

Government Accounts Act 2016

Applicable since 1 January 2018

Act of 22 March 2017 containing rules on managing, providing information on, auditing and reporting on central government finances, on managing public liquid assets outside central government and on supervising the management of public liquid assets and public funds outside central government (Government Accounts Act 2016)

We, Willem-Alexander, by the grace of God King of the Netherlands, Prince of Orange-Nassau, etc., etc., etc.

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

Whereas We have considered that it is desirable to replace the Government Accounts Act 2001 by new statutory provisions on managing, providing information on, auditing and reporting on central government finances, partly pursuant to articles 78 and 105 of the Constitution, and that it is desirable for it to include provisions on managing public liquid assets outside central government and on supervising the management of public liquid assets and public funds outside central government;

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

AVT18/AZ126236

Auteursrecht vertalingen voorbehoudingen.

Ministerie van Buitenlandse Zaken, Directie Vertalingen (AVT)

Chapter 1. General provisions

Section 1.1. Definitions

Agency: a departmental agency using accrual accounting or a departmental agency using commitment-cash accounting;

Central Government Audit Service: the unit of the Ministry of Finance charged with performing the audit function within central government;

Departmental agency using accrual accounting: a unit of a ministry designated as a departmental agency using accrual accounting by virtue of section 2.20 (1);

Accrual accounting system: the accounting system where the monetary values of the goods and services consumed in a year (expenditures) and the monetary values of the rights to receipts (income) that arise in that year are shown as expenditures and receipts respectively in that year;

Operational management: the deployment of staff and material resources in support of a policy or task;

Budget management: the management and control of the budget process, including budget implementation and responsibility for estimating receipts and expenditures;

Budget reserve: an earmarked, multiyear budget provision which is kept in a separate current account at the Ministry of Finance;

Budget system: the accrual accounting, cash accounting or commitment-cash accounting system;

Posting within the budget framework: the posting of the monetary values of acts relating to financial management to an account in the financial records whose balance is included in a budget article in a budget statement;

Posting outside the budget framework: the posting of the monetary values of acts relating to financial management to an account in the financial records whose balance is not included in a budget article in a budget statement;

Budget discipline sector: part of the public sector that is treated separately for budget purposes;

Councils and Offices: the States General, the Council of State, the Court of Audit, the National Ombudsman, the Chancery of the Netherlands Orders of Knighthood, the King's Office, the Office of the Governor of Aruba, the Office of the Governor of Curaçao, the Office of the Governor of St Maarten, the Electoral Council and the Review Committee on the Intelligence and Security Services;

Unit: an organisational unit of a ministry or a Council or Office;

Financial management: the management and control of the financial aspects of policy and operational management, including responsibility for:

- a. entering into financial commitments;
- b. levying taxes and imposing other levies;
- c. charging costs;
- d. managing the financial assets and liabilities;
- e. cash management;

Financial budget information: the information included in a budget about the financial aspects of proposed policy and proposed operational management;

Financial reporting information: the information included in an annual report about the financial aspects of the policy and operational management pursued;

Financial commitment: a conditional or unconditional commitment to make a cash payment to a third party or to another unit in the future;

Cash reserve: an unearmarked, multiyear budget reserve which is kept in a separate current account at the Ministry of Finance;

Cash accounting system: the system of accounting where the cash expenditures and cash receipts in a year are recognised as expenditures and receipts in that year;

Material management: responsibility for the maintenance and upkeep of movable and immovable property from the moment they are first managed or used until the moment of disposal;

Material operational management: the material aspects of policy and operational management, geared to:

- a. acquiring material resources;
- b. managing material resources;
- c. disposing of material resources;

Non-financial reporting information: the information included in an annual report about the non-financial aspects of the policy and operational management pursued;

