

# ***Statistics Netherlands Act***

***November 2003***





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This is a translation of Bulletin of  
Act Orders and Decrees (*Staatsblad*)  
2003 516 1.

The original text can be ordered from  
Sdu Publishers.

Product code Statistics Netherlands  
6009004010



Statistics Netherlands

# Bulletin of Acts, Orders and Decrees of the Kingdom of the Netherlands

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Act of 20 November 2003 enacting a law governing Statistics Netherlands  
(Statistics Netherlands Act)

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

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

Whereas we have considered that it is desirable to privatise the central statistical  
office by establishing an autonomous agency and to adopt new rules concerning  
the acquisition, use and provision of data in the context of the supply of statistical  
information;

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

## **Chapter 1. Definitions**

### **Section 1**

The following definitions shall be used in this act:

- a. Our Minister: Our Minister of Economic Affairs;
- b. CBS: Statistics Netherlands;
- c. Director General: the director general of statistics;
- d. CCS: the Central Commission for Statistics.

## **Chapter 2. Statistics Netherlands**

### *Part 1. Establishment and duties*

#### **Section 2**

1. There is a body called Statistics Netherlands (CBS).
2. The CBS shall possess legal personality.

#### **Section 3**

The task of the CBS is to carry out statistical research for the government for practice, policy and research purposes and to publish the statistics compiled on the basis of such research.

#### **Section 4**

The CBS is the national authority responsible for the production of Community statistics.

#### **Section 5**

1. The CBS may occasionally carry out statistical work for third parties. This work must not lead to competition with private suppliers of similar services which is undesirable from the perspective of the proper operation of market forces.
2. Our Minister may adopt further rules governing the work referred to in the first subsection.

### *Part 2. Management bodies*

#### **Section 6**

The CBS shall have two management bodies:

- a. the Director General, as referred to in Section 8;
- b. the CCS, as referred to in Section 20.

### *Part 3. Staff*

#### **Section 7**

1. The rules governing the legal status of civil servants who are appointed to ministries shall be applicable mutatis mutandis to the staff employed by the CBS. The powers laid down in those rules shall be exercised by the Director General, with the exception of the powers to draw up rules assigned to Us or to Our Minister of the Interior and Kingdom Relations. In so far as those rules provide that powers shall be exercised in consultation with Our Minister of the Interior and Kingdom Relations, those powers shall be exercised in consultation with Our Minister.
2. Provisions of the first subsection may be derogated from by Order in Council.

## **Chapter 3. Director-General of Statistics**

### *Part 1. Establishment and composition*

#### **Section 8**

1. The CBS shall be managed by a director general with the title of director general of statistics. The director general may not also be a civil servant subordinate to Our Minister.
2. Our Minister shall draw up rules concerning deputisation for the director general.

### *Part 2. Appointment and remuneration*

#### **Section 9**

1. The director general shall be appointed, suspended and dismissed by Our Minister.
2. The director general may only be suspended or dismissed, in consultation with the CCS, for unsuitability or incompetence for the position or for other serious reasons pertaining to the person of the individual concerned. The director general may also resign.

#### **Section 10**

1. The director general shall be appointed for a period not exceeding seven years and may be reappointed once for a period not exceeding three years.
2. When the position of director general becomes vacant the CCS shall recommend a candidate for the position to Our Minister.

#### **Section 11**

1. The director general shall not hold any secondary appointments which are undesirable from the perspective of the proper performance of his function or of preserving his independence or trust in that independence.
2. The director general shall notify Our Minister of his intention to accept any secondary appointments arising otherwise than by reason of his position.
3. Any secondary appointments held by the director general other than by reason of his position shall be disclosed. Disclosure shall take place by making a list of these secondary appointments available for inspection at the CBS and with Our Minister.

#### **Section 12**

1. The director general shall be paid a salary.
2. Our Minister shall determine the legal status of the director general.
3. Apart from the salary and the reimbursement of exceptional expenses connected with this position the director general shall not earn any income from the CBS.
4. A report on the director general shall be published in the annual report referred to in Section 53, to which Section 383 of Book 2 of the Netherlands Civil Code shall apply *mutatis mutandis*.

