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**Statistics Netherlands Act**  
**Effective from 01 January 2017**

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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 administrative authority 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. CBS organisation: the director general and all persons employed by or working for CBS;
- e. European statistics: statistics for implementation of binding legal acts within the EU.

**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.
3. The Autonomous Administrative Authorities Framework Act shall be applicable.

**Section 2a**

1. The CBS consists of one management body, the director general, with the title of director general of statistics.
2. 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.
3. When the position of director general becomes vacant, the advisory council shall recommend a candidate for the position to Our Minister.
4. The director general may only be suspended or dismissed in consultation with the advisory council.

5. Our Minister may draw up rules concerning deputisation for the director general.

#### **Section 2b**

1. The director general shall adopt a set of regulations of the board.
2. The regulations of the board shall contain at least a section concerning:
  - a. the structure of the CBS organisation;
  - b. the composition and functioning of the superiors of the various organisational units at CBS and the general division of their tasks.

#### **Section 3**

1. The task of the CBS is to carry out statistical research on account of the government for practice, policy and research purposes and to publish the statistics compiled on the basis of such research.
2. The CBS shall be responsible for fostering:
  - a. the provision of statistical information on account of the government which meets the needs of practice, policy and science;
  - b. the accuracy and completeness of the statistics to be published on account of the government;
3. None of Our Ministers shall commission new statistical research or amend existing research without first consulting the director general.

#### **Section 4**

The CBS is the national authority responsible for the production of European 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.

#### **Section 6**

[Revoked on 01-01-2017]

#### **Section 7**

[Revoked on 01-01-2017]

#### **Section 8**

[Revoked on 01-01-2017]

#### **Section 9**

[Revoked on 01-01-2011]

## **Section 10**

[Revoked on 01-01-2017]

## **Section 11**

[Revoked on 01-01-2011]

## **Section 12**

[Revoked on 01-01-2011]

## **Part 2. Procedures**

### **Section 13**

[Revoked on 01-01-2017]

### **Section 14**

1. At least once every five years, the director general shall define 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.
3. The director general shall submit the multi-annual programme to Our Minister for approval at least 14 months prior to the period which is covered by the multi-annual programme.
4. Within eight weeks after determining his position as referred to in Section 17, Our Minister shall take a decision regarding approval of the multi-annual programme.
5. Approval shall only be withheld from the multi-annual programme if in the opinion of Our Minister it does not meet the financial and organisational conditions as included in the position described in subsection 1, Section 17.
6. The director general shall publish the multi-annual programme following approval by Our Minister.

### **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.
4. The director general shall send the work programme to Our Minister for approval before 1

November of each preceding year.

5. Within six weeks upon receipt of a proposal for the work programme or amendment thereof, Our Minister shall take a decision regarding approval of this proposal.
6. Approval shall only be withheld from the work programme or amendment thereof if, in the opinion of Our Minister, the work programme or amendment does not meet the financial and organisational conditions as included in the position referred to in subsection 1, Section 17 of this Act.
7. The director general shall publish the work programme and amendments thereof following approval by Our Minister.

#### **Section 16**

[Revoked on 01-01-2017]

#### **Section 17**

1. Our Minister determines, in accordance with the feeling of the Council of Ministers, and within six months upon receiving the multi-annual programme, his position on financial and organisational conditions which must be met to achieve the objectives of the multi-annual programme.
2. Our Minister sends a statement on his position to the director general and both Chambers of the States-General.

#### **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**

[Revoked on 01-01-2011]

### **Chapter 4. Advisory council**

#### **Section 20**

1. There is an advisory council, the members of which shall be appointed, suspended and dismissed by Our Minister.
2. As one of its tasks, the advisory council offers solicited or unsolicited advice to the director general regarding the implementation of his tasks and authorities.
3. The regulations of the board as referred to in Section 2b shall in any case set out the composition of the advisory council, the term of appointment of its members, the procedures of the council and the matters on which the council advises, which shall at least include:
  - a. the multi-annual programme referred to in Section 14 and the work programme referred to in Section 15;
  - b. the way in which accuracy and completeness of the statistics to be published on account of the government may be fostered to meet the demands of users for the purposes of practice,

policy and science;

c. operation of the CBS and efficient utilisation of resources.