Legal person with a statutory task: a legal person which performs a task regulated by or pursuant to an Act of Parliament and which is wholly or partly financed for this purpose from the proceeds of a levy established by or pursuant to an Act of Parliament, with the exception of municipal and provincial authorities, water authorities, the Bonaire, St Eustatius and Saba public bodies, public bodies for the professions and trades, and public bodies and joint bodies established under the Joint Arrangements Act, with the exception of public bodies and joint organs in which central government participates;

Trial balance: the summary of the balances of the financial assets and liabilities as shown in the financial records on a given date;

National Treasury: the ministerial funds and the central funds of central government together;

Treasury banking: holding liquid assets in a bank account of the National Treasury;

Final variance: the variance at budget article level as ascertained at the end of a budget year between the actual expenditures or receipts and the estimated expenditures or receipts, as contained in the Bill to adopt the budget statements, as referred to in section 2.23, and any amendments made to it in Bills to amend the budget statements, as referred to in section 2.26;

Transaction accounting system: the accounting system where the monetary values of the economic transactions concluded in a year are recognised as expenditures and receipts in that year;

Departmental agency using commitment-cash accounting: a unit of a ministry designated as a departmental agency using commitment-cash accounting by virtue of section 2.20 (1);

Commitment-cash accounting system: the combined system of commitment accounting and cash accounting in which cash expenditures and financial commitments are recorded as part of an integrated system;

Commitment accounting system: the accounting system where the monetary values of financial commitments which are entered into or arise in a year and result or may result in cash expenditures are recognised as expenditures and receipts in that year.

Chapter 2. The central government budget and accountability

§ 1. Central government budget

Section 2.1. Composition and content of the central government budget

1. The central government budget comprises the ministerial and non-ministerial budgets of the ministries and the Councils and Offices.
2. Each of Our Ministers must draw up a budget before the start of a budget year for the policy for which he is responsible.
3. Each ministry has one ministerial budget and may have one or more non-ministerial budgets.
4. Each Council and Office has a non-ministerial budget.
5. The following are also designated exclusively as non-ministerial budgets:
 - a. the budget for the King as referred to in section 2.9 and the budget for the National Debt as referred to in section 2.10;
 - b. the budget for Kingdom Relations, unless the expenditures and receipts associated with Kingdom Relations are included in the ministerial budget concerned;
 - c. the budgets for the budget funds referred to in section 2.11 (1);
 - d. the programme budgets referred to in section 2.12 (1).
6. A ministerial budget presents the policy and operational management of the ministry, with the exception of the policy matters included in a budget as referred to in subsection 5.
7. The non-ministerial budget of a Council or Office presents the tasks and operational management of that Council or Office.
8. A programme budget or a budget for a budget fund presents the separate management referred to in section 2.12 (1) and section 2.11 (1) respectively. A programme budget or a budget for a budget fund does not present the operational management connected with that separate management.

§ 2. Budget structure

Section 2.2. Budget presentation

A budget comprises a budget statement and a set of explanatory notes.

Section 2.3. Budget authorisation

1. Each individual budget statement must be adopted by Act of Parliament.
2. Notwithstanding subsection 1, two or more budget statements for which Our Minister concerned is responsible may be adopted in a single Act of Parliament.
3. Authorisation of a budget statement must take place at budget article level.

-
4. The authorised level of expenditure serves as a maximum.
 5. Structural changes to the budget statement made at the proposal of one or more members of the House of Representatives of the States General must, if this is the intention of the proposal, also be included in the budget statements for the subsequent years, unless there is a compelling reason for not doing so. In that case Our Minister concerned must notify the House of Representatives of the States General of this.

Section 2.4. Period

The budget year coincides with the calendar year.

Section 2.5. Budget statement

The budget statement consists of budget articles, and contains the following data for each budget article:

- a. the article number;
- b. a description of the subject to which the article relates;
- c. the estimated amount for financial commitments;
- d. the estimated amount for cash expenditures;
- e. the estimated amount for cash receipts.

