has requested, without the issuer's consent, for the admission of its negotiable securities to trading on a regulated market, makes generally available pursuant to Article 5:25c up to and including 5:25e, 5:25h or 5:25i;

*) regulated information in Dutch: gereguleerde informatie

- *regulated market*: multilateral system which brings together or facilitates the bringing together of multiple buying and selling interests in financial instruments – within the system and in accordance with its non-discretionary rules – in a way that results in a contract with regard to financial instruments that have been admitted to trading in accordance with the rules and system of that market, and which operates on a regular basis and in accordance with the applicable rules on licensing and ongoing supervision;

*) regulated market in Dutch: gereguleerde markt

- *Regulation for Credit Rating Agencies*: Regulation (EC) No 1060/2009 of the European Parliament and of the Council of 16 September 2009 on credit rating agencies (OJ L 302)

*) Regulation for Credit Rating Agencies in Dutch: verordening ratingbureaus

- *Regulation for Cross-border Payments*: Regulation (EC) No 924/2009 of the European Parliament and of the Council of 16 September 2009 on cross-border payments in the Community and repealing Regulation (EC) No 2560/2001 (OJ L 266)

*) Regulation for Cross-border Payments in Dutch: verordening grensoverschrijdende betalingen

- *Regulation for Institutions for Collective Investments in Negotiable Securities*: Regulation (EU) No 584/2010 of 1 July 2010 implementing Directive 2009/65/EC of the European Parliament and of the Council as regards the form and content of the standard notification letter and UCITS attestation, the use of electronic communication between competent authorities for the purpose of notification, and procedures for on-the-spot verifications and investigations and the exchange of information between competent authorities (OJ L 176)

*) Regulation for Institutions for Collective Investments in Negotiable Securities in Dutch: uitvoeringsverordening instellingen voor collectieve belegging in effecten

- *Regulation implementing the Markets in Financial Instruments Directive*: Commission Regulation (EC) No. 1287/2006 of 10 August 2006 implementing Directive 2004/39/EC of the European Parliament and of the Council as regards record-keeping obligations for investment firms, transaction reporting, market transparency, admission of financial instruments to trading, and defined terms for the purposes of that Directive (OJ L 241);

*) Regulation implementing the Markets in Financial Instruments Directive Dutch:
uitvoeringsverordening markten voor financiële instrumenten

- *reinsurer*: a person whose business it is to enter into reinsurance contracts for his own account and to settle such reinsurance contracts;

*) reinsurer in Dutch: herverzekeraar

- *reinsurance broker*: a person providing reinsurance brokerage services;

*) reinsurance broker in Dutch: herverzekeringsbemiddelaar

- *(to provide) reinsurance brokerage services*: all activities performed in the pursuance of a professional practice or business focused on establishing, as a broker (intermediary), a contract in which risks from insurance contracts are taken over or on assisting in the administration and performance of such a contract;

*) to provide reinsurance brokerage services in Dutch: herverzekeringsbemiddelen

- *reinsurer having his registered office in a non-designated State*: a reinsurer having his registered seat in a non-Member State which is not designated under Article 2:26d, paragraph 3, as a State in which the supervision over reinsurers provides sufficient safeguards with respect to the interests which the present Act seeks to protect;

*) reinsurer having his registered office in a non-designated State in Dutch: herverzekeraar met zetel in een niet-aangewezen staat

- *reinsurance*: an insurance in which risks are accepted that are transferred by an insurer;

*) reinsurance in Dutch: herverzekering

- *relief institution*: an Open Corporation (public limited company) having its registered seat in the Netherlands whose sole object is to help, on the instructions of the Dutch Central Bank, a life insurer in trouble by reinsurance or by taking over the life insurer's portfolio;

*) relief institution in Dutch: opvanginstelling

- *representative of an insurer*: a person appointed by a life insurer, a funeral expenses and benefits in kind insurer or a non-life insurer to represent it in a State other than the State where that insurer has its registered seat in the exercise of the powers of the insurer and the compliance with the regulations applicable to the insurer in the first-mentioned State;

*) representative of an insurer in Dutch: vertegenwoordiger van een verzekeraar

- *restricted circle*: a circle composed of persons or corporations from which a person or corporation obtains the disposal of callable funds:

a. which circle is accurately defined;

b. of which circle the joining criteria have been defined beforehand, are verifiable and do not facilitate entry for persons or companies not belonging to the circle; and

c. in which circle the members of the circle already have a legal relationship with the person or corporation obtaining the disposal of the funds at the time when the callable funds are received, based on which they may in all reasonableness be aware of its financial position;

