

Industrial Organisation Act



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Design & Printing SER Printing Department, The Hague

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Preface

This publication contains the English translation of the Dutch Industrial Organisation Act (Wet op de bedrijfsorganisatie), by which the Social and Economic Council (SER) was established, in 1950. Please note that the translation has no legal force and is provided for information purposes only.

The SER and its mission

The SER (Sociaal-Economische Raad, Social and Economic Council) is an important advisory body to the Dutch government and the parliament. The SER advises (upon request or at its own initiative) on all major national and international social and economic issues and policies. The SER also has an administrative role, as instituted by law. The SER was established in 1950 by the Dutch Industrial Organisation Act (Wet op de bedrijfsorganisatie). The SER is financed by industry, and is wholly independent from the government.

The SER comprises representatives of employers' and employees' organisations and independent experts. It aims to contribute to greater prosperity in society by establishing a consensus on national and international socio-economic issues. In doing so, it aims for both quality and consensus, in the form of a high level of expertise combined with a broad basis of agreement and public support.

The SER's administrative role consists of monitoring commodity and industrial boards, which are responsible for representing the general interests of particular branches. These boards are made up of both employers' representatives and union representatives.

For more information, please visit the SER website: www.ser.nl

Industrial Organisation Act

Act of 27 January, 1950 (Stb. [Staatsblad - Statute Book] K 22), effective from 15 February 1950, most recently amended by Act of 3 April 1999, effective from 1 July 1999 (Stb. 1999, No. 254)

We, JULIANA, etc.

Whereas We have considered that it is desirable to apply to trade and industry Articles 80 and 152 to 154, inclusive, of the Constitution¹,

We, having heard the Council of State, and in joint consultation with the States-General, have approved and enacted etc.

1 The Social and Economic Council

I Seat and Task

▼ Article 1

- 1 There shall be a Social and Economic Council, hereinafter called 'the Council'.
- 2 The Council shall have its seat at The Hague.
- 3 The Council shall be a corporate body.

▼ Article 2

The Council, in addition to the advisory function entrusted to it by Title V of this chapter, shall have the task of promoting such economic activity as will serve the general interest, and of protecting the interests of trade and industry and those engaged therein.

II Constitution and Organisation

§ 1 - General

▼ Article 3

The Council shall have a President, an executive, a Secretary General and, in the event of Article 19 being applied, one or more commissions appointed from among its members.

¹ At present articles 79 and 134 respectively.

§ 2 - The Council

▼ Article 4

- 1 The Council shall consist of at least thirty and at most forty-five members.
- 2 Of these members at least two thirds shall be appointed by organisations of entrepreneurs and of employees to be designated by Us, and the others shall be appointed by Us. Only such organisations of entrepreneurs as, in Our opinion, are generally recognised and central or otherwise representative, and only such organisations of employees as, in Our opinion, are generally recognised and central shall be eligible to be so designated.
- 3 For each member a deputy may be appointed.
- 4 The employees' organisations shall appoint as many members as the entrepreneurs' organisations.
- 5 To be determined by Us are:
 - a the number of members of the Council;
 - b the number of members to be appointed by each organisation designated by Us.
- 6 By or pursuant to Order in Council, rules can be laid down concerning the appointment of members and their deputies.
- 7 The Council shall be heard before any recommendation to designate an organisation as referred to in the second paragraph or to take a decision as referred to in the fifth paragraph is made to Us.

▼ Article 5

- 1 Membership or deputy membership of the Council shall be confined to persons who have not been disposed of eligibility at lawfully called elections nor excluded from the franchise at such elections.
- 2 Membership shall not be open to those who have been dispossessed of the right to hold any or specified offices, or to the right to exercise specified professions or functions.

▼ Article 6

- 1 By Order in Council, rules can be laid down concerning the incompatibility of the membership of the Council with other activities.
- 2 Within two months of the promulgation of a Decree as referred to in the preceding paragraph a proposal to confirm this by law shall be made to the States-General. If such a proposal is withdrawn or rejected by one of the Chambers of the States-General, the Decree shall at once be revoked.

▼ Article 7

- 1 By Order in Council, rules can be laid down concerning the enforcement of the provisions of Article 5 and of the rules made in pursuance of Article 6.

▼ Article 8

- 1 The members of the Council and their deputies shall resign simultaneously every two years and may be reappointed at once.
- 2 The members of the Council and their deputies can at any time obtain their discharge by giving written notice to the president of the Council.
- 3 He who has been appointed a member or deputy member to fill an interim vacancy shall resign at the time when the member whose place he has taken should have resigned.

▼ Article 9

The members of the Council and their deputies may be remunerated in accordance with rules to be laid down by the Council by Order.

▼ Article 10

The members of the Council and their deputies are bound over to secrecy with regard to any commercial and professional secrets they may learn in their capacities, as also with regard to any matters in which the Council or the president has pledged them to secrecy or the confidential nature of which they ought to understand.

§ 3 - The President

▼ Article 11

- 1 The president shall be appointed by Us from among the members of the Council and can be suspended and dismissed by Us. The Council shall be heard before any recommendation of such appointment or dismissal is made to Us.
- 2 The president shall have two deputies, to be appointed by the Council from among its members. They can be suspended and dismissed by the Council.
- 3 The deputy presidents shall be appointed from two out of the following three groups of members, the group from which the president has been appointed being excepted: the members appointed by organisations of entrepreneurs, those appointed by organisations of employees and other members.

▼ Article 12

- 1 The president and the deputy presidents shall be appointed for at most two years and may be reappointed immediately after resigning.
- 2 The president and the deputy presidents can at any time be discharged from their duties as such by giving written notice to Us and to the president respectively.

▼ Article 13

Articles 9 and 10 shall apply analogously to the president and deputy presidents.

§ 4 - The Executive

▼ Article 14

- 1 Without prejudice to the provisions of the following paragraph the Council shall appoint the executive from among its members.
- 2 The president of the Council shall be a member and chairman of the executive, the deputy presidents shall be members thereof.
- 3 The executive shall be constituted in such a way that the composition of the Council is represented thereon.

▼ Article 15

Articles 9 en 10 shall apply analogously to the executive.

§ 5 - The Secretariat

▼ Article 16

- 1 The Council shall have a secretariat consisting of a Secretary General, one or more secretaries and other staff.
- 2 The Secretary General and the secretaries shall be engaged and can be dismissed by the Council.
- 3 The staff shall be employed on the basis of a civil-law employment agreement.

▼ Article 17

- 1 Neither the Secretary General nor the secretaries shall be allowed to conduct an enterprise or to be in the service of a natural person or corporate body conducting an enterprise or to perform any other function on behalf of such a natural person or corporate body, unless the Council believes this will not impede the proper performance of their function. The term 'enterprise' shall be understood to include such undertakings that do not aim at profit.
- 2 By Order in Council, rules can be laid down concerning the incompatibility of a function within the secretariat with other activities.
- 3 By Order in Council, rules can be laid down concerning the enforcement of the provisions of the first paragraph and the rules made in pursuance of the second paragraph.

▼ Article 18

Article 10 shall apply analogously to the employees of the secretariat.