**Section 21**

[Revoked on 01-01-2017]

**Section 22**

[Revoked on 01-01-2017]

**Section 23**

[Revoked on 01-01-2017]

**Section 24**

[Revoked on 01-01-2017]

**Section 25**

[Revoked on 01-01-2017]

**Section 26**

[Revoked on 01-01-2017]

**Section 27**

[Revoked on 01-01-2017]

**Section 28**

[Revoked on 01-01-2017]

**Section 29**

[Revoked on 01-01-2017]

**Section 30**

[Revoked on 01-01-2017]

**Section 31**

[Revoked on 01-01-2017]

**Section 32**

[Revoked on 01-01-2017]

**Chapter 4a. Bonaire, Sint Eustatius and Saba**

**Section 32a**

This act, with the exception of Section 4, 38a to 39 inclusive, Section 41 (2) (d), and 52a to 52c inclusive, is also applicable in the public bodies of Bonaire, Sint Eustatius and Saba, on the understanding that Chapter 5, Section 4 as it existed on the day before the Act implementing the General Administrative Law Act (Fourth Tranche) entered into force, will continue to apply in the said public bodies.

## **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<sup>o</sup>. central government;
    - 2<sup>o</sup>. provinces;
    - 3<sup>o</sup>. local authorities;
    - 4<sup>o</sup>. water boards;
    - 5<sup>o</sup>. public bodies established pursuant to the Joint Regulations Act;
  - b. public bodies as referred to in Section 134 of the Constitution;
  - c. autonomous administrative authorities at the level of 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 an Order in Council, 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 from the categories of companies, independent professionals, institutions and legal persons designated by said Order.
4. On request by the director general the institutions, departments, bodies and autonomous administrative authorities 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 use the citizen service number in any register and use it for statistical purposes. The director general may use the citizen service 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 objective 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 2a Implementation of Regulation No 638/2004**

### **Section 38a**

1. For the purposes of this section, Regulation No 638/2004 is defined as Regulation (EC) No 638/2004 of the European Parliament and of the Council of 31 March 2004 on Community statistics relating to the trading of goods between Member States and repealing Council Regulation (EEC) No 3330/91 (OJ L 102).
2. Sections 33 (3), 33 (4) and 33 (5) and Section 37(3) do not apply to the implementation of Regulation No 638/2004.

### **Section 38b**

The parties responsible for providing information as referred to in Article 7 of Regulation No 638/2004, who have an obligation to provide information pursuant to this Regulation, will provide the data concerned free of charge to Statistics Netherlands.

### **Section 38c**

1. It is to be established by ministerial regulation:
  - a. which information as referred to in Article 9(2) of Regulation No 638/2004 must be provided;
  - b. the manner in which the data referred to under a. above must be provided;
  - c. the value of the statistical thresholds referred to in Article 10 (1) of Regulation No 638/2004;
  - d. all else that is necessary to comply with the requirements of Regulation No 638/2004.
2. The nature and value of the statistical thresholds referred to in Article 10 (4) of Regulation No 638/2004 may be established by ministerial regulation.
3. The thresholds referred to in the first subsection under c and in the second subsection will be defined each calendar year.

### **Section 38d**

The report referred to in Article 13 (2) of Regulation No 638/2004 will be drawn up by Statistics Netherlands.

## **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 and the members of the European System of Central Banks in so far as providing them is necessary pursuant to a decision of the European Council or the European Parliament.
2. In every other instance in which data are provided to the Community and national statistical agencies of the member states of the European Union or members of the European System of Central Banks, 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.
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.