Section 2.6. Financial statement of agencies

1. An agency has a separate financial statement which is included in the budget statement of the ministerial budget of the ministry to which the agency is accountable.
2. The financial statement of an agency comprises, as applicable, the estimated totals of the financial commitments, the cash expenditures and the cash receipts or the income and expenses.

Section 2.7. Special Still unappropriated budget article

1. A budget article designated as Still unappropriated may be included in a budget statement for the purposes of the provisional processing of wage and price indexation, a budget target or another budget amount yet to be appropriated.
2. The Still unappropriated budget article is an accounting article to which no expenditures may be debited and no receipts may be credited.
3. The amount of the expenditures included in the budget statement under the Still unappropriated budget article may be either positive or negative.

Section 2.8. Special Secret budget article

A budget article designated as Secret may be included in a budget statement for the purposes of expenditures and receipts whose disclosure, in the event of assignment to a different budget article, would not be in the interests of the State.

Section 2.9. Budget for the King

The budget for the King comprises:

- a. allowances for members of the Royal House;
- b. expenditures connected with the Monarch's official duties.

Section 2.10. Budget for the National Debt

1. The budget for the National Debt comprises:
 - a. expenditures and receipts arising from transactions on the financial markets, in so far as the original term of such transactions is more than one year;
 - b. the change, as at 31 December of the budget year relative to 31 December of the previous budget year, in the balance of expenditures and receipts arising from transactions on the financial markets, in so far as the original term of such transactions is no more than one year;
 - c. expenditures and receipts arising from loans arranged by Our Minister of Finance with third parties and agencies, as referred to in section 5.5 (1) and section 5.6 (1);
 - d. the change, as at 31 December of the budget year relative to 31 December of the previous budget year, in the aggregate balance of the current accounts, including the time deposits linked to such accounts, held by third parties and units with the National Treasury as part of treasury banking;
 - e. the amounts spent and received in the form of interest, penalties, charges and commission arising from the transactions referred to under b and from the current accounts referred to under d;
 - f. expenditures and receipts arising from payments made to and from a central fund of central government;
 - g. other expenditures and receipts designated by Our Minister of Finance that arise from capital market transactions or loans.
2. Notwithstanding the opening words of subsection 1, the budget for the National Debt may not include any changes referred to in subsection 1 (b) and (d). At the end of the budget year these changes must be shown as the final variance in the Bill to adopt the final variances of the budget for the National Debt.

Section 2.11. Budget funds

1. A budget fund may be established for the purpose of the separate management of certain special-purpose central government receipts and expenditures.
2. Budget funds are established by Act of Parliament. The Act establishing a budget fund must be countersigned by Our Minister of Finance.
3. The Act establishing a budget fund must in any event specify:
 - a. the nature of the receipts and expenditures;
 - b. which of Our Ministers is responsible for its management.
4. A positive annual balance of a budget fund must be credited and a negative annual balance debited to the fund's budget for the following year.

Section 2.12. Programme budgets

1. A programme budget may be established for a minister who is not responsible for running a ministry if it is desirable to have certain receipts and expenditures of the ministry managed separately from a ministerial budget.
2. A programme budget is established by an Act to adopt the budget statements.
3. The Act of Parliament establishing a programme budget determines which of Our Ministers is responsible for managing that budget.

§ 3. Budget system and principles

Section 2.13. Commitment-cash accounting system

1. Budget management and financial management must be conducted in accordance with the commitment-cash accounting system.
2. The commitment-cash accounting system must be applied in such a way that the following information can in any event be derived from the financial records for each budget article at the end of a budget year:
 - a. the proportion of the estimated financial commitments that has been entered into or has arisen;
 - b. the proportion of the estimated cash expenditures that has led to payment;
 - c. the proportion of each financial commitment that has been entered into or arisen which has not yet led to payment;
 - d. the proportion of the estimated cash expenditures for which no financial commitments have yet been entered into or have yet arisen;
 - e. the proportion of the estimated cash expenditures that has been received.

