



## **General Regulations**

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## Article 1: Definitions

<b>Retail Investment Advisor Custom Products:</b>	the independent consultant or employee of a Participant who advises non-professional investors regarding investment solutions suitable for the client. These may include standard solutions or custom solutions;
<b>Retail Investment Advisor:</b>	the independent consultant or employee of a Participant who advises non-professional investors regarding investment solutions suitable for the client which have been initiated by a qualified third party;
<b>Investment Institutional Advisor:</b>	the independent consultant or employee of a Participant who advises professional investors regarding investment solutions suitable for the client. These may include standard solutions or custom solutions;
<b>Treasury Advisor:</b>	the person employed by a Participant or self-employed who advises professional clients on covering financial risks, such as interest risk, currency risk, and commodity risk.
<b>General Director:</b>	the person referred to in Article 8, section 4 of the Statutes;
<b>General Regulations:</b>	The General Regulations of DSI;
<b>Investment Analyst:</b>	The independent person or employee of a Participant who expresses an opinion about future market developments and the potential value of financial instruments based on information available to the public, and who, in the practice of his or her profession, provides this opinion to third parties inside or outside his or her own organisation, as well as those persons in leadership positions in this context;
<b>Board:</b>	the board of the Foundation;
<b>Branch:</b>	the financial sector that includes the securities sector and financial services pertaining to credit and insurance. The securities sector is understood to include stockbroking, supervising and guaranteeing the issue of securities, and securities trading, as well as investment analysis, investment and asset management, whether performed in the context of financial businesses or pension funds with access to the Dutch financial markets as described in Chapter 2.2 of the Financial Supervision Act, or which meet the requirements stipulated in the Pension Act. Financial services is understood to include the offering, advising, (reinsurance) mediation or acting as an authorised credit and insurance agent;
<b>Appeals Committee:</b>	The Appeals Committee as referred to in Article 13 of these General Regulations;

<b>Compliance Professional:</b>	the independent person or employee of a Participant who assists management in managing the businesses' compliance risks;
<b>Participants:</b>	the legal entities, partnership firms, limited partnerships or comparable persons or companies in accordance with foreign law, or natural persons, working in the branch and in the possession of a permit on grounds of the Financial Supervision Act, as well as financial enterprises which have access to the Dutch financial markets and pension funds by means of notification or a European passport, as well as other institutional investors;
<b>DSI:</b>	the foundation: DSI;
<b>Securities Trader:</b>	the person who implements independent orders for financial instruments, or who acts on his/her own behalf or on the behalf of a Participant for whom he/she is employed, as well as persons in leadership positions in this context;
<b>Securities market:</b>	a market organised to bring together the supply and demand for financial instruments;
<b>Certified Professionals:</b>	the natural persons of majority age who meet all of the requirements for certification and who are employed by a Participant in the branch;
<b>Certified Professionals in the Integrity Register:</b>	the functionary employed by a Participant or who is self-employed who occupies a position in financial services that is sensitive to issues of integrity, and who is not registered in another DSI register;
<b>Arbitration Committee</b>	Arbitration Committee as described in Article 11 of these General Regulations;
<b>Retail Investment Information Provider:</b>	the independent person or employee of a Participant who provides information about investment solutions to non-professional investors;
<b>Investment Institutional Information Provider:</b>	the independent person or employee of a Participant who provides information about investment solutions to professional investors;
<b>Treasury Information Provider:</b>	the person employed by a Participant or self-employed who offers professional clients information about covering financial risks, such as interest risk, currency risk, and commodity risk.
<b>Candidate Certified Professionals:</b>	the natural persons of majority age who are employed by a Participant in the branch and who do not yet meet all of the requirements for certification;

<b>Office:</b>	the address of the Foundation;
<b>Passively Certified Professionals:</b>	the natural persons of majority age who are registered in the Registers and who obtained the status of Passively Certified Professional before 31 December 2017;
<b>Registers:</b>	the separate public Registers maintained by the Foundation, which include information about Certified Professionals and Participants;
<b>Regulations:</b>	The regulations and guidelines issued by DSI, which have been drawn up by, or on behalf of, the board and approved by the board;
<b>Appeals Regulations:</b>	the Appeals Regulations as described in Article 13 of these General Regulations;
<b>Arbitration Committee Regulations:</b>	the Arbitration Committee Regulations as described in Article 11 of these General Regulations;
<b>Representative Organisations:</b>	the list of Representative Organisations described in Article 5 of the Statutes, or the list of Representative Organisations as amended from time to time;
<b>Statutes:</b>	the statutes of the Foundation;
<b>Foundation:</b>	the foundation: DSI Foundation;
<b>Stichting Tuchtrect Banken:</b>	the foundation: Stichting Tuchtrect Banken;
<b>Disciplinary Committee:</b>	the Disciplinary Committee as described in Article 12 of these General Regulations;
<b>Disciplinary Regulations:</b>	the Disciplinary Regulations as described in Article 12 of these General Regulations;
<b>Applicant:</b>	persons or institutions that have submitted a request to DSI for inclusion in the Registers;
<b>President:</b>	member of the Board, who in the Board's opinion is an impartial party and who has not been chosen from among the other members of the Board.