§ 6 - The Commissions from the Council

▼ Article 19

- 1 The Council shall be empowered to set up commissions from among its members to deal with particular subjects.
- 2 Articles 9 and 10 shall apply analogously to such commissions.

III The Procedure

▼ Article 20

The Council shall not meet unless, according to the attendance register, more than half of the actual members have presented themselves. After a meeting has been called twice without more than half of the actual members having presented themselves, the meeting convened next shall be held irrespective of the number of members attending.

▼ Article 21

The members of the Council shall not be indictable on account of what they have said at the meetings or submitted to the meetings in writing.

▼ Article 22

The members of the Council shall give their votes independently of instructions or previous consultation.

▼ Article 23

The members of the Council shall abstain from voting on matters that concern themselves, their spouses or their registered partners, their blood relations or relatives-in-law to the third degree personally.

▼ Article 24

- 1 Polls on non-personal matters shall be taken orally and by call, those on personal matters by closed and unsigned ballot-papers.
- 2 If for a decision on a non personal matter none of the members wish a poll to be taken, the motion shall be deemed to have carried.

▼ Article 25

- 1 A poll shall be void if not more than one half of the actual members who are not bound to abstain have taken part in it.
- 2 When voting on personal matters those members who have handed in blank ballot-papers shall be deemed, for the purposes of the present Article, to have participated in the vote.
- 3 If a poll has become void, a second one shall be taken on the subject, at the next meeting. This poll shall be valid irrespective of the number of members taking part in it.
- 4 A poll taken at a meeting as referred to in the second sentence of Article 20 shall be valid irrespective of the number of members taking part in it.

▼ Article 26

- 1 Each member shall have one vote.
- 2 To adopt an Order a majority of two thirds, to take any other decision, an absolute majority of recorded votes is required. Blank votes shall be deemed not to have been cast.

▼ Article 27

- 1 In case of equality of votes at a plenary meeting, a motion shall be deemed to have been rejected if it concerns a non-personal matter; if it concerns a personal matter it shall be

decided on by lot.

- 2 In case of equality of votes of a non-plenary meeting, the decision shall be deferred until the next meeting, when consultation may be resumed. If then the votes are again equally divided, the preceding paragraph shall apply analogously.

▼ Article 28

- 1 Our Ministers shall be empowered to attend the meetings to be held by the Council and its commissions, assisted by one or more persons to be designated by them, or to have themselves represented at such meetings by one or more such persons. Both the above said Ministers and their representatives shall have a voice but no vote at the said meetings.
- 2 Our Ministers referred to in the first paragraph shall be notified in time of the meetings referred to in that paragraph.

▼ Article 29

Articles 20 to 27 shall apply analogously to the executive.

▼ Article 30

The Council shall seek the advise which it deems necessary for the fulfilment of its task.

▼ Article 31

By Order the Council may lay down further rules concerning its procedure.

IV The Activities

▼ Article 32

- 1 With respect to those subjects whose regulation or further regulation has been left to it by law, the Council shall make such Orders as it deems necessary for the fulfilment of its tasks as defined in Article 2.
- 2 By such Orders the infringement of any provisions made by or under them may be defined as a penal offence.

▼ Article 33

It shall be enacted by law on whom rules laid down in the Orders referred to in Article 32, first paragraph, can be made binding.

▼ Article 34

[Repealed as of 01-10-1992]

▼ Article 35

With a view to the fulfilment of its task as defined in Article 2 the Council may, by Order, delegate its powers, except the powers to make Orders and to pass, under Article 52, third paragraph, the amounts of income and expenditure to the president, the executive or a commission from among its members.

▼ Article 36

The Council shall assist in the administration of a law if it is required to do so by or under that law. Such assistance may include further regulation by Order.

▼ Article 37

Unless the provision requiring its assistance stipulates otherwise, the Council may, by Order, delegate its powers ensuing from the assistance required, except the powers to make further rules by Order, to a commission from among its members.

▼ Article 38

- 1 Unless the Council deems that there are cogent reasons to do otherwise, it shall give notification, containing generally binding measures, in the Industrial Organisation Newsletter [Mededelingenblad Bedrijfsorganisatie] issued on behalf of the Council and it shall enable considerations to be lodged with it in writing within a period of four weeks.
- 2 The Council shall consult and decide upon the enactment of Orders in public.
- 3 Orders by the Council as referred to in the first paragraph of the present Article and in Article 47 shall be announced in a generally accessible manner in the Industrial Board Orders Journal [Verordeningenblad Bedrijfsorganisatie] published on behalf of the Council. The Orders Journal may be published electronically. After it has been published electronically, the Orders Journal shall remain available electronically in a generally accessible manner. The provisions

in the second and third sentence shall be subject to further rules by or pursuant to Order in Council. If the Orders require approval, the announcement shall not be made until approval has been granted. The decision resulting in the approval shall be stated in the announcement. If they do not stipulate anything to the contrary, the Orders shall take effect as from the day following that of the announcement.

- 4 Orders as referred to in the first paragraph of the present Article are subject to the approval of Our Ministers concerned.
- 5 If electronic publication of the Orders Journal is not possible, either wholly or in part, in the manner provided for in the third paragraph, the Council shall publish a replacement edition.
- 6 No costs shall be charged for inspecting an Order published in accordance with the third or fifth paragraph.

▼ Article 38 a

- 1 The texts of Orders as referred to in Article 38, first paragraph shall be available to everyone in consolidated form by means of a generally accessible electronic medium designated by Order in Council.
- 2 A consolidated text of an Order made available on the basis of the first paragraph shall remain available if the Order is amended or withdrawn after it has been made available.
- 3 Our Minister of the Interior and Kingdom Relations may impose rules concerning the way in which the texts referred to in the first paragraph are made available.
- 4 Categories of Orders may be designated by or pursuant to Order in Council to which the first paragraph does not apply.

▼ Article 39

The president shall represent the Council at law and otherwise.

▼ Article 40

When asked, the Council shall inform Our Ministers on all matters concerning itself.

V The Advice of the Council

▼ Article 41

The Council shall issue its advice at the written request of Our Ministers or of one of the Chambers of the States-General, and can also advise Our Ministers of its own accord on the administration of this Act and on other matters of a social or economic nature. In the event that Our Ministers seek the Council's advice, they shall indicate the term within which its advice

is expected. For purposes of this Title, Article 20, second, fifth and sixth paragraphs, as well as Article 23 of the Advisory Bodies Framework Act [Kaderwet adviescolleges] do not apply.

▼ Article 42

- 1 The Council may institute commissions, on which also persons who are not members of the Council may sit, to prepare the advice to be given by it.
- 2 Articles 9, 10 en 28 shall apply analogously to such commissions.

▼ Article 43

- 1 In departure from the Advisory Bodies Framework Act [Kaderwet adviescolleges], at the request of Our Ministers concerned the Council shall institute commissions to deal with specific subjects. The constitution of such commissions on which also persons who are not members of the Council may sit, shall be subject to consultation with Our Ministers.
- 2 The Council, on being asked, shall add to its advice that of a commission instituted in accordance with the preceding paragraph.
- 3 If Our Ministers concerned have sought the advice of such a commission, it shall advise them direct, notifying the Council of such advice.
- 4 Articles 9, 10 en 28 shall apply analogously to such commissions.