### *Part 3. Duties, powers and procedures*

#### **Section 13**

1. The director general shall be responsible for the management of the CBS.
2. The director general shall represent the CBS in law and otherwise.

#### **Section 14**

1. At least once every five years the director general shall draw up a multi-annual programme setting out in outline the activities that the CBS will carry out in the following years.
2. The multi-annual programme shall also contain a description of the targets to be met in the medium and long term, the outline of the policy that will be pursued to meet them, and the financial and organisational conditions that will have to be met to achieve them.

#### **Section 15**

1. Every year the director general shall draw up a work programme for the following year. He may amend the work programme in the interim.
2. The work programme shall set out what activities the CBS will carry out in a particular year in so far as the available resources allow.
3. The work programme shall contain a description of the importance of a statistic for practice, policy and research purposes, whether a statistic is required by European or other legislation, an explanation of the most important requests for statistics that have been rejected and a section on the costs of and revenues from the statistics.

#### **Section 16**

1. The director general shall submit the multi-annual programme and the work programme before 1 November, and the amendments to the work programme in the interim, to the CCS for adoption.
2. When they have been adopted by the CCS the director general shall make the multi-annual programme, the work programme and the amendments to the work programme available for inspection at the CBS throughout the period that they are valid. He shall give notice that they are available for inspection in the Netherlands Government Gazette.

#### **Section 17**

1. The CCS shall send the multi-annual programme to Our Minister before 1 December.
2. Our Minister shall notify the director general, the CCS and the House of Representatives of the States General of his views concerning the financial and organisational conditions that have to be met to carry out the multi-annual programme, determined in concurrence with the views of the cabinet, within six months of receipt of the programme. He shall publish notice of his views in the Government Gazette.

#### **Section 18**

The director general shall determine the methods by which the studies included in the work programme and the multi-annual programme will be carried out and the manner in which the results of those studies will be published.

#### **Section 19**

The director general requires the approval of Our Minister for agreement with the granting of a mandate, unless the mandate is granted by Our Minister. Approval may be withheld due to conflict with the law or on the ground that Our Minister considers that the mandated power may prevent the Director General from performing his duties properly.

## **Chapter 4. Central Commission for Statistics**

### *Part 1. Establishment and composition*

#### **Section 20**

The CBS shall also be managed by a Central Commission for Statistics.

#### **Section 21**

1. The CCS shall be made up of the chairman and an even number of other members totalling no fewer than six and no more than ten. The chairman and the other members may not also be civil servants subordinate to Our Minister.
2. The secretary shall be a member of the staff of the CBS appointed by the director general in consultation with the chairman of the CCS. The secretary is not a member of the CCS.
3. The secretary is subject to the authority of the CCS and is accountable solely to the CCS for the work.

### *Part 2. Appointment*

#### **Section 22**

1. The chairman and the other members of the CCS shall be appointed, suspended and dismissed by Our Minister. Our Minister shall appoint a member as deputy chairman.
2. When a vacancy arises the CCS shall recommend a candidate to fill it to Our Minister.
3. Members shall only be suspended or dismissed for unsuitability or incompetence for the position filled or for other serious reasons pertaining to the person of the individual concerned. The members may also resign.

#### **Section 23**

1. The members of the CCS shall be appointed for a period not exceeding four years. They may be reappointed once.
2. If a member resigns prematurely the member who is appointed to fill the ensuing vacancy shall resign at the time when the person he was appointed to replace should have resigned. He shall be immediately eligible for reappointment.

#### **Section 24**

1. The members of the CCS are entitled to compensation.
2. Our Minister shall determine the compensation.
3. Apart from the compensation and the reimbursement of exceptional expenses in connection with their position the members of the CCS shall not receive any income from the CBS.
4. A report on the members of the CCS shall be published in the annual report referred to in Section 54, to which Section 383 of Book 2 of the Netherlands Civil Code shall apply *mutatis mutandis*.