## **Article 2: Duties and responsibilities**

- 2.1 In its Statutes, DSI states its goal of contributing to the maintenance and improvement of the quality of the securities market and financial services in the Netherlands, and of the confidence in these markets among the public, by means of drawing up and enforcing a normative framework for expertise, integrity and professional competency of natural

persons working in the Branch, as well as the enforcement and promotion of the proper conduct of the profession by such persons.

- 2.2 DSI also has the goal of acting as a prosecutor for the Stichting Tuchtrect Banken, on grounds of the Disciplinary Regulations for the Banking Sector, as well as providing support services for the Stichting Tuchtrect Banken.
- 2.3 DSI issues documentary proof that Certified Professionals and Participants are in compliance with the norms for expertise, integrity and professional competency by means of certification of the relevant data pertaining to these persons in the Registers. To that end, DSI maintains Registers in which it processes admissions and expulsions of Certified Professionals and Participants.
- 2.4 DSI issues documentary proof in the form of a screening report stating that the certified or non-certified current or potential employees of Participants or other institutions in the financial sector, whether on a permanent, temporary, loan or secondment basis, have met the requirements of the DSI verification procedure (pre-employment screening or in-employment screening).
- 2.5 DSI strives to realise these goals by instituting and maintaining:
  - 2.5.1 a Disciplinary Committee which processes and decides upon complaints against Certified Professionals or Candidate Certified Professionals issued by the Foundation or other parties, including investors;
  - 2.5.2 an Arbitration Committee which processes and decides upon conflicts between the Foundation and Candidate Certified Professionals, Certified Professionals or Participants regarding the admission or expulsion of Candidate Certified Professionals, Certified Professionals or Participants in the Registers;
  - 2.5.3 an Appeals Committee which processes and reviews decisions made by the Disciplinary Committee and the Arbitration Committee.
- 2.6 DSI is also charged with imposing or implementing sanctions and measures based on decisions by the Disciplinary Committee, the Appeals Committee, or on statements by committees or judges, arbiters and binding consultants appointed by the Foundation.
- 2.7 DSI formulates requirements for training, continuing education, examination norms and the integration of such into aspects pertaining to integrity, as well as the accreditation of such requirements, norms and integrity aspects, as well as those formulated by the legislator or other third parties.
- 2.8 DSI acts as the authoritative institution when exchanging thoughts on, and research into, issues and questions that pertain directly to aspects of expertise, integrity and professional competency in the Branch.

### **Article 3: Categories and Functions**

3.1.1 DSI recognises the following categories:

1. Representative Organisations:
2. Participants:
3. Certified Professionals:
4. Candidate Certified Professionals:
5. Passively Certified Professionals.

3.1.2 The General Regulations or other Regulations may stipulate further rules for the admission of Participants and Representative Organisations, as well as their rights and obligations.

3.2 With regard to Candidate Certified Professionals, Certified Professionals and Passively Certified Professionals, DSI recognises the following functions:

3.2.1 Retail Investment Advisor Custom Products: this function can be certified in the Register for Retail Investment Advisors Custom Products.

3.2.2 Retail Investment Advisor: this function can be certified in the Register for Retail Investment Advisors.

3.2.3 Retail Investment Information Provider: this function can be certified in the Register for Retail Investment Information Providers.

3.2.4 Investment Institutional Advisor: this function can be certified in the Register for Investment Institutional Advisors.

3.2.5 Investment Institutional Information Provider: this function can be certified in the Register for Investment Institutional Information Providers.