Section 2.14. Commitments

1. The following are deemed to be financial commitments:
 - a. a financial commitment to a third party by virtue of a treaty, an Act of Parliament, a Royal Decree, a ministerial order, a decision or a verifiably recorded arrangement;
 - b. a financial commitment to another unit by virtue of a verifiably recorded arrangement.
2. The budget year to which a financial commitment that has been entered into or has arisen is to be debited is determined by reference to the date on which the commitment in respect of a third party or another unit is verifiably recorded.
3. Notwithstanding subsection 2, Our Minister of Finance may designate categories of financial commitment in respect of which the year in which the cash payment is made can be designated as the budget year in which the commitment connected with the cash payment has been entered into or has arisen.
4. A financial commitment which has been entered into or has arisen in a given year and which appears after the year-end closure of the accounts must be recorded under the corresponding budget article in the current budget year.

Section 2.15. Cash expenditures and receipts

1. The following are deemed to be a cash expenditure or a cash receipt, as the case may be:
 - a. a payment with liquid assets or a receipt of liquid assets;
 - b. the financial value which is given up or received in a transaction in which the debts and receivables are set off against each other;
 - c. a transfer to or withdrawal from a cash reserve as referred to in section 2.20 (8) or to or from a budget reserve as referred to in section 2.21 (2).
2. The budget year to which a cash expenditure is to be debited or a cash receipt credited is determined by reference to:
 - a. the date on which the payment is made or received, for a payment with liquid assets or a receipt of liquid assets;
 - b. the date on which the transaction is verifiably recorded in cases where debts and receivables are set off against each other;
 - c. the date on which the transfer to or withdrawal from a cash reserve or budget reserve is recorded in the accounts.

Section 2.16. Universality

1. Each expenditure of Our Ministers or the Councils or Offices is posted under expenditure within the budget framework.
2. Each receipt of Our Ministers or the Councils or Offices is posted under receipts within the budget framework.

Section 2.17. Departure from universality: posting outside the budget framework

1. Notwithstanding section 2.16, Our Ministers or the Councils or Offices may post expenditures and receipts outside the budget framework if:
 - a. they are to be recharged or passed on to another central government budget;
 - b. they are to be recharged or passed on to another public legal person or a legal person with a statutory task;
 - c. they are to be recharged or passed on to a third party other than another State or an international organisation, and Our Minister concerned or the Council or Office is exclusively responsible for entering the expenditures or receipts in the accounts;
 - d. they are to be recharged or passed on to another State or an international organisation, and Our Minister concerned or the Council or Office is exclusively performing agreements resulting from a treaty, a decision of an international organisation or an international arrangement that has been verifiably recorded.
2. Our Minister concerned or the Council of Office which posts expenditures or receipts outside the budget framework pursuant to subsection 1 must also post the amounts recharged or passed on in connection with such expenditures or receipts outside the budget framework.
3. Expenditures and receipts posted outside the budget framework must nevertheless be posted within the budget framework in the year in which it is decided that the amount will not be recharged or passed on.
4. Financial securities which have been entrusted to the State or of which the State has assumed the management but which do not belong to the State must be posted outside the budget framework as long as they have not passed to the State.

Section 2.18. Departure from universality: netting

Notwithstanding section 2.16, Our Ministers or the Councils or Offices may net expenditures and receipts in the case of:

- a. repayments received in connection with expenditures incurred earlier in the same year;
- b. repayments in respect of receipts obtained earlier;
- c. cross-payments for staff and material resources between different budget statements;
- d. cross-payments within the same budget statement;
- e. expenditure in the form of loss of receipts based on a statutory provision;
- f. receipts from a loan entered into to convert an outstanding debt.