### *Part 3. Duties, powers and procedures*

#### **Section 25**

The duties of the CCS are:

- a. to foster the provision of statistical information for the government which meets the needs of practice, policy and science;

- b. to foster the accuracy and completeness of the statistics to be published for the government;
- c. to assess the multi-annual programme and the work programme of the CBS;
- d. to ensure that the CBS acquires data in such a way as to minimise the ensuing administrative burden for companies and institutions;
- e. to ensure that the statistical work carried out by the CBS for third parties does not lead to competition with private suppliers of similar services which would be undesirable from the perspective of the proper operation of market forces;
- f. to oversee the exercise by the director general of the power to make available sets of data for the purpose of statistical or scientific research.

#### **Section 26**

1. The CCS shall draw up management regulations which, like amendments to them, shall require the approval of Our Minister.
2. Approval may be withheld due to conflict with the law or on the grounds that Our Minister considers that they may prevent the CCS from performing its duties properly.
3. The CCS shall meet at least four times a year.

#### **Section 27**

None of Our Ministers shall commission a new statistical study or amend a study that is already underway without first consulting the CCS.

#### **Section 28**

The CCS may approach third parties directly to acquire the information that it needs for the performance of its duties.

#### **Section 29**

1. The CCS may delegate the preparation of particular decisions and tasks to sub-committees, which may be appointed from among its own members or otherwise, or to the director general.
2. Section 24 shall apply mutatis mutandis to members of sub-committees who are not members of the CCS.

#### **Section 30**

The chairman of the CCS may in urgent cases exercise the power of the CCS referred to in Section 16 (1), in so far as it concerns an amendment to the work programme, and the powers referred to in Section 27.

#### **Section 31**

Documents issuing from or on behalf of the CCS shall be signed by the chairman and the secretary.

#### **Section 32**

Decisions of the CCS shall be taken in accordance with the views of the majority of the members.

## **Chapter 5. Acquisition, use and Provision of Data**

### *Part 1. Acquisition*

#### **Section 33**

1. The director general is authorised to use, for statistical purposes, data from registers that are maintained in connection with the performance of a statutory duty by:
  - a. institutions and departments of:
    - 1°. central government;
    - 2°. provinces;
    - 3°. local authorities;
    - 4°. water boards;
    - 5°. public bodies established pursuant to the Joint Regulations Act;
  - b. public bodies as referred to in Section 134 of the Constitution;
  - c. autonomous agencies at the level of the central government.
2. The director general is further authorised to use, for statistical purposes, data from registers that are maintained by legal persons designated by Order in Council, in consultation with the CCS, which carry out a task regulated by or by virtue of the law or which are wholly or partially financed, directly or indirectly, from funds provided by the State or from the proceeds of levies imposed by or by virtue of the law.
3. In so far as the methods of acquiring data referred to in the first and second subsections fail to yield the necessary data the director general is authorised to request, for statistical purposes, data designated by Order in Council, in consultation with the CCS, from the categories of companies, independent professionals, institutions and legal persons designated in that Order in Council.
4. On request by the director general the institutions, departments, bodies and autonomous agencies referred to in the first subsection, the legal persons referred to in the second subsection and the companies, independent professionals, institutions and legal persons referred to in the third subsection shall provide the data referred to in those subsections free of charge within a period to be stipulated by Order in Council.

In such cases no duty of confidentiality may be invoked, unless this duty is based on international regulations.
5. In so far as the data referred to in the third subsection relates to the Dutch banking sector and they are collected by De Nederlandsche Bank NV as part of its duties these data shall be acquired after consultation with and through the mediation of De Nederlandsche Bank NV. Other data relating to the Dutch banking sector shall be acquired in consultation with De Nederlandsche Bank NV.

#### **Section 34**

The director general may enter tax and social insurance numbers as referred to in Section 47b (3) of the State Taxes Act in a register and use them for statistical purposes. The director general may use a tax and social insurance number in communications with persons and agencies in so far as they themselves are authorised to use that number in a register.

#### **Section 35**

The director general may process personal data as referred to in Section 16 of the Personal Data Protection Act for statistical purposes.

### **Section 36**

Having due regard to the proper performance of his duties, the director general shall ensure that data are acquired in such a way as to minimise the ensuing administrative burden for companies, independent professionals and institutions as well as legal persons whose object according to their articles of association is to represent the interests of the companies, independent professionals and institutions concerned.