3.2.6 Treasury Advisor: this function can be certified in the Register for Treasury Advisors.

3.2.7 Treasury Information Provider: this function can be certified in the Register for Treasury Information Providers.

3.2.8 Securities Trader: this function can be certified in the Register for Securities Traders.

3.2.9 Investment Analyst: this function can be certified in the Register for Investment Analysts.

3.2.10 Compliance Professional: this function can be certified in the Register for Compliance Professionals.

3.2.11 Integrity Register: this function can be certified in the Integrity Register.

#### **Article 4: General certification requirements**

- 4.1 Persons eligible for certification in one of the DSI Registers must be employed in one of or more of the functions listed in Article 3, and must meet the conditions described in the following articles.
- 4.2 Certified Professionals must meet the education, experience and integrity requirements stipulated by DSI and/or the legislator. These requirements may be amended from time to time. The requirements are included in Attachment I. With regard to the requirements listed in Attachment I, any education or experience the Certified Professional has acquired abroad may be taken into consideration.
- 4.3 If a person requests certification without meeting all of the requirements listed in Article 4.2 and Attachment I, then the person shall have the provisional status of Candidate Certified Professional. This certification will not be displayed in the public register.
  - 4.3.1 Certified Professionals and Candidate Certified Professionals must be employed by a Participant or in an employer-employee relationship with a Participant, and be active in the Branch.
  - 4.3.2 Certified Professionals and Candidate Certified Professionals who are no longer employed by a Participant may extend the certification for a period of no more than one year.
  - 4.3.3 If work is performed for a Participant without an employer-employee relationship, then certification may be permitted under conditions determined by the Board from time to time.
  - 4.3.4 A request for passive certification must be submitted before 31 December 2017. After this deadline, it will no longer be possible to apply for passive certification. Passively Certified Professionals will not be displayed in the public register.
  - 4.3.5 A Passively Certified Professional may submit a request to become a Certified Professional or Candidate Certified Professional. In this case, the Passively Certified Professional must meet the requirements for a Certified Professional or Candidate Certified Professional that apply at that moment in time.
  - 4.3.6 Persons with the status of Certified Professional may advertise their certification in public. Persons with the status of Candidate Certified Professional or Passively Certified Professional may not advertise their certification in public.
- 4.4.1 Certified Professionals, Candidate Certified Professionals and Passively Certified Professionals must submit to the DSI certification procedure and to the DSI Statutes and Regulations.



- 4.4.2 In the event that a Certified Professional, Candidate Certified Professional or a Passively Certified Professional changes employers, then in order to continue his/her certification, he/she must be in the possession of a former employer's statement utilising the model prescribed by DSI. In the event that such a statement cannot be provided, as well as in the case that the Participant issues an updated employer's statement within the meaning of Article 5.2 (5th underline) of the DSI Participant Regulations, the certification will be suspended until i) the certificate has been obtained, ii) it has become apparent that DSI sees no reason to terminate the certification or to take any of the measures referred to in Articles 9, 10 or 12 of the General Regulations, or iii) final decision on termination of the certification or one of the measures referred to in the articles 9, 10 or 12 of the General Regulations.
- 4.4 Certified Professionals and Candidate Certified Professionals must meet the requirements for continuing education.
- 4.5 The Board may place further conditions on certification in one or more DSI Registers.
- 4.6 The Board may grant an Applicant, Candidate Certified Professional or Certified Professional dispensation for one or more certification requirements if there are compelling reasons for doing so. Before coming to a decision, the Board may also interview the Applicant or Candidate Certified Professional.

#### **Article 5: Admission procedure**

- 5.1 The person who desires certification in one of the DSI Registers must submit an application to DSI.
- 5.2 The certification application can be submitted in the MijnDSI environment, in which the Applicant states that he/she will submit to the DSI admissions procedure, as well as the DSI Statutes and Regulations, including the Code of Conduct, and the procedure and decisions of the Arbitration, Disciplinary and Appeals Committees.
- 5.2.1 The Applicant will state which registers he/she is applying for certification in the MijnDSI environment, and include a description of the activities that the Applicant has performed in the Branch, as well as the address information for him/herself and the Participant.
- 5.2.2 By granting approval in the MijnDSI environment, the Applicant grants permission to publish the pertinent information recorded in the Registers.
- 5.2.3 The Applicant must also include any documents or further information requested by DSI along with the application. The costs related to the request for certification must be paid to DSI upon request.
- 5.3 DSI retains the right to change the amount of the costs at its discretion.

- 5.4 DSI shall only consider a request for certification if all questions in the MijnDSI environment have been answered completely and correctly, and the certification costs have been paid.
- 5.5 DSI will investigate whether the Applicant has met all of the certification requirements, and will then decide on whether to approve his/her registration in one or more Registers.
- 5.6 In the event that DSI's investigation reveals that the Applicant has been involved in serious misconduct in conflict with Article 7 of the General Regulations, then DSI may reject the Applicant's certification request.
- 5.7 DSI may reject a request for registration in one or more Registers if less than two years has passed since the termination of certification on grounds of non-compliance with DSI requirements in the area of continuing education.
- 5.8 DSI will inform the Applicant of its decision with regard to the request for certification in the form of a letter sent to the address entered by the Applicant in the MijnDSI environment. The Applicant then has one month from the date of the decision to submit an appeal to the Arbitration Committee regarding the decision to reject an application for registration in one of the DSI Registers.
- 5.9 DSI will also inform the Participant concerned in writing about any decision to reject a request for registration in one or more Registers.
- 5.10 The rights and obligations arising from certification in one or more DSI Registers are limited to the certified individual, and are non-transferable.
- 5.11 In the event that the Certified Professional or Candidate Certified Professional changes employers, then the Certified Professional or Candidate must submit a change request in the MijnDSI environment. The provisions of Article 4 apply without prejudice.
- 5.12 The Certified Professional or Candidate Certified Professional is obliged to immediately inform DSI in writing of any changes to the information provided along with the registration request, as well as facts or circumstances that are relevant to the individual's certification and the resulting rights and obligations.

