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Act of 3 July 1996 containing general rules on advice relating to generally binding regulations of or policy to be conducted by central government (Advisory Bodies Framework Act)

We Beatrix, by the grace of God Queen of the Netherlands, Princess of Orange-Nassau, etc., etc., etc.

Greetings to all who shall see or hear these presents! Be it known:

Whereas We have considered that it is advisable, partly in view of article 79 of the Constitution, to establish general rules on advice relating to generally binding regulations of or policy to be conducted by central government;

We, therefore, having heard the Council of State, and in consultation with the States General, have approved and decreed as we hereby approve and decree:

CHAPTER 1. GENERAL PROVISIONS

Section 1

In this Act:

- a. 'advisory body' means a body set up in accordance with public law to advise the government on generally binding regulations of or policy to be conducted by central government;
- b. 'Our Minister' means Our Minister concerned.

Section 2

The following shall not constitute an advisory body within the meaning of this Act:

- a. a body as referred to in section 1:1, subsection 2, of the General Administrative Law Act;
- b. a body, more than half the members of which are civil servants who work for a ministry, or an institution, agency or business that comes under a ministry, and who are members of the body in connection with their work.

Section 3

Chapters 3 and 5 and section 28 shall not apply to advisory bodies whose advisory duties, as referred to in section 1(a), are not their main duties.

CHAPTER 2. THE ESTABLISHMENT OF ADVISORY BODIES

Section 4

An advisory body shall be established by act of parliament.

Section 5

1. Notwithstanding section 4, an advisory body may be established by royal decree for up to four years to provide advice on issues of limited duration. The term of office of such a body may be extended once by royal decree for up to two years.
2. A decree on the basis of subsection 1 shall be promulgated no sooner than four weeks after both houses of the States General have been notified of the intention to do so in accordance with the views of the cabinet.

Section 6

1. Notwithstanding section 4, an advisory body may be established by royal decree or ministerial order to provide advice on a one-off basis on a specific issue, in accordance with the views of the cabinet, for the period that advice is provided.
2. Both houses of the States General shall be notified immediately if a decree or order is promulgated on the basis of subsection 1.
3. Notwithstanding sections 11 and 13, the members of a body as referred to in subsection 1 may be appointed and discharged by Our Minister.

4. Sections 17 and 18, chapter 5 and sections 28 and 33 shall not apply to a body as referred to in subsection 1. Section 24 shall apply *mutatis mutandis* to the advice provided by such a body.

Section 7

All acts, royal decrees and ministerial orders to establish advisory bodies shall be co-signed by Our Minister of the Interior.

Section 8

The advisory duties of an advisory body shall be defined upon its establishment.

Section 9

Sections 4 to 8 shall apply *mutatis mutandis* to the assignment of advisory duties as referred to in section 1(a), to a body that has other duties by virtue of public law.

CHAPTER 3. COMPOSITION AND ORGANISATION OF ADVISORY BODIES

Section 10

An advisory body shall consist of a chairperson and up to fourteen other members. It may appoint deputy chairpersons from among its members.

Section 11

1. The members of an advisory body shall be appointed by royal decree.
2. The members shall be appointed for up to four years. They may be reappointed twice, each time for up to four years.
3. Our Minister shall ensure that a vacancy arising on an advisory body is publicised, with the exception of bodies as referred to in section 6.

Section 12

1. The members of an advisory body shall be appointed on the basis of the expertise required to provide advice in the policy area for which the advisory body has been established, and on the basis of knowledge and experience of society.
2. Civil servants who work for a ministry, or an institution, agency or business that comes under a ministry, shall not be appointed as members of an advisory body whose duties consist of providing advice on subjects with which they are involved in connection with their work.
3. Upon the appointment of chairpersons and other members of advisory bodies, efforts shall be made to ensure that women and people from ethnic or cultural minorities are proportionately represented.

Section 13

Members of advisory bodies shall be discharged by Our Minister at their request. They may also be suspended or discharged by royal decree on account of unsuitability, incapacity or other compelling reasons.

Section 14

Allowances for travel and subsistence expenses and other allowances for members of advisory bodies and further rules concerning their legal status shall be determined by or pursuant to order in council.

Section 15

1. An advisory body shall have a secretary.
2. The secretary shall be answerable solely to the advisory body for his or her activities for this body.
3. Other staff may be appointed in addition to the secretary.
4. The secretary and other staff shall not be members of the advisory body.
5. Our Minister shall appoint, promote, suspend and discharge the secretary and other staff in consultation with the chairperson of the advisory body.

Section 16

An advisory body may set up committees from among its members to prepare recommendations in one or more areas.

CHAPTER 4. ADVICE AND THE ADOPTION OF A POSITION

Section 17

An advisory body shall provide advice at the written request of Our Minister or of one of the houses of the States General.

Section 18

An advisory body may take the initiative to advise Our Minister. If it intends to do so, it shall notify Our Minister and both houses of the States General immediately.

Section 19

1. An advisory body may turn to civil servants designated by Our Minister for this purpose to gather information.
2. An advisory body may procure the assistance of other persons in so far as this is necessary for the performance of its duties.