#### *Part 2. Use of data*

### **Section 37**

1. The data received by the director general in connection with the performance of his duties to implement this act shall be used solely for statistical purposes.
2. The data referred to in the first subsection shall not be provided to any persons other than those charged with carrying out the duties of the CBS.
3. The data referred to in the first subsection shall only be published in such a way that no recognisable data can be derived from them about an individual person, household, company or institution, unless, in the case of data relating to a company or institution, there are good reasons to assume that the company or institution concerned will not have any objections to the publication.

### **Section 38**

As laid down in the relevant rules applying to the civil service, the director general shall take the necessary technical and organisational measures to safeguard his data from loss or damage and to prevent unauthorised examination, alteration and provision of those data.

#### *Part 3. Provision of data*

### **Section 39**

1. Contrary to the provisions of Section 37 the director general shall provide data to the Community statistical agencies and the national statistical agencies of the member states of the European Union in so far as providing them is necessary for the production of specific Community statistics.
2. In every other instance in which data are provided to the Community or national statistical agencies of the member states of the European Union the director general shall ascertain that all necessary administrative, technical and organisational measures have been taken for the physical and logistical protection of confidential data and to prevent any unlawful publication or use for non-statistical purposes in the dissemination of Community and national statistics.

### **Section 40**

1. Contrary to the provisions of Section 37 the director general may provide data to De Nederlandsche Bank NV, exclusively for statistical purposes, in the context of the implementation of the Foreign Financial Relations Act 1994.
2. The data referred to in the first subsection shall be designated in a regulation to be adopted by Our Minister, in consultation with Our Minister of Finance and having heard the CCS.
3. De Nederlandsche Bank NV shall use the data provided on the grounds of the first subsection solely for activities in the context of the Foreign Financial Relations Act 1994.
4. Section 17a of the Disclosure of Unusual Transactions (Financial Services) Act shall not apply to these data.

## **Section 41**

1. Contrary to the provisions of Section 37 the director general may, on request, provide or grant access to a set of data to a department, organisation or institution as referred to in the second subsection for the purposes of statistical or academic research where appropriate measures have been taken to prevent identification of individual persons, households, companies or institutions from those data.
2. A set of data as referred to in the first subsection may be provided to or made accessible to:
  - a. university, within the meaning of the Higher Education and Research Act;
  - b. an organisation or institution for academic research established by law;
  - c. planning offices established by or by virtue of the law;
  - d. the Community statistical agency and national statistical agencies of the member states of the European Union;
  - e. research departments of ministries and other departments, organisations and institutions, in so far as the CCS has given its consent.

## **Section 42**

The director general shall only grant a request as referred to in Section 41 if the director general considers that the applicant has taken adequate measures to prevent the set of data being used for purposes other than statistical or academic research.

## **Section 42a**

1. Contrary to the provisions of Section 37 the director general may, on request, provide data for the purposes of academic research in the field of health care, that the CBS has collected for statistical research on the grounds of Section 12a of the Burials and Cremation Act from persons who were involved in a scientific study.
2. The director general shall only agree to a request as referred to in the first subsection if the person concerned has expressly consented to such provision or, if the person concerned has not expressly given permission for the data to be provided, in so far as the person requesting the data adequately demonstrates that:
  - a. requesting consent during the life of the person concerned was not reasonably possible or could not reasonably be demanded;
  - b. it has not been shown that during his life the person concerned objected to the processing of his personal data for the purpose of academic research;
  - c. the research serves a general interest;
  - d. the research cannot be carried out without the relevant data;
  - e. the research meets any further requirements that can reasonably be imposed on it.
3. The director general may attach further conditions to the provision of data as referred to in the first subsection.
4. Section 41 (2) and Section 42 shall apply *mutatis mutandis*.
5. Our Minister shall adopt further rules, in consultation with Our Minister of Health, Welfare and Sport, after hearing the CCS and the Data Protection Board, with respect to the power referred to in the first subsection.