#### **Article 6: Certification termination**

- 6.1 The rights of a Certified Professional, Candidate Certified Professional or Passively Certified Professional expire upon the individual notifying DSI of the termination of the certification.

- 6.2 The rights of a Certified Professional, Candidate Certified Professional or Passively Certified Professional also expire upon notification in the event that DSI makes a decision regarding the following circumstances:
- 6.2.1 a Certified Professional, Candidate Certified Professional or Passively Certified Professional no longer meets the certification requirements stated in the DSI Statutes and Regulations or the conditions stipulated on the occasion of the granting of certification or the duration of the certification, or if the individual does not completely comply with the obligations due to DSI, or violates any provisions of the DSI Statutes or Regulations;
  - 6.2.2 the data, information or documentation submitted along with the request for certification are found to be sufficiently incomplete or incorrect that another decision regarding the individual's certification would have been made if the correct and complete data, information or documents had been submitted along with the request;
  - 6.2.3 circumstances occur or facts become known, on grounds of which, if they had occurred or been known at the moment that certification was granted, would have resulted in a rejection of the certification request;
  - 6.2.4 DSI cannot reasonably be expected to allow the certification of the Certified Professional, Candidate Certified Professional or Passively Certified Professional to continue;
  - 6.2.5 DSI is of the opinion that the Certified Professional, Candidate Certified Professional or Passively Certified Professional is in arrears in his/her payments;
  - 6.2.6 Termination as a result of a decision as described in this section may take place on any day, with observation of a notification period that is reasonable according to the circumstances of the case, and the Certified Professional, Candidate Certified Professional or Passively Certified Professional shall be informed by means of a registered letter stating the reasoning behind the decision. The letter shall also inform the individual of the possibility to appeal the decision as described in the fourth section.
- 6.3 The provisions of this Article do not prejudice the right of DSI to take measures as described in Articles 9 and 10 of these General Regulations.
- 6.4 The Certified Professional, Candidate Certified Professional or Passively Certified Professional may submit an appeal to the Arbitration Committee within 15 days of the date of the termination notice sent to the individual's address, as described in the second section of this Article.
- 6.5 DSI may announce the termination of the rights of a Certified Professional, Candidate Certified Professional or Passively Certified Professional. In the event of a termination by DSI as described in the second section of this Article, DSI may announce the termination of the rights of a Certified Professional, Candidate Certified Professional or Passively Certified Professional, or make a note in the register for an (in principle) unlimited period,

stating the reasons for termination, following the appeal period described in the fourth section of this Article, or following the negative decision regarding such appeal.

## **Article 7: Code of Conduct**

- 7.1 General responsibilities.
  - 7.1.1 Individuals are forbidden from presenting themselves as Certified Professionals if they have not met all of DSI's conditions for full certification.
  - 7.1.2 The Certified Professional or Candidate Certified Professional acts on the basis of integrity, expertise, accuracy and dignity in his or her dealings with investors, supervisory bodies, clients, potential clients, employers, employees and other certified individuals or candidates.
  - 7.1.3 At all times, the Certified Professional or Candidate Certified Professional acts professionally and honestly in such a way that he or she is a credit to the good reputation and objectives of DSI. The behaviour of the Certified Professional or Candidate Certified Professional contributes to the public's trust in the adequate functioning and integrity of the financial markets.
  - 7.1.4 The Certified Professional or Candidate Certified Professional shall constantly strive to comply with the standards for knowledge, competency and integrity stipulated by DSI. If the Certified Professional or Candidate Certified Professional supervises or leads others, he or she will encourage his or her subordinates to act in accordance with the Code of Conduct and to maintain and improve their knowledge and expertise to the best of their ability.
  - 7.1.5 The Certified Professional or Candidate Certified Professional is familiar with and abides by the laws, rules, regulations and guidelines drawn up by the competent agencies and which are applicable to the professional group and the activities of those professionals, and complies with such accordingly.
  - 7.1.6 The Certified Professional or Candidate Certified Professional shall not cooperate with actions or transactions that are in conflict with or opposed to the laws, rules, regulations and guidelines referred to in Article 7.1.5.
  - 7.1.7 The Certified Professional or Candidate Certified Professional must treat all information with the utmost confidentiality. The Certified Professional or Candidate Certified Professional may deviate from this provision in the event that a law, legal verdict or decree by an authorised disciplinary body requires him/her to do so. He/she can also do so if necessary for the handling of a dispute between the Certified Professional or Candidate Certified Professional and the client by a judicial or disciplinary body.