Section 2.19. Cash accounting system and transaction accounting system

Notwithstanding section 2.13 (1), the budget management and financial management of the budget for the National Debt are conducted in accordance with the cash accounting system, with the exception of interest expenditures and interest receipts which are based on the transaction accounting system.

Section 2.20. Agencies

1. If non-standard management provisions are desirable for a unit, Our Minister concerned may designate that unit, in accordance with the rules referred to in section 4.20 (2), opening words and (g), as a departmental agency using accrual accounting or a departmental agency using commitment-cash accounting.
2. Such a decision may be taken if:
 - a. Our Minister concerned considers that the designation would help to ensure that tasks are performed efficiently;
 - b. Our Minister of Finance agrees to the decision.
3. Such a decision is not taken until 30 days after the intention to this effect has been notified in writing to the House of Representatives of the States General.
4. If at least one fifth of the number of members of the House of Representatives of the States General specified in the Constitution request further information within the 30-day period referred to in subsection 3, the decision must not be taken until 14 days after the information has been provided.
5. Subsections 3 and 4 do not apply to the cancellation of a previous decision to designate a unit as a departmental agency using accrual accounting or a departmental agency using commitment-cash accounting.
6. A unit of a ministry that has been designated as a departmental agency using accrual accounting pursuant to subsection 1 must apply the accrual accounting system as its budget system.
7. A unit of a ministry that has been designated as a departmental agency using commitment-cash accounting pursuant to subsection 1 must apply the commitment-cash accounting system as its budget system.
8. A unit of a ministry that has been designated as a departmental agency using commitment-cash accounting pursuant to subsection 1 may keep a cash reserve.

Section 2.21. Budget reserve

1. A unit of a ministry which has not been designated as an agency pursuant to section 2:20 may, in agreement with Our Minister of Finance, keep a budget reserve charged to a budget article.
2. The explanatory notes on a budget article to which a budget reserve has been charged must contain:
 - a. the grounds for keeping the budget reserve;
 - b. the expected size of the budget reserve at the start of the budget year;
 - c. if possible, the amounts that are likely to be transferred to or withdrawn from the reserve during the budget year.

§ 4. Submission and amendment of the budget

Section 2.22. Presentation of stability programme and national reform programme

Our Minister of Finance and Our other Minister concerned must present the stability programme or the national reform programme to the Houses of the States General annually.

Section 2.23. Submission of the central government budget

1. We submit the Bills to adopt the budget statements to the House of Representatives of the States General on the third Tuesday in September of the year preceding the budget year.
2. Notwithstanding subsection 1, We may authorise Our Minister of Finance to submit the Bills to adopt the budget statements to the House of Representatives of the States General.
3. Our Minister of Finance must present the Budget Memorandum to the States General on the day on which the Bills to adopt the budget statements are submitted.
4. The Budget Memorandum must in any event include:
 - a. the budget overview for the budget year concerned and the four following years of the central government budget and the budget discipline sectors not forming part of the central government budget;
 - b. the budgetary considerations regarding the proposed policies for the public sector;
 - c. an overview of the expenditures and receipts in the budgets for the budget year and the four subsequent years.

Section 2.24. Entry into force of Bills concerning the budget statements

The Bills to adopt the budget statements must contain a provision regulating their entry into force. This provision must determine that they enter into force on 1 January of the year to which the budget statements relate.

Section 2.25. Implementation of Bills concerning the budget statements

1. Until a Bill to adopt a budget statement has become law and entered into force, restraint must be observed in implementing current policy underlying the budget statement.
2. Until a Bill to adopt a budget statement has become law and entered into force, new policy underlying the budget statement must not be implemented unless, in the opinion of Our Minister concerned, delaying implementation would not be in the interests of central government and he has notified the States General accordingly.

Section 2.26. Submission of Bills concerning the supplementary budget statements

1. We must submit the Bills to amend the budget statements to the House of Representatives of the States General in any event no later than on 1 June and 1 December of the budget year.