## *Part 4. Administrative fine and order for periodic penalty payments*

## **Section 43**

1. The director general may impose an administrative fine of up to € 5 000 on legal persons referred to in Section 33 (2) and companies, independent professionals, institutions and legal persons referred to in Section 33 (3) that fail to provide the data referred to in those subsections or fail to provide them in full or in time.
2. The fine shall accrue to the CBS.
3. Our Minister may adopt rules in consultation with Our Minister of Justice with respect to the exercise of the power to impose a fine.

#### **Section 44**

A person against whom an action is taken from which he can reasonably conclude that the consequence will be that a fine will be imposed on him is not obliged to make any statement with respect to it. He shall be notified to this effect before receiving a verbal request for information.

#### **Section 45**

1. If the director general intends to impose a fine he shall notify the person concerned, giving notice of the grounds on which that intention is based.
2. Contrary to Section 4.1.2 of the General Administrative Law Act the director general shall give the person concerned the opportunity to present his views within a reasonable period, either verbally or in writing, before the fine is imposed.

#### **Section 46**

The director general shall not impose a fine if the person responsible for the failure to provide the information or to provide the information in full or in time demonstrates that he is not at fault.

#### **Section 47**

1. The Director General shall impose the fine by order.
2. The order shall in any case state:
  - a. the fact for which the administrative fine is being imposed, as well as the rule that has been contravened;
  - b. the amount of the fine;
  - c. the period within which the fine must be paid.

#### **Section 48**

The operation of the order to impose the fine shall be suspended until the period for appeal has expired, or, if an appeal has been made, until a decision has been made on the appeal.

#### **Section 49**

1. The fine shall be paid within six weeks of the date on which the order by which it was imposed takes effect.
2. If the fine is not paid in time the person who owes the fine shall be sent a written reminder to pay the amount of the fine, plus the costs of the reminder, within two weeks.
3. In default of payment within the period referred to in the second subsection, the director general may collect the fine, plus the costs of the reminder and collection, by way of a writ of execution.
4. The writ of execution shall be served by bailiff's writ at the expense of the person that owes the fine and will give rise to entitlement to enforcement within the meaning of the Second Book of the Code of Civil Procedure.
5. An objection to the writ of execution may be made for six weeks after the date of service by serving a writ of summons on the CBS.
6. An objection shall serve to suspend enforcement of the writ of execution. The court may lift the suspension of the writ of execution on request by the CBS.

#### **Section 50**

The activities connected with the imposition of a fine shall be carried out by persons who are not involved in establishing the infringement and the preceding investigation.

#### **Section 51**

Instead of an administrative fine the director general may impose an order for periodic payments on the companies, independent professionals, institutions and

legal persons referred to in Section 33 (3) that do not provide the data referred to in that subsection or do not do so in full or in time. An administrative fine and an order for periodic payments may also be imposed together.

#### **Section 52**

1. Rules concerning the provision of data to the director general may be attached to an order for periodic payments.
2. An order shall be valid for a period not exceeding two years to be determined by the director general.
3. Sections 5:32 (4) and (5), 5:33, 5:34 (1) and 5:35 of the General Administrative Law Act shall apply.

## **Chapter 6. Reporting, Direction and Supervision**

### *Part 1. Reporting*

#### **Section 53**

1. The director general shall prepare an annual report each year.
2. The annual report shall describe the performance of the duties and the policy pursued to implement this act and other acts in so far as the act concerned does not stipulate a separate obligation to produce a report. The annual report shall further describe the policy pursued with respect to quality control.
3. The annual report shall also provide insight into the administrative burden imposed in that year on companies and institutions as a consequence of the acquisition of data by the director general, into the measures that the director general has taken pursuant to Section 36 and the extent to which the administrative burden has been reduced.
4. The annual report shall be sent before 1 March to the CCS for its approval. The CCS shall send it before 1 April to Our Minister.

#### **Section 54**

1. The CCS shall prepare an annual report each year. The annual report shall describe the performance of its duties and the policy it pursued. The annual report shall also describe the policy pursued with respect to quality control.
2. The annual report shall be sent for approval to Our Minister before 1 April.

#### **Section 55**

Our Minister may adopt rules on the format of the annual reports referred to in Sections 53 and 54.