▼ Article 44

The Council may authorise the commissions referred to in Articles 42 and 43 to give advice on its behalf. Such authorisation shall not be granted in the case of advice to one of Our Ministers who has expressly requested that such advice be given by the Council itself.

▼ Article 45

- 1 The advice of the Council and its commissions shall be drawn up in conformity with the opinion of the majority at the meetings.
- 2 If required, the advice shall state differing opinions of the minority.
- 3 Members shall be authorised to add minority notes to an advice, if the opinions expressed in such notes have been defended at the meeting where the advice was discussed.

VI Finance

§ 1 - The Budget

▼ Article 46

- 1 Every year before 1 October the executive shall submit to the Council a budget of estimated receipts and expenses in the next calendar year, accompanied by such explanatory notes and documents as are required.
- 2 Immediately after being presented the budget shall be deposited at the office of the secretariat for public inspection and shall be made generally available at cost.
- 3 Of such deposit and availability public notice shall be given, which shall precede the Council's discussion of the budget by at least two weeks.

▼ Article 47

The budget shall be fixed by Order of the Council and shall be subject to the approval of Our Minister of Social Affairs and Employment.

▼ Article 48

- 1 The budget, as fixed by the Council, shall be submitted to Our Minister of Social Affairs and Employment for his approval, before 15 November.
- 2 If the budget is not approved before the beginning of the year which it covers, the Council can be authorised by Our Minister of Social Affairs and Employment to make expenses on such accounts, and collect such monies, as are approved by Our Minister of Social Affairs and Employment.

▼ Article 49

- 1 If the Council refuses to include in the budget expenditure imposed by law, such inclusions shall be effected by Our Minister of Social Affairs and Employment.
- 2 If in such a case the estimated receipts are insufficient and the Council refuses to propose new means to cover the deficit, the other expenses, not imposed on the Council by law, shall be reduced by Our Minister of Social Affairs and Employment by such a proportion that receipts and expenses shall balance.

▼ Article 50

[Repealed as of 01-10-1992]

§ 2 - Administration and Accounts

▼ Article 51

The executive shall administer the property and control the income and expenditure of the Council, on the understanding that the Council may, by Order, lay down rules concerning such administration.

▼ Article 52

- 1 The executive shall render to the Council an account of its administration over the past calendar year, submitting the account of income and expenditure.
- 2 This account, together with all pertinent documents as well as a statement of all such matters as the executive deems relevant, shall be submitted to the Council within six months of the end of the year which it covers. It shall be deposited at the office of the secretariat for public inspection and shall be made generally available at cost. Of such deposit and availability public notice shall be given, which shall precede the consultation referred to in the third paragraph by at least two weeks.
- 3 The Council shall examine the account and determine the amounts of income and expenditure. Consultation and voting on this matter shall be public. Members of the executive may attend the consultation but shall abstain from voting.
- 4 The Council's decision shall be subject to the assent of Our Minister of Social Affairs and Employment.
- 5 The assent of Our Minister of Social Affairs and Employment shall discharge the executive, as far as the approved income and expenditure are concerned, except when later it should appear that forgery in vouchers or other irregularities have been committed.

▼ Article 53

The Council shall furnish Our Minister of Social Affairs and Employment and the experts designated by him with any information they may require concerning the income and expenditure, and allow them to peruse the books at their request.

§ 3 - The Income

▼ Article 54

The means to meet the expense permitted by the budget shall be obtained by levying surcharges on amounts owed pursuant to Section 49 of the Dutch Trade Register Act 2007 [Handelsregisterwet 2007]. By Order in Council, categories of businesses or corporate bodies

may be designated on the recommendation of Our Minister of Social Affairs and Employment to which the first paragraph, under a, does not apply.

▼ Article 55

Every year, the Council shall fix, by Order, the number of surcharges, as referred to in the first paragraph of the previous article. The Chambers of Commerce and Industry shall collect these surcharges at the same time and in the same way as the amounts due to them under Article 49 of the Trade Register Act 2007.

Orders, as referred to in the first paragraph, shall be subject to the approval of Our Minister of Social Affairs and Employment.

VII Supervising the Council

▼ Article 56

- 1 If an Order or other decision by the Council is subject to Our approval or to the approval of Our Ministers concerned, this shall only be refused on account of the Order or decision being contrary to law or the public interest.
- 2 If a decision with regard to approval or a decision to defer the approval is not made known on time, this does not mean that a decision to approve will be deemed to have been passed.

▼ Article 57

[Repealed as of 01-01-1998]

▼ Article 58

The decisions of the Council, the president, the executive and the Council's committees can be annulled by Us.

▼ Article 59

The Royal Decree to annul or suspend, or to extend or lift a suspension shall be published in the Statute Book (Staatsblad).

▼ Article 60-64

[Repealed as of 01-01-1998]

▼ Article 65

- 1 Every year before 1th of April, the Council shall report to Our Ministers on its activities and those of the commissions referred to in Articles 19, 42 and 43, during the past calendar year.
- 2 At the same time, the Council shall report on its findings on exercising the supervision entrusted to it in the second chapter.
- 3 Both reports shall be made available to the public at cost.
- 4 The Council shall save the reports electronically for inspection for at least two years.

2 Industrial organisation bodies

I Institution and Task

▼ Article 66

- 1 For two or more groups of enterprises performing different economic functions in respect of certain commodities or groups of commodities public bodies can be instituted which shall be named general commodity boards (hoofdproductschappen) and commodity boards (productschappen).
- 2 For enterprises performing equal or related economic functions public bodies can be instituted which shall be named general industrial boards (hoofdbedrijfschappen) or industrial boards (bedrijfschappen).
- 3 The term 'enterprise' shall be understood to include such undertakings as do not aim at profit.
- 4 General commodity boards (hoofdproductschappen), commodity boards (productschappen), general industrial boards (hoofdbedrijfschappen) and industrial boards (bedrijfschappen) can, in this Act and in other Acts, and in the regulations based thereon, be referred to as: industrial organisation bodies.

▼ Article 67

An industrial organisation body shall be instituted on the recommendation of Our Ministers concerned by Order in Council.

▼ Article 68

- 1 Unless the Council has issued advice of its own accord, it shall be allowed to issue an advice on the intention of our Ministers concerned to further the institution of an industrial organisation body or to amend an institution decision within a term to be set by them.
- 2 Before issuing its advice on a decision to institute an industrial organisation body or an amendment thereto, the Council shall hear the organisations as the Council considers representative of the entrepreneurs and employees concerned. The Council shall make public its intention to do so at least eight weeks before issuing its advice.
- 3 When issuing advice concerning the institution of an industrial organisation body or concerning an amendment to the mandate of an industrial organisation body, the Council shall indicate whether it believes there is sufficient support for such among the entrepreneurs involved.
- 4 Rules may be imposed by or pursuant to Order in Council with respect to the Council's means of issuing advice as referred to in the third paragraph.