-
2. Notwithstanding subsection 1, We may authorise Our Minister of Finance to submit the Bills to amend the budget statements to the House of Representatives of the States General.
 3. Our Minister of Finance must present the Spring Memorandum and the Autumn Memorandum to the States General no later than on 1 June and 1 December respectively.
 4. The Spring Memorandum must in any event include:
 - a. the amendment of the budget overview referred to in section 2.23 (4) (a);
 - b. an overview of the amendments to the expenditures and receipts in the budgets for the budget year and the four subsequent years.
 5. In keeping with the Spring Memorandum, the Autumn Memorandum must in any event include:
 - a. the amendment of the budget overview referred to in section 2.23 (4) (a);
 - b. an overview of the further amendments to the expenditures and receipts in the budgets for the budget year.

Section 2.27. Implementation of Bills concerning the supplementary budget statements

1. Until a Bill to amend a budget statement has become law and entered into force, restraint must be observed in implementing current policy underlying the amendment.
2. Until a Bill to amend a budget statement has become law and entered into force, new policy underlying the amendment must not be implemented unless, in the opinion of Our Minister concerned, delaying implementation would not be in the interests of central government and he has notified the States General accordingly.

Section 2.28.

An overview of major amendments to the expenditures, commitments and receipts of the budget year which have not been included in the Bills to be submitted, by virtue of section 2:26, no later than 1 December must be sent to both Houses of the States General by each of Our Ministers in respect of the policy for which he is responsible in December of each year, no later than three days before the start of the recess of the House of Representatives of the States General.

§ 5. Central government financial statements

Section 2.29. Composition and content of the central government financial statements

1. The central government financial statements include:
 - a. the annual reports referred to in section 2.31;
 - b. the central government annual financial report referred to in section 2.35.
2. At the end of a budget year, each of Our Ministers must draw up an annual report for the budget for which he is responsible.

-
3. At the end of a budget year, Our Minister of Finance must draw up the central government annual financial report.

Section 2.30. Final variances

At the end of a budget year, each of Our Ministers must draw up the final variances for the budget for which he is responsible.

§ 6. Structure of the annual report and the final variances

Section 2.31. Presentation of an annual report

An annual report must in any event consist of:

- a. a statement of the policy pursued;
- b. a statement of the operational management pursued;
- c. a financial statement, together with explanatory notes on the individual articles;
- d. if applicable, a financial statement of an agency as referred to in section 2.33;
- e. a trial balance, together with explanatory notes.

Section 2.32. Financial statement

1. The financial statement must be drawn up on the basis of the applicable budget system.
2. The financial statement must in any event contain the following data on each budget article, which must be presented in the same order as the budget articles in the budget statement:
 - a. the article number;
 - b. a description of the subject to which the article relates;
 - c. the amount stated as being available for financial commitments in the budget statement pertaining to the Act to adopt the budget statements, together with the actual amount;
 - d. the amount stated as being available for cash expenditures in the budget statement pertaining to the Act to adopt the budget statements, together with the actual amount;
 - e. the amount stated as being available for cash receipts in the budget statement pertaining to the Act to adopt the budget statements, together with the actual amount.
3. The actual amount of the expenditures included in the financial statement under the Still unappropriated budget article must be zero.

Section 2.33. Financial statement of agencies

1. An agency must have a separate financial statement which is included in the financial statement of the ministry to which the agency is accountable.
2. The financial statement of an agency must be drawn up on the basis of the applicable budget system.

-
3. The financial statement of an agency must contain the amounts adopted in the financial statement referred to in section 2.6 in the Act to adopt the budget statements, together with the actual amounts.