Section 20

1. An advisory body shall meet to discuss and decide on the recommendations it is to issue.
2. It shall not decide on the recommendations it is to issue unless at least half of its members are present.
3. Recommendations shall be issued in accordance with the views of the majority of members present at the meeting, each member having one vote.
4. If it is necessary to put a decision to adopt recommendations to a vote, it shall be decided on a majority of votes cast.

5. If the votes are tied, the decision shall be postponed until the next meeting, unless the recommendations cannot be delayed or all members are present at the meeting. In this case the chairperson shall have the casting vote. This circumstance shall be reported in the recommendations.
6. A member who dissents from the views of the majority at a meeting may append a separate memorandum to the recommendations expressing his or her view.

Section 21

An advisory body may draw up rules of procedure governing its activities.

Section 22

If recommendations are issued to one of the houses of the States General, the advisory body shall send a copy of the recommendations to Our Minister.

Section 23

1. Advisory Bodies may issue joint recommendations and are obliged to do so if stipulated in the request for advice.
2. Bodies required to issue joint recommendations shall determine their working methods in mutual consultation.
3. The bodies in question shall be jointly authorised to set up a mixed committee from among their members to prepare joint recommendations.

Section 24

1. Within three months of receipt thereof, Our Minister shall inform both houses of the States General of his or her position on:
 - a. a recommendation that he or she has requested, issued in good time, on a ministerial order to be adopted or policy to be conducted;
 - b. a recommendation issued on a body's own initiative on policy principles.
2. If Our Minister does not adopt a position within the period referred to in subsection 1 he or she shall inform the States General hereof and explain why he or she has not done so.

CHAPTER 5. BUDGETS AND PROGRAMMES

Section 25

Every year before 1 April an advisory body shall send Our Minister a draft budget for the following calendar year setting out the costs associated with the performance of its duties.

Section 26

1. Every year before 1 September an advisory body shall send Our Minister a draft programme of activities for the following calendar year. To this end, Our Minister shall provide the advisory body in good time with an overview of planned requests for advice.
2. The advisory body's programme of activities shall take account of unforeseen requests for advice and its authority to make recommendations on its own initiative.
3. Our Minister shall determine the programme of activities and shall send it every year on the third Tuesday in September to both houses of the States General.
4. Our Minister may modify the programme of activities.

Section 27

An advisory body shall take the programme of activities into account as far as possible in the performance of its duties. Without prejudice to the Government Accounts Act, it shall perform its duties using the resources made available pursuant to the applicable budget act.

CHAPTER 6. REPORTING AND EVALUATION

Section 28

1. Every year before 1 April, an advisory body shall report on its activities in the previous calendar year.

2. At the request of Our Minister, but at least every four years, the advisory body shall prepare an evaluation report on its performance of its duties.
3. The annual report and the evaluation report shall be sent to Our Minister. The evaluation report shall also be sent to Our Minister of the Interior and both houses of the States General.
4. Our Minister shall notify both houses of the States General of his or her position on the evaluation report. Section 24 shall apply *mutatis mutandis*.

Section 29

An advisory body shall provide Our Minister at his or her request with the information he or she needs to perform his or her duties. Our Minister may require that relevant data and documents be made available for inspection, in so far as this can reasonably be considered to be necessary for the performance of his or her duties.

Section 30

Every four years Our Minister of the Interior shall send a report to the States General on the effectiveness and impact of this Act in practice.

CHAPTER 7. TRANSITIONAL AND FINAL PROVISIONS

Section 31

The Central and Local Government Personnel Act¹ shall be amended as follows:

In section 2, ‘, and’ at the end of point x shall be replaced by a comma, the full stop at the end of point y shall be replaced by ‘, and’ and a new point shall be added, reading as follows:

z. the members of an advisory body as referred to in the Advisory Bodies Framework Act, not being an advisory body as referred to in section 3 of the said Act.

Section 32

¹ Bulletin of Acts and Decrees 1994, 5, last amended by the act of 20 December 1995, Bulletin of Acts and Decrees 704.

The Government Accounts Act² shall be amended as follows:

A new section shall be added after section 6, reading as follows:

Section 6a

The budget of the ministry that is most involved shall include a separate section for expenditure relating to the performance by an advisory body as referred to in the Advisory Bodies Framework Act of its duties, not being an advisory body as referred to in section 3 or section 6 of the said Act.

Section 33

Following the establishment of an advisory body, Our Minister shall draw up a programme of activities for the remainder of the calendar year in which it has been established and, if it has been established after 31 August, also for the subsequent calendar year. As far as possible section 26 shall apply *mutatis mutandis*.

Section 34

1. Up to and including 31 December 1997, section 4 shall not apply to advisory bodies established in 1996 for a limited period.
2. For the purposes of this Act, a body as referred to in subsection 1 shall be deemed to be a body as referred to in section 6, subsection 1.

Section 35

This Act shall enter into force on 1 January 1997.

Section 36

This Act shall be cited as the Advisory Bodies Framework Act.

² Bulletin of Acts and Decrees 1992, 351, last amended by the act of 3 April 1996, Bulletin of Acts and Decrees 366.

We order and command that this Act shall be published in the Bulletin of Acts and Decrees and that all ministries, authorities, bodies and officials whom it may concern shall diligently implement it.

Done at The Hague on 3 July 1996

Beatrix

The State Secretary for the Interior
J. Kohnstamm

Published on the *eleventh* of July 1996

The Minister of Justice
W. Sorgdrager