#### **Section 56**

1. The director general shall make the annual report approved by the CCS as referred to in Section 53, and the annual report approved by Our Minister as referred to in Section 54 available for inspection at the CBS for eight weeks. The director general shall give notice to this effect in the Netherlands Government Gazette.
2. Our Minister shall promptly send a copy of the annual reports to both houses of the States General.

#### **Section 56a**

1. With respect to the performance of their duties and exercise of their powers the director general and the CCS are responsible for:
  - a. their timely preparation and exercise;
  - b. the quality of the procedures used;
  - c. the careful handling of persons and institutions that come into contact with them;
  - d. the careful handling of objections and complaints they receive.
2. The director general and the CCS shall take measures to allow persons and institutions that come into contact with them to make proposals for improvements in their working methods and procedures.
3. In the annual reports referred to in Sections 53 and 54, the director general and the CCS shall report on everything that has been done to implement the first and second subsections.

### **Section 57**

1. The director general and the CCS shall, on request, provide Our Minister with all the information necessary for the performance of his duties.  
Our Minister may demand to see all commercial data and documents that may reasonably be necessary for the performance of his duties.
2. When providing the information referred to in the first subsection the director general and the CCS shall, if necessary, state which information is confidential in nature. This confidentiality may arise from the nature of the information or from the fact that natural or legal persons have provided it with the stipulation that it is confidential.
3. Our Minister may adopt further rules with respect to the provision of information referred to in the first subsection.

#### *Part 2. Direction and supervision*

### **Section 58**

1. Our Minister may annul a decision of the director general and of the CCS.
2. Notice of an annulment decision shall be published in the Netherlands Government Gazette.

### **Section 59**

1. Our Minister may take the necessary measures if he considers that the director general or the CCS are seriously neglecting their tasks.
2. Except in urgent situations, no measures shall be taken until the body has been given an opportunity to carry out its duties properly within a period to be stipulated by Our Minister.
3. Our Minister shall promptly notify both houses of the States General of any measures taken by him as referred to in the first subsection.

## **Chapter 7. Financial Supervision**

### *Part 1. Budget*

#### **Section 60**

The costs of carrying out the duties to implement this act shall be funded from the government's budget, with the exception of the costs for the performance of statistical work for third parties.

#### **Section 61**

1. The director general shall prepare a budget each year.
2. The budget shall contain a proposal to Our Minister concerning the amount to be included in the government's budget in the relevant year.

#### **Section 62**

1. The budget shall contain an estimate of the assets and liabilities, an estimate of the proposed expenditure for investment and an estimate of the income and expenditure.
2. Each item in the budget shall be accompanied by a separate explanatory note.
3. The explanatory notes shall show whether a budget item relates to the performance of the tasks imposed by or by virtue of the act or to other activities.
4. Unless the activities to which the budget relates were not previously carried out, the budget shall contain a comparison with the budget for the current year and the most recently approved annual financial statements.

#### **Section 63**

Our Minister may adopt rules for the format of the budget.

#### **Section 64**

1. The director general shall send the budget to the CCS before 1 February.
2. The director general shall adopt the budget in consultation with the CCS.
3. The director general shall send the budget to Our Minister before 1 April.

#### **Section 65**

1. The decision adopting the budget shall require the approval of Our Minister.
2. Approval may be withheld due to conflict with the law or the general interest, or if Our Minister objects to the size of the proposed amount to be included in the government's budget.

#### **Section 66**

If in the course of the year there are or there is a risk of significant discrepancies between the actual and budgeted assets and liabilities or income and expenditure the director general shall promptly notify the CCS and Our Minister to this effect, with an explanation of the cause of the discrepancies.

### *Part 2. Management and accountability*

#### **Section 67**

1. The director general shall hold the financial resources of the CBS on current account with Our Minister of Finance.
2. The director general may have access to the funds that he holds on current account with Our Minister of Finance to carry out the duties to implement this act.

3. Our Minister of Finance shall adopt rules in consultation with Our Minister, after consultation with the director general, concerning the interest that shall be paid or charged on the balances in the current account referred to in this section.
4. Our Minister of Finance shall not charge for the management of the current account referred to in this section.
5. The director general may receive loans from Our Minister of Finance, with the approval of and subject to a guarantee from Our Minister, for the purpose of financing investments if the investments are necessary to carry out the tasks to implement this act.
6. Our Minister of Finance may adopt further rules in consultation with Our Minister concerning the first subsection.