Section 2.34. Trial balance

1. The trial balance must in any event contain the balances, shown in the financial records at the end of the budget year, of:
 - a. the cash expenditures and the cash receipts posted within and outside the budget framework;
 - b. the cash reserves referred to in section 2.20 (8) and the budget reserves referred to in section 2.21 (2);
 - c. the outstanding financial commitments in respect of third parties, with the exception of guarantee commitments;
 - d. the guarantee commitments in relation to third parties;
 - e. the receivables and the debts in respect of third parties, including prepayments;
 - f. the ministerial funds.
2. The explanatory notes to the trial balance must provide information about how the balances have changed in relation to those in the previous trial balance.

Section 2.35. Central government annual financial report

1. The central government annual financial report for the budget year must in any event contain:
 - a. the actual budgetary overview of the central government budget and the budget discipline sectors not forming part of the central government budget;
 - b. an account of the financial management of the ministries and the Councils and Offices;
 - c. the central government account;
 - d. the central government trial balance.
2. The central government account is the central government's financial overview, which contains the following information on each budget:
 - a. the totals of all estimated expenditures and receipts as adopted in the Act to adopt the budget statements;
 - b. the totals of all actual expenditures and receipts, as shown in the financial statements;
 - c. the difference between the amounts referred to at (a) and (b).
3. The expenditures and receipts referred to in subsection 2 must be recognised on the basis of the budget system applicable to them.
4. The central government trial balance is the central government's financial overview, which must in any event contain the totals of all trial balances referred to in section 2.31 (e) and the balances referred to in section 2.34.

Section 2.36. Authorisation of final variances

The final variances must be adopted for each budget statement by Act of Parliament.

§ 7. Presentation of annual reports and final variances

Section 2.37. Presentation of annual reports

1. Each year Our Minister of Finance must forward the annual reports referred to in section 2.31 to the Court of Audit for auditing no later than on 31 March of the year following the budget year. The reports drawn up by the Central Government Audit Service on the annual reports must be forwarded at the same time.
2. Our Minister of Finance must present the annual reports audited by the Court of Audit to the House of Representatives of the States General on the third Wednesday in May of the year following the year under review, unless this date falls in a period when the House of Representatives is in recess or it coincides with a public holiday. In such a case Our Minister of Finance must present the annual reports, after consultation with the president of the House of Representatives and the president of the Court of Audit, no later than on 1 June of the same year.
3. When the occasion arises, Our Minister concerned must forward to the House of Representatives, as soon as possible and in any event prior to the date on which the House debates the annual report, a statement of his views on an objection raised by the Court of Audit as referred to in section 7.22 (1).

Section 2.38. Presentation of the central government annual financial report

1. Our Minister of Finance must forward the central government annual financial report referred to in section 2.35 to the Court of Audit for auditing no later than on 21 April of the year following the budget year. The report drawn up by the Central Government Audit Service on the annual report must be forwarded at the same time.
2. Our Minister of Finance must present the central government annual financial report audited by the Court of Audit to the States General on the third Wednesday in May of the year following the year under review, unless this date falls in a period when the House of Representatives is in recess or it coincides with a public holiday. In such a case Our Minister of Finance must present the central government annual financial report, after consultation with the president of the House of Representatives and the president of the Court of Audit, no later than on 1 June of the same year.

Section 2.39. Submission of Bills concerning the final variances

1. We must submit the Bills to adopt the final variances to the House of Representatives of the States General on the third Wednesday in May of the year following the year to which the budget statements relate, unless this date falls in a period when the House of Representatives is in recess or it coincides with a public holiday. In such a case We must submit the Bills, after consultation with the president of the House of Representatives and the president of the Court of Audit, no later than on 1 June of the same year.
2. Notwithstanding subsection 1, We may authorise Our Minister of Finance to submit the Bills to adopt the final variances to the House of Representatives of the States General.