- 7.1.8 The Certified Professional or Candidate Certified Professional shall prevent the entanglement of his own interests with those of other persons and, if his or her employer has drawn up a code to prevent the mingling of business and private interests, shall strictly observe it. The Certified Professional or Candidate Certified Professional shall avoid any appearance of a conflict of interest.
- 7.1.9 If there are any matters that affect or could affect the issue of integrity and competency, the Certified Professional or Candidate Certified Professional must disclose to the parties referred to in Article 7.1.2 any information that can clarify or eliminate the appearance of a conflict of interest, with compliance with the provisions of Article 7.1.7.
- 7.2 Responsibilities towards clients and potential clients
- 7.2.1 The Certified Professional or Candidate Certified Professional ensures that he or she serves the interests of his or her client first, and practices the required care in his or her dealings with the client.
- 7.2.2 The Certified Professional or Candidate Certified Professional must carefully study the client's financial situation, knowledge, experience, goals and risk profile before providing recommendations or making investment decisions regarding the client's investment management. In his or her recommendations and investment decisions, the Certified Professional or Candidate Certified Professional must take the client's personal situation.
- 7.2.3 The Certified Professional or Candidate Certified Professional shall at all times come to a professional opinion in a careful and considered manner when providing advice or making investment decisions.
- 7.2.4 The Certified Professional or Candidate Certified Professional provides balanced and soundly justified advice based on facts of material importance. In order not to mislead the client, the Certified Professional or Candidate Certified Professional shall always inform the client of important facts or circumstances that are in conflict with his or her advice.
- 7.2.5 The Certified Professional or Candidate Certified Professional shall provide the client with correct, accurate and complete information about all costs for his/her services.
- 7.2.6 The Certified Professional or Candidate Certified Professional shall provide the client with correct, accurate and complete information about the actual investment results achieved. The Certified Professional or Candidate Certified Professional must prevent the probability or accuracy of the results from being represented in an improper or potentially misleading way.
- 7.3 Responsibilities towards the investors and the financial markets
- 7.3.1 The Certified Professional or Candidate Certified Professional must contribute to building confidence in the proper functioning of the financial markets, the effective functioning of

the market and the proper protection of the interests of the investing public through fair market behaviour.

- 7.3.2 The Certified Professional or Candidate Certified Professional has the duty to preserve the investors' confidence in the fairness of the financial markets through honest dealings and by constant compliance with professional ethics standards. The Certified Professional or Candidate Certified Professional is obliged to refuse to cooperate with those who attempt to deviate from the principles of fair market behaviour, and may not lend him- or herself to practices which may frustrate or impair the normal functioning of the securities markets.
- 7.3.3 The Certified Professional or Candidate Certified Professional may make no use of non-public, price-sensitive information. The Certified Professional or Candidate Certified Professional is expected to strictly comply with rules and regulations applicable to the issue of prior knowledge.
- 7.3.4 The Certified Professional or Candidate Certified Professional may not manipulate the financial markets, whether by means of one or more transactions, by spreading or promoting rumours, by distributing non-public, price-sensitive information, or in any other manner.
- 7.4 Responsibilities regarding the tasks of the registered Compliance Professional
  - 7.4.1 The general responsibilities described in paragraph 7.1 of this Code shall apply accordingly to the Certified Professional or Candidate Certified Professional.
  - 7.4.2 The Certified Professional or Candidate Certified Professional is obliged to do everything that can reasonably be expected of him or her to ensure that persons in his or her profession can act in accordance with applicable laws, regulations and guidelines laid down by the competent authorities (hereafter: 'the applicable regulations').
  - 7.4.3 The Certified Professional or Candidate Certified Professional is obliged to do everything that can reasonably be expected of him or her to ensure that he or she is informed of actions within his or her jurisdiction that are not in accordance with the applicable regulations.
  - 7.4.4 If the Certified Professional or Candidate Certified Professional is aware of acts within his or her jurisdiction which are not in accordance with the applicable rules, he or she must immediately recommend appropriate measures and, if necessary, resist any direct or indirect pressure from other persons who can reasonably be regarded as undermining the principles of integrity, independent judgement and determination.
  - 7.4.5 When choosing and recommending such appropriate measures as referred to in the preceding paragraph, the Certified Professional or Candidate Certified Professional must

at least be guided by the following principles, which are part of the foundation of a properly functioning compliance position:

- a. rule compliance: the measure is primarily aimed at addressing the non-compliance of the contested act through the applicable regulations, and the prevention of such occurrences from repeating if possible;
- b. proportionality: the proposed measure is proportionate to the nature and scope of the applicable regulations in question;
- c. expertise and ingenuity: the Certified Professional or Candidate Certified Professional possesses, or obtains impartial advice on, the expertise and product knowledge necessary not only to choose measures and alternatives in accordance with the principles described in a. and b. above, but which also meet the legitimate professional needs and wishes of the field for which the Certified Professional or Candidate Certified Professional is responsible as a compliance professional;
- d. perseverance: the Certified Professional or Candidate Certified Professional shall not desist from his or her task until such time as he or she is convinced that the measure he or she has recommended has been implemented satisfactorily by those in the field responsible for its implementation;
- e. escalation: if the Certified Professional or Candidate Certified Professional has reason to suppose that the recommended measure has not been sufficiently or completely implemented by those responsible in a timely manner, then he or she shall without hesitation or reluctance bring the matter to the attention of the higher management or supervisory body within the institution in which he or she is employed and which can in his or her opinion adequately deal with the matter, inasmuch as doing so is applicable in consultation with the management of the compliance department in which he or she is employed. In exceptional cases where the integrity and independent functioning of the Certified Professional or Candidate Certified Professional as a compliance professional is decidedly at stake, said individual may if necessary seek independent external counsel on the proper handling of the conflict of interests which the individual reasonably believes to exist.