▼ Article 69

- 1 By means of a representative sample, an industrial organisation body shall investigate every four years whether it has sufficient support from the entrepreneurs covered by its mandate.
- 2 The industrial organisation body shall inform the Council of the results of the investigation and the conclusions it has drawn, and the Council shall send them to the Minister of Social Affairs and Employment, together with its own advice.
- 3 Our Minister of Social Affairs and Employment, in agreement with Our other Minister or Ministers involved if appropriate, may stipulate, if he or she believes that the results of the investigation give cause to do so, that the investigation be repeated within two years. This repeat investigation shall be subject to the second paragraph.
- 4 The Council shall supervise the conduct of the investigations referred to in this Article.
- 5 Further rules may be imposed by or pursuant to Order in Council concerning the implementation of the investigation referred to in this Article, the means of publishing the results and the related conclusions and the way in which the Council exercises its supervision.
- 6 The recommendation to adopt an Order in Council pursuant to the fifth paragraph shall not be made until four weeks after the draft document has been submitted to both houses of the Dutch Parliament.

▼ Article 70

- 1 An industrial organisation body shall be dissolved on the recommendation of Our Ministers concerned by Order in Council. Article 68, first and second paragraphs, shall apply accordingly.
- 2 An Order in Council concerning the dissolution of an industrial organisation body shall include all the regulations necessary in connection with the dissolution. These regulations may also pertain to the dissolved body's assets.

▼ Article 70a

- 1 In case of an existing industrial organisation body being re-instituted, or several existing industrial organisation bodies being joined, in instituting an industrial organisation body, the decision to institute an industrial organisation body or a decision to dissolve the existing industrial organisation bodies shall regulate:
 - a which industrial organisation bodies shall be dissolved and which regulations to institute an industrial organisation body are annulled;
 - b which Orders of the existing industrial organisation bodies or of a body as referred to in Article 110 shall remain in force and effect and until what time;
 - c the transfer of employees of the existing industrial organisation bodies to the new industrial organisation body, and their legal position;
 - d the passage of rights, obligations, assets and filed records from the existing industrial organisation bodies to the new industrial organisation body;
 - e how legal procedures and proceedings involving the existing industrial organisation bodies will be handled;
 - f the attribution of decisions passed by the existing industrial organisation bodies to the new industrial organisation body;
 - g which co-administrative tasks of the existing industrial organisation bodies will be carried out by the new industrial organisation body.
- 2 In case of an industrial organisation body being instituted or dissolved, resulting in the passage of register-bound goods, the said transfer shall be registered immediately in the public registers, as referred to in Section 2 of Title 1 of Book 3 of the Civil Code [Burgerlijk Wetboek]. Article 24, first paragraph, of Book 3 of the Civil Code is not applicable.

▼ Article 71

The industrial organisation bodies shall have the task of promoting such conduct of business by the enterprises for which they have been instituted as shall serve the general interest, and of protecting the common interests of those enterprises and the persons engaged therein.

II Constitution and Organisation

§ 1 - General

▼ Article 72

- 1 The industrial organisation bodies shall have a committee, a president and an executive and, in the event of Article 88 being applied, one or more commissions appointed from the committee and, in the event of Article 88a being applied, one or more other organs.
- 2 Wherever in the present Act reference is made to the organs of the industrial organisation bodies, such reference shall be to the organs mentioned in the preceding paragraph.

§ 2 - The Committee

▼ Article 73

- 1 Of the committee of an industrial organisation body as many members shall be appointed by the organisations of entrepreneurs as by the organisations of employees, unless, by the decision instituting the industrial organisation body, special reasons necessitate a deviation from this rule.
- 2 The decision instituting the industrial organisation body shall determine how many members may be appointed by organisations of entrepreneurs and how many members may be appointed by organisations of employees, on the understanding that the total number of committee members shall be at least six.

▼ Article 74

- 1 The Council shall, in good time before the start of a new term of the committee of an industrial organisation body, designate the organisations of entrepreneurs and of employees which are empowered to appoint members of that committee, under the restriction of the number of members that may be appointed per organisation. Only such organisations as, in the opinion of the Council, are representative of the entrepreneurs and the employees concerned and which are associations with full legal capacity, shall be eligible to be so designated; the Council shall make rules on representativeness by Order.
- 2 The designated organisations shall be empowered to appoint a deputy for each member appointed by them.
- 3 By Order of the Council rules can be laid down concerning the acceptance by members and deputy members of the committee of their functions.
- 4 An Order as referred to in the first and third paragraphs shall be subject to the approval of Our Ministers concerned.

▼ Article 75

- 1 The membership and deputy membership of the committee of an industrial organisation body shall be confined to those who have not been deprived of eligibility at lawfully called elections nor excluded from the franchise at such elections.
- 2 Articles 5, second paragraph, 6, 7 and 10 shall apply analogously in this respect.

▼ Article 76

- 1 Unless the decision instituting the industrial organisation body stipulates otherwise, the members of the committee and their deputies shall resign simultaneously every two years and may be reappointed at once.

- 2 The members of the committee and their deputies can at any time obtain their discharge by giving written notice to the committee of the body concerned.
- 3 He who has been appointed a member or deputy member of the committee to fill an interim vacancy shall resign at the time when the member whose place he has taken should have resigned.

▼ Article 77

The committee members of an industrial organisation body and their deputies may be remunerated at the expense of that industrial organisation body in accordance with rules to be laid down, by Order, by the committee of that industrial organisation body. Such an Order shall be subject to the approval of the Council.

§ 3 - The President

▼ Article 78

- 1 The president of an industrial organisation body shall be appointed, from among the members of the committee or otherwise, suspended and dismissed by Royal Decree. The committee of the industrial organisation body concerned will be allowed to express its opinion on the matter.
- 2 The president shall each time be appointed for the term of the committee or for the remainder of the term. He may be reappointed at once.

▼ Article 79

[Repealed as of 01-07-1999]

▼ Article 80

- 1 The committee of an industrial organisation body may appoint from among its members one or more deputy presidents. The committee may suspend or dismiss the deputy presidents.
- 2 The deputy presidents can at any time be discharged from their duties as such by giving written notice to the president.

▼ Article 81

Articles 5, 6, 7 and 10 shall apply analogously to the president of an industrial organisation body and his deputies.

▼ Article 82

The president of an industrial organisation body shall be chairman of the committee.

▼ Article 83

The president of an industrial organisation body and his deputies may be remunerated at the expense of the body concerned in accordance with rules to be laid down, by Order, by the committee of that body. Such an Order shall be subject to approval by the Council.

§ 4 - The Executive

▼ Article 84

- 1 Without prejudice to the provisions of the following paragraph the committee shall appoint the executive from among its members. The committee is authorised to appoint a deputy from among its members for each member of the executive.
- 2 The chairman of the committee shall also be chairman of the executive.
- 3 The executive shall be constituted in such a way that the committee is represented thereon.

▼ Article 85

Articles 10 and 77 shall apply analogously to the executive.

§ 5 - The Secretariat

▼ Article 86

- 1 The industrial organisation bodies shall have secretariats consisting of one or more secretaries and other staff.
- 2 The secretaries shall be engaged and can be dismissed by the committee.
- 3 The staff shall be employed on the basis of a civil law employment agreement.

▼ Article 87

Articles 10 and 17 shall apply analogously to the employees of the secretariats of the industrial organisation bodies.