#### **Section 68**

The director general requires prior consent from Our Minister for:

- a. the formation of or participation in a legal person;
- b. the acquisition of ownership, the disposal or the encumbrance of registered property;
- c. the conclusion or termination of contracts for the acquisition, disposal or encumbrance of registered property or the rent or lease of registered property;
- d. the conclusion of credit agreements or loan agreements;
- e. the conclusion of agreements whereby the CBS commits itself to provide security, including security for the debts of third parties, or whereby it commits itself as guarantor or joint and several principal debtor or warrants performance by a third party;
- f. the creation of funds and reserves other than the equalisation reserve as referred to in Section 69;
- g. petitioning for bankruptcy or applying for a moratorium.

#### **Section 69**

1. The director general shall create an equalisation reserve.
2. The difference between the actual assets and actual liabilities shall be credited to or debited from the equalisation reserve.
3. The interest earned from the equalisation reserve shall be added to the equalisation reserve.

#### **Section 70**

1. The director general shall prepare annual financial statements each year.
2. The director general shall send the annual financial statements to the CCS before 1 March.
3. The director general shall adopt the annual financial statements in consultation with the CCS.
4. The director general shall send the annual financial statements to Our Minister before 1 April.

#### **Section 71**

1. The decision adopting the annual financial statements shall require the approval of Our Minister.
2. Approval may be withheld due to conflict with the law or the general interest.

#### **Section 72**

1. Title 9 of Book 2 of the Netherlands Civil Code shall as far as possible apply *mutatis mutandis* to the structure of the annual financial statements in which the financial management and the performance in the preceding year are accounted for.
2. The annual financial statements shall be accompanied by a statement that they give a true and fair representation of the situation issued by an accountant appointed by the director general as referred to in Section 393 (1) of Book 2 of the Netherlands Civil Code. When appointing the accountant the Director

General shall stipulate that Our Minister will, on request, be given an insight into the auditing activities of the accountant.

3. The declaration referred to in the second subsection shall also relate to the legitimate collection and expenditure of funds by the CBS.
4. The accountant shall add to the declaration referred to in the second subsection a report on his findings as to whether the management and organisation of the CBS meet requirements of effectiveness.

### **Section 73**

Our Minister may adopt rules concerning the format of the annual financial statements and points to be considered during the audit.

## **Chapter 8. Amendment and Revocation of Laws**

### **Section 74**

Section 8 of the Foreign Financial Relations Act 1994<sup>1)</sup> shall be amended as follows:

1. In the first subsection, after «provided pursuant to this act» the following clause shall be inserted:  
or acquired pursuant to Section 40 of the Statistics Netherlands Act.
2. At the end of the second subsection a sentence shall be added that reads: The first sentence applies mutatis mutandis with respect to data that are acquired pursuant to Section 40 of the Statistics Netherlands Act. Data from which individual citizens can be identified may only be exchanged for other than statistical purposes with the written consent of the director general.
3. After the second subsection a new subsection shall be added that reads:
  3. Contrary to the provisions of the first subsection, and having due regard to the guidelines, instructions and other binding provisions of the ECB, the Bank is authorised to provide data acquired pursuant to this act to Statistics Netherlands for the purpose of the performance of its duties as referred to in Section 3 of the Statistics Netherlands Act.

### **Section 74a**

A subsection shall be added to Section 15 of the Commercial Registers Act 1996<sup>2)</sup> that reads:

3. The obligation to pay a fee as referred to in the first subsection shall not apply if the request for data is made by the Director General of Statistics pursuant to Section 33 (4) of the Statistics Netherlands Act.

### **Section 75**

The act of 28 December 1936 containing measures for the acquisition of accurate economic statistics (Bulletin of Acts, Orders and Decrees, 639DD) is revoked.

### **Section 76**

The CBS (Provision of data for statistical purposes) Act<sup>3)</sup> is revoked.

### **Section 77**

The Act governing the Central Bureau of Statistics and the Central Commission for Statistics<sup>4)</sup> is revoked.