## **Article 8: Enforcement and Information**

- 8.1 In the enforcement of compliance with its rules and regulations in the context of current or future cases considered by the Arbitration Committee, the Disciplinary Committee and the Appeals Committee, DSI may request information and input from Certified Professionals, Candidate Certified Professionals or Participants.
- 8.2 The Certified Professionals, Candidate Certified Professionals and Participants are obliged to provide DSI with such information within a time frame to be determined by DSI.
- 8.3 In the exercise of its authority, as described in this Article, DSI may call on the assistance of experts.

- 8.4 In relevant cases, DSI may submit a dispute to the Arbitration Committee, violations of the Statutes or Regulations to the Disciplinary Committee, and appeals to decisions by these committees to the Appeals Committee.

#### **Article 9: Regular order**

- 9.1 The General Director may suspend a Certified Professional or Candidate Certified Professional if he or she proves or suspects that the Certified Professional or Candidate Certified Professional has violated or not complied with any provision of the Statutes or Regulations. Such a suspension shall be for a maximum duration of six months, subject to disciplinary proceedings.
- 9.2 In the event that the General Director initiates disciplinary proceedings during the suspension period, then the suspension shall be maintained until such time that DSI lifts the suspension or until it is lifted by a decision of the Disciplinary Committee, Arbitration Committee or Appeals Committee.
- 9.3 DSI will immediately notify the Certified Professional or Candidate Certified Professional of the suspension, and of the reasons for the suspension. In the event that such notification is made verbally, then it will be confirmed by means of registered post at the first opportunity.
- 9.4 A written notification to the Certified Professional or Candidate Certified Professional shall include at least:
- 9.4.1 the facts or circumstances upon which DSI bases its observation or suspicion;
  - 9.4.2 the relevant statutory provisions or regulations;
  - 9.4.3 whether DSI is considering initiating proceedings with the Disciplinary Committee;
  - 9.4.4 if applicable: the period within which DSI will initiate such proceedings;
  - 9.4.5 whether the suspension will be announced to the Participant or the public;
  - 9.4.6 whether the Certified Professional is prohibited from advertising his/her DSI certification;
  - 9.4.7 whether the Certified Professional or Candidate Certified Professional is to be refused entry to the DSI offices;
  - 9.4.8 the announcement that the Certified Professional or Candidate Certified Professional is entitled to appeal the suspension measure to the Arbitration Committee.
- 9.5 DSI will make a note of the suspension in the Register.



- 9.6 During the suspension period, DSI may forbid the Certified Professional or Candidate Certified Professional from exercising his/her certification rights.
- 9.7 In the event that DSI is considering initiating proceedings with the Disciplinary Committee, it will notify the Certified Professional or Candidate Certified Professional as described in the third section of this Article.
- 9.8 A suspended Certified Professional or Candidate Certified Professional is to be refused access to DSI facilities or the DSI offices.
- 9.9 The individual who has been suspended may submit an appeal to the Arbitration Committee within eight days after the date of the registered letter as referred to in the fourth paragraph of this Article. Such an appeal shall not have the effect of lifting the suspension.
- 9.10 DSI may also conditionally suspend a Certified Professional or Candidate Certified Professional. Such a suspension will go into effect in the event that the Certified Professional or Candidate Certified Professional does not comply with the conditions set by DSI within the stipulated term. The provisions of sections 1 to 11 shall apply mutatis mutandis.
- 9.11 A suspension for a limited time shall end upon the lifting of the suspension or upon the completion of the time period. In the event that the suspension is announced to the participating employer or to third parties, then DSI shall also notify these parties of the lifting of the suspension.

#### **Article 10: Disciplinary measures**

- 10.1 Without prejudice to the authority stipulated in article 12, DSI may impose fines on a Certified Professional or Candidate Certified Professional in the event of non-compliance with or a violation of any provision of the DSI Statutes or Regulations.
- 10.2 DSI may exercise its authority under the provisions of the first paragraph of this Article only if a further regulation stipulates in which cases non-compliance with or violation of the DSI Statutes or Regulations may result in a fine, and what amounts of fines may be imposed.
- 10.3 If a Certified Professional or Candidate Certified Professional does not accept a fine imposed in writing by way of a transaction, DSI shall submit a complaint to the Disciplinary Committee regarding the non-full compliance with or violation of any provision of the DSI Statutes and Regulations.