§ 6 - The Commissions from the committee and from the other organs, as referred to in Article 72, first paragraph

▼ Article 88

- 1 The committee of an industrial organisation body shall be empowered to set up commissions from among its members to deal with specific subjects.
- 2 Articles 10 and 77 shall apply analogously to such commissions.

▼ Article 88a

- 1 Other organs of the body can also be instituted by the decision instituting the body. Their composition is also stipulated by that decision.
- 2 Articles 10, 74 and 77 shall apply analogously to such organs.

III The Procedure of the Organs

▼ Article 89

- 1 Articles 20 to 25 inclusive shall apply analogously to the committee and the executive.
- 2 Articles 26 and 27 shall apply analogously to the committee and the executive, without prejudice to the provisions of Article 90.
- 3 The president, if he is not a member of the committee, shall have a voice but no vote at the meetings of that committee and the executive.

▼ Article 90

- 1 If the number of members of the committee of an industrial organisation body appointed by employees' organisations is unequal to the number of members appointed by entrepreneurs' organisations, each member belonging to the smaller of the above groups, when voting at a meeting of the committee or the executive on decisions as referred to in Articles 80 and 83 on the budget or on social matters - including the question whether a matter is a social one - shall cast a number of votes equal to the number of actual members belonging to the other group divided by the number of such members belonging to his own.
- 2 If in applying the preceding paragraph the votes are equally divided on the question whether a matter is a social one and if at the same time the members appointed by entrepreneurs' organisations take a view opposite to that of the members appointed by employees' organisations, the president shall submit the moot point without delay to the Council for a decision.
- 3 If the committee of an industrial organisation body is constituted in the manner provided for in the first paragraph and a poll is taken on the draft of an Order to which the first paragraph

does not apply the proposal shall be deemed to have been rejected if all votes cast by members appointed by entrepreneurs' organisations or all those cast by members of employees' organisations are against it.

▼ Article 91

- 1 Our Ministers concerned shall be empowered to have themselves represented by one or more persons, to be designated by them, at the meetings to be held by the committee of an industrial organisation body. Such representatives shall have an advisory vote in these meetings.
- 2 The Council shall be empowered to have itself represented by one or more persons, to be designated by the Council, at the meetings to be held by the committee of an industrial organisation body.
- 3 Such representatives as referred to in the first and second paragraphs shall be notified in time of the meetings referred to in the first paragraph.

▼ Article 92

By Order the committee of an industrial organisation body may lay down further rules concerning its procedure, that of the other organs of the body and that of the secretariat.

IV The Activities

▼ Article 93

- 1 The committee of an industrial organisation body shall make such Orders as it deems necessary for the fulfilment of the task as defined in Article 71 in respect of those subjects of which the regulation or further regulation is to be carried out by that body pursuant to the second paragraph.
- 2 Subject to the relevant rules set by the decision instituting the industrial organisation body, an industrial organisation body is empowered to regulate or further regulate one or more of the following subjects or parts thereof in so far as:
such subjects or parts thereof have not been removed from such powers by the decision instituting the industrial organisation body; and the regulation thereof has not been entrusted exclusively to others by or under a law, i.e.:
 - a the registration of enterprises and persons employed by such enterprises, and - in so far as necessary for the fulfilment of the task of the industrial organisation body - the supply of information and the perusal of books and documents and the inspection of the enterprise;
 - b the production, the sale, the distribution and the use, including the storage and processing, of goods as well as the rendering of services;
 - c the advancement of professional business conduct;

- d wages and other conditions of labour;
 - e social, economic and technical research;
 - f labour market provisions;
 - g funds and other institutions for the benefit of those engaged in an industry.
- 3 Orders concerning subjects as referred to under a. of the preceding paragraph shall contain provisions against the abuse of data furnished under such Orders.
 - 4 The establishment, the expansion and the closing of enterprises shall not be regarded as subjects within the meaning of the second paragraph.
 - 5 No Order shall be an impediment to fair competition.

▼ Article 94

Orders as referred to in Article 93, first paragraph, shall be subject to the approval of the Council, unless the decision instituting the industrial organisation body stipulates otherwise. Such Orders must be accompanied by explanatory notes which set forth the motives underlying the drawing up of the Order.

▼ Article 95

- 1 The committee of an industrial organisation body shall have all powers relative to the fulfilment of its task as defined in Article 71 that have not been conferred by the present or some other Act on another organ of the body concerned.
- 2 By Order the committee may delegate its powers to another organ of the body.
- 3 Neither the powers to stipulate Orders as referred to in Article 93, first paragraph and Article 126, first paragraph, nor the powers to stipulate further rules regarding subjects regulated by such Orders, nor the powers to pass, under Article 124, third paragraph, the amount of income and expenditure may be delegated. In respect of making Orders, only the powers to stipulate further relevant rules regarding subjects explicitly designated to that end by such Orders may be mandated.

▼ Article 96

- 1 The organs of an industrial organisation body shall give any assistance they are required to give by or under a law or by an Order of the Council.
- 2 The organs of a commodity board shall assist in the administration of an Order of the committee of a general commodity board if they are required to do so by that Order.
- 3 The organs of an industrial board shall assist in the administration of an Order of the committee of a general commodity board, commodity board or general industrial board if they are required to do so by that Order.
- 4 Orders as referred to in the second and third paragraph only claim such assistance as concerns the fulfilment of the task which the body requiring the assistance has with regard

to enterprises for which also the body of whose organ the assistance is required has been instituted.

▼ Article 97

- 1 The assistance required of the committee of an industrial organisation body, as referred to in Article 96, may include further regulation by Order.
- 2 Orders as referred to in the first paragraph shall, unless stipulated otherwise, be subject to approval by:
 - a the Council, if the assistance has been required by an Order of the Council;
 - b the committee of a general commodity board, a commodity board or a general industrial board, if the assistance has been required by an Order of that committee.

▼ Article 98

- 1 Unless the provision requiring its assistance stipulates otherwise, the committee of an industrial organisation body may, subject to such rules as it deems necessary, charge another organ of that body, by Order, to lend the required assistance.
- 2 The powers to stipulate further rules by Order ensuing from the assistance required may not be delegated, unless the provision requiring the assistance stipulates otherwise.

▼ Article 99

- 1 If the organ of an industrial organisation body whose assistance is required does not lend it or does not lend it properly, other provision shall be made:
 - a by Our Minister concerned, if the assistance is required by or under a law;
 - b by the Council in other cases.
- 2 Such provision shall be made at the expense of the defaulting industrial organisation body.

▼ Article 100

- 1 Unless the committee of an industrial organisation body deems that there are cogent reasons to do otherwise, it shall give notification, in the manner prescribed by Order in Council, of the drafts of any Orders that lay down rules binding on persons, in the Industrial Organisation Newsletter [Mededelingenblad Bedrijfsorganisatie] published on behalf of the Council and it shall enable considerations to be lodged with it in writing within a period of four weeks.
- 2 The committee shall consult and decide upon Orders in public.
- 3 Orders of which the drafts have not been given notification of in accordance with the first paragraph shall be subject to the approval of Our Ministers concerned, in agreement with Our other Minister or Ministers, if appropriate.

