

**OPERATING AGREEMENT BETWEEN ICHEIC AND
LA COMMISSION POUR LE DEDOMMAGEMENT DES MEMBRES DE LA
COMMUNAUTE JUIVE DE BELGIQUE**

1. This agreement determines how claims made to ICHEIC for payment on life insurance policies issued to Holocaust victims by companies in Belgium during the period 1920 to 1945 (Belgian insurance claims), should be handled.
2. ICHEIC and La Commission pour le Dedommagement des Membres de la Communauté Juive de Belgique (the Indemnification Commission) agree that the Indemnification Commission's process is the appropriate process for handling Belgian life insurance claims which remain unpaid or uncompensated within the framework of all applications for restitution to the Indemnification Commission.

Any claims to ICHEIC on Belgian companies that are not within the scope of the Indemnification Commission will be submitted by the Indemnification Commission to the respective company for consideration on a humanitarian basis (ICHEIC will be informed).

Handling of Enquiries and Claims

3. All persons who submit enquiries on life insurance to ICHEIC will be told by ICHEIC that any Belgian insurance claims made to the ICHEIC will be handled by the Indemnification Commission pursuant to this Agreement and according to the Belgian law of 20th December 2001. Any further communication with the claimant will be from the Indemnification Commission.

Exchange of Information

4. The Indemnification Commission has sent to ICHEIC the names of the life insurance companies that were operating in the Belgian market in the period before the Second World War and their current ownership.
5. ICHEIC will send to the Indemnification Commission
 - All claims/enquiries which either name a Belgian company as the issuer of the policy or which name Belgium as the place of issue. For each claim the ICHEIC will send relevant information from the database in electronic format. On request, the ICHEIC will send copies of any claim form and associated documents, including any information from the ICHEIC research database to the Indemnification Commission. The Indemnification Commission will inform the ICHEIC of double applications.
6. The Indemnification Commission will send ICHEIC copies of its letters setting out the results of its investigation and an explanation of its decisions (both offers and denials) to all claimants who have made a

claim/enquiry on insurance submitted through ICHEIC. The Indemnification Commission will also inform ICHEIC of claimants' responses to offers made to them in respect of claims on insurance submitted through ICHEIC.

Determining valid claims

7. Claims/enquiries received by ICHEIC and forwarded to the Indemnification Commission will be handled by the Indemnification Commission according to the following procedures adopted by ICHEIC.
8. The Indemnification Commission will:
 - Investigate all claims and enquiries on a case by case basis. This will include investigation in the records of the Belgian companies of unpaid policies and of policies that were paid during the period from May 1940 to 1 September 1944, but where the proceeds may have been paid into blocked accounts.
 - Check all ICHEIC claims and enquiries against the Indemnification Commission's records of unpaid "blocked accounts".
 - Check all enquiries that do not name a company against the Indemnification Commission's central database, and if a match is found make any necessary further enquiries with the companies concerned.
 - Write to the claimant with the findings on the claim and respond to any enquiries from claimants about the status of their claim.
 - Whether a claim is accepted or denied, send an explanation of the decision together with any documents relevant to the claim that are traced in the investigation. In considering the appropriateness of a claim, the Indemnification Commission will take account of any documentary or other evidence supplied by the claimant as well as any documentary or other evidence supplied by the companies, or from governmental or other sources that are relevant to determining whether it is more likely than not that a contract existed and whether it was paid, confiscated, reinstated or compensated.

Valuation

9. Belgian life insurance claims will be judged by the Indemnification Commission by relaxed standards of proof and paid according to the Indemnification Commission's rules, from the funds that have been made available under the Belgian law for this purpose. When determining the award to be made on a claim, the Indemnification Commission will – if there is a lack of hard evidence about the value of a claim – attempt to reconstruct the policy to its original value as if the Holocaust had not occurred.

10. When determining the award to be made on a claim, the Indemnification Commission will apply the multiplier that has been agreed for the purpose.

Publication of names

11. The Indemnification Commission will consult with ICHEIC on the possibility under Belgian law for the Indemnification Commission to publish the names of policyholders/insured persons or named beneficiaries on unclaimed policies. If both parties agree that such publication is possible, the Indemnification Commission will consult with ICHEIC with a view to publishing such names on the ICHEIC website.

Appeals

12. Both parties recognise that the ICHEIC has established an appeals process applicable to claims for which the initial decision was made by a member company. Both parties have further recognised that the ICHEIC appeals process does not apply to the decisions of the Indemnification Commission, which are made by an independent board and not by the companies themselves. Both parties have also recognised that under the Indemnification Commission process, claimants' only recourse in law is to challenge a decision by the Indemnification Commission to Belgium's Conseil' D'Etat.

Notwithstanding the above, the Indemnification Commission has agreed to offer claimants a second review process for its initial fully or partially negative claims conclusions, when it informs them of these conclusions. Specifically, claimants may, within six weeks of receiving notification of such conclusions, request a second review on the basis of new evidence or reasoned grounds for disagreeing with the Commission's initial conclusion. The Indemnification Commission will, in connection with its second review process, consider relevant decisions of the ICHEIC Appeals Tribunal that are furnished to it by ICHEIC.

Expenses

13. The costs of settlement of claims submitted by ICHEIC will be borne by the Indemnification Commission. The ICHEIC will meet from its own funds other operating expenses which it itself incurs in handling claims on Belgian companies.

Signed/S/...L. Buysse.....

DateJuly 14, 2003.....

on behalf of the La Commission pour le Dedommagement des Membres de la
Communaute Juive de Belgique

Signed /S/ Lawrence S. Eagleburger.....
DateJuly 10, 2003.....

on behalf of the International Commission on Holocaust Era Insurance Claims