- 10.4 If, within a period of three years, DSI fines a Certified Professional or Candidate Certified Professional more than three times, then DSI will submit a complaint against the Certified Professional or Candidate Certified Professional to the Disciplinary Committee.
- 10.5 DSI may announce the imposition of fines, as well as notes in the Register, for a period of three years from the date that the fine was imposed, with reference to the reasons for the imposition of the measures.

#### **Article 11: Arbitration Committee**

- 11.1 All disputes between DSI on the one hand, and Applicants, Candidate Certified Professionals, Certified Professionals or Participants on the other, with regard to certification and the termination of certification, or order measures as described in Article 9, will first be dealt with by the Arbitration Committee in accordance with the Arbitration Committee Regulations.
- 11.2 For one month from the date of the decision by the Arbitration Committee, the Applicant, Candidate Certified Professional, Certified Professional or Participant may submit an appeal against the decision to the Appeals Committee, in accordance with the Appeals Regulations as described in Article 13. During the appeal period and the consideration of the appeal, the decision of the Arbitration Committee shall not be implemented.
- 11.3 The decision of the Arbitration Committee will be implemented immediately by DSI, once such decision has become irrevocable.
- 11.4 DSI will notify the Participant of any decisions made by the Arbitration Committee regarding a Certified Professional or Candidate Certified Professional.
- 11.5 DSI may announce any decision of the Arbitration Committee without specifying individual names. DSI may also publish the decision in an abbreviated form.

#### **Article 12: Disciplinary Committee**

- 12.1 An individual with a direct interest may submit a written complaint to DSI if a Certified Professional or Candidate Certified Professional does not abide by the DSI Statutes or Regulations, or does not fully comply with or violates provisions in the Statutes or Regulations. This Article understands 'complaints' to be any report of behaviour by a Certified Professional or Candidate Certified Professional that is in conflict with the DSI Statutes or Regulations, including such a report in the form of an Employer Statement issued by a Participant as described in Article 5 of the Participant Regulations.

- 12.2 A complaint must be clearly motivated, and include the name of the Certified Professional or Candidate Certified Professional.
- 12.3 The General Director shall initiate an investigation for every written and clearly motivated complaint received. The Certified Professional, Candidate Certified Professional, and Participant will be notified of such an investigation in writing.
- 12.4 DSI will send the complainant written confirmation of receipt of the complaint. This confirmation will state that a further investigation as described in the previous section will be initiated, unless the complaint is not clearly motivated.
- 12.5 The General Director shall decide whether or not to submit the complaint to the Disciplinary Committee. In the event that the General Director decides not to submit the complaint to the Disciplinary Committee, then the complainant may submit a written request for reconsideration to the President of the Disciplinary Committee within 14 days of the date of the written notification.
- 12.6 The President of the Disciplinary Committee shall submit the request for reconsideration to the first subsequent committee meeting. The President of the Disciplinary Committee shall also notify the complainant of his/her decision in writing.
- 12.7 If the President of the Disciplinary Committee reconsiders the decision made by the General Director, then DSI will submit the complaint to the President of the Disciplinary Committee within 4 weeks of the date of the decision.
- 12.8 In consultation with the President, the General Director may also submit a complaint against a Certified Professional or Candidate Certified Professional to the Disciplinary Committee, if he/she believes that there is just cause for such a complaint.
- 12.9 The relevant Participant shall be informed in writing of every complaint regarding a Certified Professional or Candidate Certified Professional submitted to the Disciplinary Committee by DSI.
- 12.10 The Disciplinary Committee shall decide on complaints submitted to the committee by DSI in accordance with the Disciplinary Regulations. The Certified Professionals and Candidate Certified Professionals are subject to the provisions of the Disciplinary Regulations.
- 12.11 If it considers a complaint to be well-founded, the Disciplinary Committee may impose one or more of the following measures in its decision on the Certified Professional or Candidate Certified Professional:
1. reprimand;
  2. a work penalty in the form of training or compulsory education;
  3. suspension;
  4. conditional suspension, with a probationary period;

5. a fine of up to 25,000 Euros;
  6. expulsion;
  7. publication of the measure, stating the name of the Certified Professional or Candidate Certified Professional.
- 12.12 For one month from the date of the decision by the Disciplinary Committee, the individual may submit an appeal against the decision to the Appeals Committee, in accordance with the Appeals Regulations as described in Article 13. During the appeal period and the consideration of the appeal, DSI shall not impose the measure.
- 12.13 A Certified Professional or Candidate Certified Professional may not, on the basis of the fact that his/her certification has been terminated by DSI, withdraw from the handling of a complaint as referred to in this Article with regard to conduct during the certification period.
- 12.14 The decision of the Disciplinary Committee will be implemented immediately by DSI, once such decision has become irrevocable.
- 12.15 DSI will notify the Participant in writing of any decisions made by the Disciplinary Committee regarding a measure to be imposed.
- 12.16 DSI may announce any decision of the Disciplinary Committee without specifying individual names. DSI may also publish the decision in an abbreviated form.
- 12.17 After the appeal period described in Article 12.12 has expired, or after the appeal has been rejected, DSI shall make a note in the Register for a period of three years, stating a decision of the Disciplinary Commission to impose a measure as referred to in Article 12.11, including the reason for the measure.