- 4 Rules may be imposed by Order in Council regarding the involvement of one or more of Our Ministers in the case of matters or economic sectors covered by certain Orders.

▼ Article 101

- 1 Any provisions in Orders by the committee of an industrial organisation body that are incompatible with an Order by the Council shall, according to law, cease to operate at the moment when the incompatibility arises.
- 2 Any provisions in Orders by the committee of an industrial board that are incompatible with an Order by the committee of a general industrial board, a commodity board or a general commodity board shall, according to law, cease to operate at the moment the incompatibility arises.
- 3 Any provisions in Orders by the committee of a general industrial board that are incompatible with an Order by the committee of a general commodity board or a commodity board shall, according to law, cease to operate at the moment when the incompatibility arises.
- 4 Any provisions in Orders by the committee of a commodity board that are incompatible with an Order by the committee of a general commodity board shall, according to law, cease to operate at the moment the incompatibility arises.

▼ Article 102

- 1 The Orders of the committee of an industrial organisation body may contain rules that shall be binding on natural persons and corporate bodies conducting the enterprises for which the body concerned has been instituted, as also on persons engaged in such enterprises.
- 2 The decision instituting an industrial organisation body shall determine whether and to what extent the Orders of the committee of that body may contain rules that shall be binding on other natural persons and corporate bodies in so far as these perform actions normally performed in the conduct of business by the enterprises for which the body concerned has been instituted.

▼ Article 103

- 1 If a clause in a labour contract is incompatible with any provision of an Order by the committee of an industrial organisation body that is binding on the parties to that contract, such provision shall supersede the clause in the contract.
- 2 If a labour contract contains no clauses relative to matters regulated by any provisions of an Order by the committee of an industrial organisation body that are binding on the parties to that contract, such provisions shall apply between the parties.
- 3 The provisions of the preceding paragraph shall apply analogously to contracting for works, contracts for specific services, agency contracts and collective labour contracts.

▼ Article 104

- 1 Unless the decision instituting the industrial organisation body determines otherwise, an infringement of any provisions made by or under Orders may be defined by such Orders as:
 - a a fact for which a disciplinary measure may be imposed; or
 - b a punishable fact, unless it concerns an infringement of provisions regarding the hours of work and rest.
- 2 An infringement may be defined as a punishable fact only if such is necessary for the protection of the interests protected by the provision concerned. Orders defining an infringement as a punishable fact shall be subject to the approval of Our Ministers concerned, in agreement with Our other Minister or Ministers, if appropriate.
- 3 The persons designated in the decision of the industrial organisation body shall be charged with supervising compliance with an Order. The decision shall be subject to the approval of Our Minister concerned, in agreement with Our other Minister or Ministers, if appropriate. Our Minister concerned, in agreement with Our other Minister or Ministers, if appropriate, may instruct the industrial organisation body concerning the designation of supervisors and the way in which supervision is exercised.
- 4 With regard to the second and third paragraphs, Article 100, fourth paragraph, shall apply accordingly.
- 5 The right to claim a disciplinary measure shall lapse after two years. Articles 71, first paragraph, and 72, of the Dutch Criminal Code [Wetboek van Strafrecht] shall apply accordingly.

▼ Article 105

[Repealed.]

▼ Article 106

- 1 Orders of the committee of an industrial organisation body that lay down rules binding on persons as referred to in Article 102, decisions as referred to in Article 104, third paragraph, and an Order as referred to in Article 119 shall be announced in the Industrial Board Orders Journal [Verordeningenblad Bedrijfsorganisatie] referred to in Article 38, third paragraph. If the Orders require the approval of one or more of Our Ministers, the Council or the board of a general commodity board, a commodity board or a general industrial board, the announcement shall not take place until this approval has been granted. The decision resulting in the approval shall be stated in the announcement. If they do not stipulate anything to the contrary, the Orders shall take effect as from the day following that of the announcement.
- 2 No costs shall be charged for inspecting an Order announced in accordance with the first paragraph.
- 3 The committee shall reconsider the rationale of an Order as referred to in Article 93, first

paragraph, or Article 126, first paragraph, every four years after it has taken effect and shall report its decision to Our Minister concerned.

▼ Article 106a

- 1 The texts of Orders as referred to in Article 106, first paragraph shall be available to everyone in consolidated form by means of a generally accessible electronic medium designated by Order in Council.
- 2 A consolidated text of an Order made available on the basis of the first paragraph shall remain available if the Order is amended or withdrawn after it has been made available.
- 3 Our Minister of the Interior and Kingdom Relations may impose rules concerning the way in which the texts referred to in the first paragraph are made available.
- 4 Categories of Orders may be designated by or pursuant to Order in Council to which the first paragraph does not apply.

▼ Article 107

The president of an industrial organisation body shall represent that body at law and otherwise.

▼ Article 108

Industrial organisation bodies may fulfil an advisory function towards one another as well as towards the Council and third parties.

V Provisions for the joint protection of the interests of industrial organisation bodies

▼ Article 109

- 1 The committees of two or more industrial organisation bodies may together make provision for the joint protection of interests.
- 2 Such provision shall include rules concerning its amendment, its extension, if made for a limited time, and its discontinuance.
- 3 The provision as well as its amendment and discontinuance shall be subject to the approval of the Council.

▼ Article 110

By a provision made by Order by the committees of the industrial organisation bodies concerned, a corporate body may be instituted. In such event the constitution, organisation, procedure, finances and powers of the body and its organs shall also be regulated. The Order shall be subject to the approval of Our Minister of Social Affairs and Employment, in agreement with Our other Minister of Ministers concerned, if appropriate. Article 100, fourth paragraph, shall apply accordingly.

▼ Article 111

- 1 If a body has been instituted, the committees of the industrial organisation bodies concerned announce in the Official Government Gazette [Staatscourant] that such a provision had been made. In so doing they shall state:
 - a the interest for whose protection the provision has been made;
 - b what industrial organisation bodies are participating.
- 2 Similar notice shall be given when the provision is amended, extended or discontinued.
- 3 A certified copy of the approved provision shall at all times be open to inspection, free of charge, at the office of the Council's secretariat and a copy or extract shall be available at cost.

▼ Article 112

The powers of a body as referred to in Article 110 can be no other than those of the industrial organisation bodies concerned.

▼ Article 113

If a body has been instituted by Order as referred to in Article 110, the committee of that body may, by that Order, only be granted a mandate of the powers of the participating industrial organisation bodies to stipulate rules by Order as referred to in Articles 93, first paragraph, and 126, first paragraph.

▼ Article 114

- 1 Articles 10, 21 and 23 shall apply analogously to a body as referred to in Article 110.
- 2 Article 91 shall apply analogously to the meetings of the organ of such a body which is empowered to make Orders.

▼ Article 115

If the committee of an industrial organisation body deems it desirable to make a provision as referred to in Article 109, first paragraph, and the committee of the industrial organisation body which it wants to involve in that provision does not lend its assistance, the first-mentioned committee may ask the Council to impose such provision. Together with such a request it shall submit the draft of the provision.

▼ Article 116

- 1 The Council shall hear the committee of the industrial organisation bodies on the drafted provision.
- 2 If the Council considers the desirability of involving other industrial organisation bodies in the joint action, it shall also hear the committees of those bodies.