### **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. 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.

## **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 director general may impose an administrative fine of up to € 5,000 on parties that fail to provide the data as referred to in Section 38b, or fail to provide them in full or in time.
3. Our Minister may adopt rules in consultation with Our Minister of Justice with respect to the exercise of the power to impose an administrative fine.

#### **Section 44**

[Revoked on 01-07-2009]

#### **Section 45**

[Revoked on 01-07-2009]

#### **Section 46**

[Revoked on 01-07-2009]

#### **Section 47**

[Revoked on 01-07-2009]

#### **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**

[Revoked on 01-07-2009]

#### **Section 50**

[Revoked on 01-07-2009]

#### **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, and on parties that fail to provide the data as referred to in Section 38b, or fail to provide them 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.

## **Chapter 5a. Provision of assistance for inspections**

### **Section 52a**

The CBS shall afford assistance, at the request of the European Commission, to an inspection pursuant to Section 5 (4) of Commission Delegated Decision 2012/678/EU of 29 June 2012 concerning investigation and fines in connection with manipulation of statistics within the meaning of Regulation (EU) No 1173/2011 of the European Parliament and Council on the effective enforcement of budgetary surveillance in the euro area (Pb EU 2012, L 306).

### **Section 52b**

1. In case of a request for assistance as referred to in Section 52a the director general appoints, by decision, officials with responsibility for provision of this assistance.
2. Officials referred to in subsection 1 have the authorities included in Section 5 (1) sub a to e inclusive of Commission Delegated Decision 2012/678/EU of 29 June 2012 concerning investigation and fines in connection with manipulation of statistics within the meaning of Regulation (EU) No 1173/2011 of the European Parliament and Council on the effective enforcement of budgetary surveillance in the euro area (Pb EU 2012, L 306).

### **Section 52c**

Section 37 is not applicable to data which are acquired during the provision of assistance as referred to in Section 52a, on the understanding that such data shall only be submitted to the European Commission.

## **Chapter 6. Information provision**

### **Section 53**

The annual report of the director general 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.

### **Section 54**

[Revoked on 01-01-2017]

### **Section 55**

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

### **Section 56**

Without prejudice to Section 18 (2) of the Autonomous Administrative Authorities Framework Act, the director general shall publish the annual report.

### **Section 56a**

[Revoked on 01-01-2011]

### **Section 57**

Our Minister may adopt further rules with respect to the provision of information referred to in Section 20 (1) of the Autonomous Administrative Authorities Framework Act.

#### **Section 58**

Without prejudice to Section 39 (1) of the Autonomous Administrative Authorities Framework Act, the said report shall contain an evaluation of the independent functioning of the CBS.

#### **Section 59**

[Revoked on 01-01-2011]

### **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**

[Revoked on 01-01-2017]

#### **Section 62**

[Revoked on 01-01-2011]

#### **Section 63**

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

#### **Section 64**

The director general shall send the budget to Our Minister before 1 April.

#### **Section 65**

Without prejudice to Section 29 (2) of the Autonomous Administrative Authorities Framework Act approval of the budget may be withheld if Our Minister objects to the size of the proposed amount to be included in the government's budget.

#### **Section 66**

[Revoked on 01-01-2017]

#### **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 actions referred to in Section 32 of the Autonomous Administrative Authorities Framework Act.

#### **Section 69**

[Revoked on 01-01-2011]

#### **Section 70**

The director general shall send the annual financial statements to Our Minister before 1 April.

#### **Section 71**

[Revoked on 01-01-2011]

#### **Section 72**

[Revoked on 01-01-2011]

#### **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**

[Amends the Foreign Financial Relations Act 1994.]

#### **Section 74a**

[Amends the Commercial Registers Act 1996.]

#### **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 is revoked.

#### **Section 77**

The Act governing the Central Bureau of Statistics and the Central Commission for Statistics 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**

[Revoked on 01-01-2011]

### **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.

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

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