### **Article 13: Appeals Committee**

- 13.1 Decisions by the Arbitration Committee as described in Article 11 of these General Regulations may be submitted to the Appeals Committee for review, in accordance with the Appeals Regulations.
- 13.2 Decisions by the Disciplinary Committee as described in Article 12 of these General Regulations may be submitted to the Appeals Committee for review, in accordance with the Appeals Regulations.
- 13.3 DSI will notify the Participant in writing of any appeals cases involving a Certified Professional or Candidate Certified Professional.

- 13.4 DSI will notify the Participant in writing of any decisions made by the Appeals Committee regarding appeals in dispute or disciplinary cases involving a Certified Professional or Candidate Certified Professional.
- 13.5 DSI may announce any decision without specifying individual names. DSI may also publish the decision in an abbreviated form.

#### **Article 14: Public Registers**

- 14.1 DSI maintains the following public Registers: pertaining to the Participants; the Participants Register; pertaining to Certified Professionals; the Retail Investment Advisor Custom Products Register, the Retail Investment Advisor Register, the Retail Investment Information Provider Register, the Investment Institutional Advisor Register, the Investment Institutional Information Provider Register, the Treasury Advisor Register, the Treasury Information Provider Register, the Securities Trader Register, the Investment Analyst Register, the Compliance Professional Register and the Integrity Register.
- 14.2 The public Registers for Certified Professionals, as mentioned in the previous section, include the names and function(s) of the Certified Professional, as well as the names of the Participants and all data and information that DSI considers necessary or desirable for inclusion in the Registers.
- 14.3 Every Certified Professional must inform DSI in writing immediately of any changes to the information described in the second section pertaining to the Certified Professional over the course of the certification. The Certified Professional is expected to have his/her place of residence at the address provided.
- 14.4 The Registers described in the first section are intended in part as a means to provide the public with the information included in the Registers.
- 14.5 With regard to certification in the Retail Investment Advisor Custom Products Register, the Retail Investment Advisor Register, the Retail Investment Information Provider Register, the Investment Institutional Advisor Register, the Investment Institutional Information Provider Register, the Treasury Advisor Register and the Treasury Information Provider Register, the certification shall be subject to the working of the covenant dated 20 July 2017 between the Stichting Autoriteit Financiële Markten and DSI regarding the ESMA Guidelines for evaluating knowledge and competency.
- 14.6 Upon request, DSI shall provide the Certified Professional with an extract from the pertinent Register, including the information pertaining to the Certified Professional. DSI may refrain from providing certain information included in the Registers to the public, if DSI considers such to be necessary.

## **Article 15: Notification**

- 15.1 DSI notifications shall be sent to the address of the Certified Professional or Candidate Certified Professional.
- 15.2 The Certified Professional or Candidate Certified Professional can enter changes of address via the MijnDSI environment or in writing to DSI. DSI may not be held liable for any disadvantage arising from the circumstance that the information for a Certified Professional or Candidate Certified Professional is incorrect, incomplete or not present in one of the DSI Registers.

## **Article 16: Costs**

- 16.1 In addition to the costs described in Article 5, each Certified Professional, Candidate Certified Professional or Passively Certified Professional is liable for an annual amount to be paid to DSI for his/her certification. This amount may differ per certification type.
- 16.2 DSI may determine that a Certified Professional or Candidate Certified Professional who is registered in the second half of a calendar year, shall only owe half of the amount mentioned in the previous section.
- 16.3 If the certification of the Certified Professional, Candidate Certified Professional or Passively Certified Professional is terminated during the course of a calendar year, then he/she shall owe the full amount for the calendar year.
- 16.4 DSI may determine that each Certified Professional, Candidate Certified Professional or Passively Certified Professional may be billed a one-time amount for changes to the certification, for any reason.
- 16.5 The amount of the fees as described in the sections above shall be determined by DSI on an annual basis. Any changes to the annual amounts will be announced in writing.
- 16.6 DSI may request compensation for the use of its facilities or for specific services.
- 16.7 In extenuating circumstances, DSI may bill the Certified Professional, Candidate Certified Professional or Participant for investigations into compliance with the Statutes and Regulations.

## **Article 17: Amendments**

- 17.1 The Board of DSI is authorised to make amendments or additions to these General Regulations and the guidelines and instructions stipulated by the Board of DSI in accordance with these General Regulations. The Certified Professional, Candidate

Certified Professional or Passively Certified Professional is obliged to abide by these amendments and additions.

- 17.2 The Board of DSI shall determine the moment when an amendment or addition to the General Regulations shall go into effect, and if necessary shall draw up transitional provisions.