▼ Article 117

Articles 109 to 114 inclusive shall apply analogously to a provision imposed under Article 115.

VI Finance

§ 1 - The Budget

▼ Article 118

- 1 Every year before 1 October the executive of the industrial organisation body shall submit to the committee of that body a budget of estimated receipts and expenses in the next calendar year, accompanied by such explanatory notes and documents as are required.
- 2 Immediately after being presented the budget shall be deposited at the office of the secretariat for public inspection and shall be made generally available at cost.
- 3 Of such deposit and availability public notice shall be given, which shall precede the committee's discussion of the budget by at least two weeks.

▼ Article 119

The budget shall be fixed by the committee, by Order, and shall be subject to the approval of the Council.

▼ Article 120

- 1 The budget, as fixed by the committee, shall be submitted to the Council before 15 November.
- 2 If the budget is not approved before the beginning of the year which it covers, the Council may authorise the body concerned to make expenses on such accounts, and collect such monies, as are approved by the Council.

▼ Article 121

- 1 If the committee refuses to include in the budget expenditure imposed on the body by law, such inclusion shall be effected by the Council.
- 2 If in such a case the estimated receipts of the body are insufficient and the committee refuses to propose new means to cover the deficit, the other expenses, not imposed on the body by law, shall be reduced by the Council by such a proportion that the receipts and expenses of the body shall balance.

▼ Article 122

By Order the Council may lay down rules concerning the arrangement of the budgets of the industrial organisation bodies.

▼ Article 122a

The Council may lay down rules concerning the first budget of an industrial organisation body, which deviate from the Articles 118, first paragraph, and 120.

§ 2 - Administration and Accounts

▼ Article 123

The executive shall administer the property and control the income and expenditure of the industrial organisation body, on the understanding that the committee may, by Order, lay down rules concerning such administration.

▼ Article 124

- 1 The executive shall render to the committee an account of its administration over the past calendar year, submitting the account of income and expenditure.
- 2 This account, together with all pertinent documents as well as a statement of all such matters

as the executive deems relevant, shall be submitted to the committee within six months of the end of the year which it covers. It shall be deposited at the office of the secretariat for public inspection and shall be made generally available at cost. Of such deposit and availability public notice shall be given, which shall precede the consultation referred to in the third paragraph by at least two weeks.

- 3 The committee shall examine the account and pass the amounts of income and expenditure. Consultation and voting on this matter shall be public. Members of the executive may attend the consultation but shall abstain from voting.
- 4 The committee's decision shall be subject to the assent of the Council, unless the decision instituting the industrial organisation body provides otherwise.
- 5 The assent shall discharge the executive, as far as the approved income and expenditure are concerned, except when later it should appear that forgery in vouchers or other irregularities have been committed.

▼ Article 125

- 1 By Order the Council may lay down rules concerning the administration of the finances, including wages and other remunerations of the staff and the formation of funds, of the industrial organisation bodies, without prejudice to the power of the committees of these bodies to make rules or further rules on the subject by Order.
- 2 The organs of the industrial organisation body shall furnish the Council and the experts designated by it with any information that may be required concerning the income and expenditure and allow them to peruse the books at their request.

▼ Article 125a

The Council may lay down rules concerning an industrial organisation body's first account of administration and first account of income and expenditure, which deviate from Article 124, first paragraph and the first sentence of the second paragraph.

§ 3 - The Income

▼ Article 126

- 1 By Order industrial organisation bodies may impose levies on those conducting the enterprises for which they have been instituted.
- 2 Moreover, the body concerned may charge fees, by Order, for services rendered by it.
- 3 The decision instituting the industrial organisation body may lay down rules concerning the levies to be imposed.
- 4 Orders as referred to in the first paragraph shall also require the approval of Our Minister concerned, in agreement, if appropriate, with Our other Minister or Ministers, if:

- a they are intended to individually finance a specific cause stated in the Order, or
 - b the draft of the Order was not announced in accordance with Article 100, first paragraph.
- Article 100, fourth paragraph, shall apply accordingly.
- 5 In addition to Article 89, second paragraph, an Order as referred to in the preceding paragraph, in so far as it concerns an Order not pertaining to a social matter, such having been established as provided for in Article 90, shall require a two-thirds majority of the votes cast by members appointed by the entrepreneurs' organisations.
 - 6 Industrial organisation bodies may allow the members of entrepreneurs' organisations that are associations with full legal capacity a deduction with respect to levies referred to in the first paragraph, not also being levies to individually finance a specific cause as referred to in the fourth paragraph, in accordance with rules to be set up by Order, up to a portion of the amount paid by them to these organisations as a membership fee. This deduction shall not exceed half of the levy.
 - 7 Orders as referred to in the first, second and sixth paragraphs shall be subject to approval by the Council.
 - 8 Contrary to the sixth paragraph, a deduction is allowed on levies to individually finance a specific cause as referred to in the fourth paragraph for the calendar year in which the Act of 29 December 2008 relating to the amendment of the Industrial Organisation Act [Wet op de bedrijfsorganisatie] regarding the further modernisation of the public-law industrial board system takes effect and subsequently over the three following calendar years. This deduction may not exceed 50, 40, 30 and 10 percent successively of the levy in question for the calendar years referred to above.

▼ Article 127

- 1 The chairman of an industrial organisation body may recover, by distress warrant, the amounts due to the body under Article 126, first and second paragraphs, increased by the cost of collection.
- 2 Recovery shall not take place until after the debtor has been summoned in writing to fulfil his obligations within a period of at least ten days. The summons shall contain the notification that the amount due, if not paid within the period fixed, shall be recovered in accordance with the first paragraph of this Article.
- 3 The warrant shall carry the right of summary execution which can be executed in the manner prescribed by the Code of Civil Law Procedure.
- 4 A protest by the debtor against the execution of a summons shall be entered by summoning the industrial organisation body to appear before the court in the district within which he is domiciled.
- 5 The protest shall not arrest the process of execution, except for the jurisdiction of the executed, who has entered the protest, to elicit a provision by anticipation.
- 6 The protest cannot be based on the claim, that the levy or fee is wrongfully imposed respectively charged, that the amount of the levy or fee is incorrectly determined, or that the notice, that the levy is imposed or the fee is charged, or the summons to pay the levy or retribution has not been received.

▼ Article 127a

[Repealed as of 01-01-1992.]

VII Supervising the Industrial organisation bodies

▼ Article 128

- 1 If an Order or other decision by an organ of an industrial organisation body is subject to the approval of Our Ministers concerned or the Council, such approval shall only be refused by Our Ministers on account of the Order or decision being contrary to law or the public interest and by the Council on account of their being contrary to law or the interests whose protection has been entrusted to it under Article 2.
- 2 If a decision with regard to assent or a decision to defer assent is not made known on time, this does not mean that a decision to approve will be deemed to have been passed.
- 3 If a notification is made or is to be made to the Commission of the European Communities or to the World Trade Organisation in connection with obligations imposed for that purpose by or pursuant to the Treaty Establishing the European Community or on the basis of agreements concluded in the context of the World Trade Organisation, the decision regarding approval shall be communicated to the administrative body that took the original approval decision, within thirteen weeks after receipt of approval by the Commission of the European Communities or the World Trade Organisation or the expiry of the notification period in question.
- 4 Contrary to Article 126, fourth paragraph, part a, an Order shall not require the approval of Our Minister concerned, in agreement, if appropriate, with Our other Minister of Ministers concerned, if the Order in question is a continuation of an Order already approved in previous years and the Order in question contains no amendments relating to the rate, the basis or the spending of the levy that do not fit within the framework of a decision taken by the Commission of the European Communities with respect to a previous Order relating to an aid measure as referred to in Article 88, third paragraph, of the Treaty Establishing the European Community.