## **Chapter 9. Transitional and Final Provisions**

### *Part 1. Transitional provisions*

#### **Section 78**

1. With effect from the date of the privatisation of the CBS the members of the staff of the CBS under the authority of Our Minister shall be dismissed by operation of law and appointed as civil servants employed by the independent CBS.
2. The staff members referred to in the first subsection shall be transferred with a legal status that as a whole is at least equivalent to that which applied for each of them in the department when it was under the authority of Our Minister.
3. The persons who at the time of the privatisation of the CBS are members of the staff of the CBS under the authority of Our Minister by virtue of a contract of employment in civil law shall be dismissed by operation of law with effect from that time and appointed as employees of the independent CBS with a legal status that as a whole is at least equivalent to that which applied for each of them in the department when it was under the authority of Our Minister.
4. The rules regarding legal status adopted by Our Minister which apply for staff of the CBS under the authority of Our Minister at the time of the privatisation of the CBS shall continue to apply *mutatis mutandis* from that date to the staff employed by the privatised CBS until the director general has made provision for them pursuant to Section 7 (1).

#### **Section 79**

1. In consultation with Our Minister of Finance Our Minister shall determine which assets of the State which are allocated to the CBS under the authority of Our Minister shall be allocated to the privatised CBS.
2. The assets referred to in the first subsection shall pass under universal title to the privatised CBS with effect from the date of the privatisation for a price to be determined by Our Minister in consultation with Our Minister of Finance.
3. If by virtue of the first and second subsections registered properties pass, the names in which they are registered shall be changed in the public registers as referred to in Section 2 of Title 1 of Book 3 of the Netherlands Civil Code. Our Minister of Finance shall issue the necessary instructions to this effect to the custodians of the relevant registers.

#### **Section 80**

Documents in the archives of the CBS under the authority of Our Minister shall pass to the privatised CBS at the time of the privatisation of the CBS in so far as they have not been transferred to an archive in accordance with the Public Records Act 1995.

#### **Section 81**

1. With effect from the time of the privatisation of the CBS the privatised CBS or the director general shall take the place of the State or of Our Minister in statutory procedures and legal proceedings in which the CBS under the authority of Our Minister is involved.
2. In cases in which before the privatisation of the CBS the National Ombudsman has been asked to conduct an investigation on the grounds of Section 12 of the National Ombudsman Act or has instigated an investigation on the grounds of Section 15 of that act into conduct that can be attributed to the CBS under the authority of Our Minister, the director general shall at that time take the place of Our Minister as administrative body in the sense of the National Ombudsman Act.

*Part 2. Final provisions*

**Section 82**

Our Minister shall send a report to both houses of the States General every five years to allow them to assess the effectiveness and efficiency of the functioning of the CBS.

**Section 83**

The sections of this act shall enter into force at a time to be determined by royal decree, which may be different for the various sections or parts thereof.

**Section 84**

This act is cited as: Statistics Netherlands Act.

See for the debates in the States General:  
Parliamentary Documents II 2001/2002, 2002/2003,  
28 277.  
Debates II 2002/2003, page 4408.  
Parliamentary Documents I 2002/2003, 28 277 (235);  
2003/2004, 28 277 (A, B, C).  
Debates I 2003/2004, see meeting on 18 November  
2003.

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

Done at The Hague, 20 November 2003

Beatrix

The Minister of Economic Affairs,  
L. J. Brinkhorst

- <sup>1)</sup> Bulletin of Acts, Orders and Decrees, 1994, 258,  
last amended by the act of 14 November 2002,  
Bulletin of Acts, Orders and Decrees 2003, 55.  
<sup>2)</sup> Bulletin of Acts, Orders and Decrees 1996, 181,  
last amended by the act of 9 October 2003,  
Bulletin of Acts, Orders and Decrees 376.  
<sup>3)</sup> Bulletin of Acts, Orders and Decrees 1988, 258.  
<sup>4)</sup> Bulletin of Acts, Orders and Decrees 1996, 258.

Issued on the *eighteenth* of December 2003  
The Minister of Justice,  
J. P. H. Donner