*) restricted circle in Dutch: besloten kring

- *(to perform) services*:

a. insofar as it concerns entities for risk acceptance: the acceptance, by an entity for risk acceptance, of a risk that lies in a State other than the State of the place of business from where the risk is accepted;

b. insofar as it concerns insurers:

1° the conclusion of a reinsurance contract by a reinsurer with regard to a risk that lies in a State other than the State of the place of business from where the insurance contract is concluded;

2° the conclusion of a life insurance contract by a life insurer from a place of business situated in a State other than that in which the policyholder has his habitual residence, or, where the policyholder is a legal person, the place of business of this legal person which is covered by the insurance contract;

3° the conclusion of a funeral expenses and benefits in kind insurance contract by a funeral expenses and benefits in kind insurer from a place of business situated in a State other than that in which the policyholder has his habitual residence; 4° the conclusion of a non-life insurance contract by a non-life insurer with regard to a risk that lies in a State other than the State of the place of business from where the insurance contract is concluded;

*) to perform services in Dutch: verrichten van diensten:

- *State where the risk is situated:*

- a. the State in which the property covered by a non-life insurance contract finds itself, if the non-life insurance contract relates to immovable property or to immovable property and the content of that immovable property insofar as that is covered by the same non-life insurance contract;
- b. the State of registration of vehicles, ships or vessels irrespective of their nature which are covered by a non-life insurance contract;
- c. the State in which a policyholder has taken out an insurance contract if it concerns a non-life insurance contract with a duration of four months or less that covers risks run during a trip or holiday, irrespective of the sector;
- d. in all other cases of non-life insurance, the State in which the policyholder has his habitual residence, or, where the policyholder is a legal person, the State in which this legal person has a fixed permanent establishment that is covered by the insurance contract;

*) State where the risk is situated in Dutch: staat waar het risico is gelegen

- *sub-broker*: a broker providing brokerage services for another broker;

*) sub-broker in Dutch: onderbemiddelaar

- *sub fund*: a part of the capital (property) of a collective investment scheme separated in the book-keeping, in regard of which scheme a free-standing investment policy is pursued and in which capital assets are or will be inserted in order to let the unit holders share in the revenues of the investments under specific conditions applicable to that part;

*) sub fund in Dutch: subfonds

- *supervisor*: the Dutch Central Bank (De Nederlandsche Bank N.V.) or the Authority for the Financial Markets (Autoriteit Financiële Markten), each to the extent that it is charged with the supervision in accordance with Article 1:24, respectively, Article 1:25;

*) supervisor in Dutch: toezichhouder

- *supervisory authority*: a foreign government body or a foreign government-appointed body charged with the supervision over financial markets or persons working on such markets;

*) supervisory authority in Dutch: toezichthoudende instantie

- *tied agent*: a person who, under the full and unconditional responsibility of only one investment firm for whose account he acts, provides the investment services referred to under (a), (d) or (e) of the definition of providing an investment service in Article 1:1 and recommends these services or ancillary services to clients;

*) tied agent in Dutch: verbonden agent

- *trading portfolio*: portfolio as referred to in Article 11, paragraph 1, of the Recast Capital Adequacy Directive;

*) trading portfolio in Dutch: handelsportefeuille

- *transgressing merger*: a merger between:

- a. an institution for collective investments in negotiable securities having its registered seat in the Netherlands and an institution for collective investments in negotiable securities having its registered seat in another Member State, or;
- b. institutions for collective investments in negotiable securities having their registered seat in the Netherlands that jointly merge into a to be formed new institution for collective investments in negotiable securities that shall have its registered seat in another Member State;

*) transgressing merger in Dutch: grensoverschrijdende fusie

- *Transparency Directive*: Directive No. 2004/109/EC of the European Parliament and of the Council of 15 December 2004 on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market and amending Directive 2001/34/EC (OJ L 390);

*) Transparency Directive in Dutch: richtlijn transparantie

- *UCITS Directive*: Directive 2009/65/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) (OJ L 302)

*) UCITS Directive in Dutch: herziene richtlijn beleggingsinstellingen

- *unit-holder*: a shareholder or a holder of a unit in a collective investment scheme;

*) unit-holder in Dutch: deelnemer

- *unit trust*: capital not held by an investment company that includes funds or other goods requested or acquired for collective investment in order to let the unit-holders share in the return on the investments;

*) unit trust in Dutch: beleggingsfonds

[next Chapter]