▼ Artikel 128a

- 1 Orders or decisions of industrial organisation bodies that were approved on the basis of Article 100, third paragraph, 104, second or third paragraph, or 126, fourth paragraph by Our Minister of Social Affairs and Employment, Our Minister of Economic Affairs, or Our Minister of Agriculture, Nature and Food Quality, but not by Our said Ministers jointly or by one or two of them on behalf of the others, on or after 1 July 1999 but before this article took effect, are not, contrary to Article 100, third paragraph, 104, second or third paragraph, or 126, fourth paragraph, as these articles read prior to the taking effect of this article, non-binding on the mere ground that not all Our said Ministers were involved in the approval.

- 2 Contrary to the first paragraph, the consequences of an irrevocable court decision handed down before the date that this article took effect, and in which Orders or decisions of industrial organisation bodies were declared non-binding on the grounds referred to in the first paragraph, shall be maintained with respect to the parties in the proceedings to which the court decisions related.

▼ Article 129

The Council shall make known a decision about a question as referred to in Article 90, second paragraph, within eight weeks of the day on which the question was submitted to it. It may defer the decision by decision to be passed within that period.

▼ Article 130

[Repealed as of 01-01-1998]

▼ Article 131

[Repealed as of 01-01-1992]

▼ Article 132

Article 128 shall apply analogously to the approval referred to in Article 97, second paragraph, b, on the understanding that the committee of a general commodity board, a commodity board or a general industrial board shall only refuse its approval on account of the Order being contrary to law or the interests whose protection has been entrusted to that commodity board or general industrial board under Article 71.

▼ Article 133

The decisions of the organs of industrial organisation bodies can be annulled by Royal Decree.

▼ Article 134

- 1 Such suspension or annulment shall be ordered by Us by a motivated Royal Decree, to be published in the Statute Book (Staatsblad). In the case of a suspended decision such Decree shall state the duration of the suspension.
- 2 The Council shall be heard before any recommendation of the annulment of a decision is made to Us.

▼ Article 135

[Repealed as of 01-01-1998]

▼ Article 136

Articles 128, 133 and 134 shall apply analogously to bodies as referred to in Article 110.

▼ Article 137

- 1 Every year before 1 April an industrial organisation body shall draw up a report of the activities, the policies pursued, in general, and the methods, in particular, during the past calendar year. The report shall be sent to the Council and to Our Ministers concerned and be made available to the public at cost. Our Minister of Social Affairs and Employment shall send a copy of the report to the States-General.
- 2 Upon request, an industrial organisation body shall furnish to the Council and to Our Ministers concerned the information necessary for the fulfilment of their task. They may require that they be allowed to peruse business data and documents in so far as such is reasonably necessary for the fulfilment of their task.

▼ Article 137a

- 1 Every year before 1 October, the Council shall adopt a plan providing details of the intended method of supervising the industrial organisation bodies for the coming calendar year.
- 2 The plan referred to in the first paragraph shall require the approval of Our Ministers concerned.

3 Final Articles

▼ Article 138

The Council and the industrial organisation bodies shall be subject to the approval of Our Minister of Social Affairs and Employment for the incorporation of or participation in other corporate bodies.

▼ Article 139

Every four years Our Ministers concerned shall send the States-General a report on the effectiveness and efficiency of the functioning of the industrial organisation bodies.

▼ Article 140

The appeal against decisions and actions of the Council, the industrial organisation bodies and the bodies instituted for the joint promotion of interests as referred to in Article 110, shall be provided for by law.

▼ Article 141

[Repealed as of 01-07-1955]

▼ Articles 142-160

[Repealed as of 01-10-1992]

▼ Article 161

[Repealed as of 16-08-1954]

▼ Article 162

By Royal Decree rules may be laid down to promote the proper administration of the present Act.

▼ Article 163

This Act may be cited as: Industrial Organisation Act.

▼ Article 164

- 1 With the exception of Articles 142 to 144 inclusive, 145, first paragraph, and 146 to 159 inclusive, this Act shall enter into force on the day after the day on which this Act was issued.
- 2 The moments of entry into force of the Articles mentioned in the preceding paragraph, or of parts thereof, shall each time be set by Us, on the understanding that Articles 145, first paragraph, 146 and 147 shall not enter into force any later than four, five and seven years, respectively, of this Act entering into force and that the moments for parts of the lapsing regulations and for parts of trade and industry may differ.

Appendix 1

Articles 104 to 106 read as follows until the amended Industrial Organisation Disciplinary Proceedings Act (Wet tuchtrechtspraak bedrijfsorganisatie) has entered into force:

▼ Article 104

- 1 The Order of the Council whereby an industrial organisation body has been instituted shall determine whether and to what extent the infringement of any provisions made by or under Orders of that industrial organisation body may be defined by such Orders as a penal offence.
- 2 Orders containing a definition as referred to in the preceding paragraph shall be subject to the approval of Our Ministers concerned.

▼ Article 105

- 1 The Order of the Council whereby an industrial organisation body has been instituted shall determine whether and to what extent the infringement of any provisions made by or under Orders of that industrial organisation body by persons as referred to in Article 102, first paragraph, may, by such Orders, be made punishable by fine as a disciplinary measure.
- 2 The Order of institution may determine that infringements, as referred to in the first paragraph, which have been designated as penal offences, can be made punishable by fine as a disciplinary measure. In the case of such infringements having been made punishable by fine as a disciplinary measure, the public prosecutor shall decide whether an infringement is to be dealt with under disciplinary jurisdiction. If he decides affirmatively, the public prosecutor will refer the case to the empowered disciplinary tribunal.
- 3 General commodity boards and commodity boards can adopt Orders as referred to in the first paragraph only per group of enterprises as referred to in Article 66, first paragraph.

▼ Article 106

Any Orders by the committee of an industrial organisation body that contain rules binding upon persons as referred to in Article 102, decisions as referred to in Article 104, third paragraph, as well as an Order as referred to in Article 119, shall be published in a manner to be determined by Order in Council. If they are subject to the approval of Our Ministers concerned, the Council or the committee of a general commodity board, a commodity board or a general industrial board, publication shall not take place until such approval has been granted. Unless they contain a provision to the contrary, they shall take effect on the day after the publication.

Published by

Sociaal-Economische Raad
(Social and Economic Council)
Bezuidenhoutseweg 60
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NL-2509 LK Den Haag

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English version

Baxter Communications, Hilversum

Design and printing

2D3D, Den Haag (concept)
SER Printing Department, Den Haag

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