§ 8. Discharge

Section 2.40. Discharge

1. Discharge from liability must be granted to each of Our Ministers for his financial management, on the basis of the annual report concerned, by a pronouncement to this effect by each of the two Houses of the States General.
2. Discharge from liability must not be granted until the statement of approval issued by the Court of Audit, as referred to in section 7.14 (2), has been received and the Bill to adopt the final variances as referred to in section 2.39 and, when the occasion arises, an Indemnity Bill as referred to in section 7.22 (3) have been passed.
3. After the House of Representatives of the States General has granted a discharge, the president of that House must append a note to the annual report concerned stating that discharge has been granted and specifying the date on which this took place. The president of the House of Representatives of the States General must then forward the annual report to the president of the Senate of the States General.
4. After the Senate of the States General has granted a discharge, the president of that House must append a note to the annual report concerned stating that discharge has been granted and specifying the date on which this took place. The president of the Senate must then forward the annual report to Our Minister of Finance.

Chapter 3. Budget management and financial management: standards

§ 1. General standards

Section 3.1. Proposals, intentions and undertakings

Proposals, intentions and undertakings must contain explanatory notes detailing:

- a. the objectives, effectiveness and efficiency they seek to achieve;
- b. the instruments used for this purpose;
- c. the financial implications for central government and, where possible, the financial implications for other sections of society.

Section 3.2. Budget management

Our Ministers and the Councils and Offices are responsible for ensuring the orderliness and auditability of budget management.

Section 3.3. Financial management

Our Ministers and the Councils and Offices are responsible for the efficiency, regularity, orderliness and auditability of financial management.

Section 3.4. Material operational management

Our Ministers and the Councils and Offices are responsible for the efficiency, regularity, orderliness and auditability of the acquisition, management and disposal of material resources.

§ 2. Standards for financial records and the provision of information

Section 3.5. Financial records

1. Financial records must be structured and kept in such a way as to be reliable and auditable.
2. Financial records must be structured in such a way as to allow access to the financial information contained in the budget and the annual report pursuant to the provisions of chapter 2 and the further rules referred to in section 4.20 (1), opening words and (a) to (c).

Section 3.6. Financial budget information

Financial budget information must meet:

- a. the standards for reliability and orderliness;
- b. the rules for the structuring of the central government budget, as referred to in section 4.20 (1), opening words and (a).

Section 3.7. Non-financial budget information

Non-financial budget information must:

- a. meet the standards for reliable preparation;
- b. not conflict with the financial budget information.

Section 3.8. Financial reporting information

1. Financial reporting information must:

- a. meet the standards for reliability and orderliness;
- b. meet the standards for regularity;
- c. comply with the rules for the structuring of the annual reports, as referred to in section 4.20 (1), opening words and (a).

2. The financial reporting information contained in the central government account and the central government trial balance of the central government annual financial report referred to in section 2.35 (2) and (4) must be consistent with the financial reporting information in the financial statements and the trial balances of the annual reports referred to in section 2.31.

Section 3.9. Non-financial reporting information

Non-financial reporting information must:

- a. meet the standards for reliable preparation;
- b. not conflict with the financial reporting information.

Section 3.10. Standards for reporting on regularity

Our Minister of Finance may lay down rules relating to the requirements that apply to the reporting of errors and uncertainties in the financial reporting information in the annual reports referred to in section 2.31.

Chapter 4. Budget management and financial management: responsibilities

§ 1. Policy and operational management by Our Ministers

Section 4.1. Budget management and operational management: general

1. Each of Our Ministers is responsible, in relation to the policy underlying his budget, for:
 - a. developing, adopting and implementing the policy;
 - b. supervising implementation of the policy;
 - c. performing regular audits of the effectiveness and efficiency of the policy;
 - d. the information included in the budget;
 - e. the information included in the annual report.
2. Each of Our Ministers who heads a ministry is responsible, in relation to the budget for which he is accountable, for:
 - a. the ministry's operational management;
 - b. performing regular audits of the effectiveness and efficiency of that operational management;
 - c. budget management and the records kept for this purpose;
 - d. financial management and the records kept for this purpose;
 - e. material management, in so far as this relates to movable property and the records kept for this purpose.

Section 4.2. Reporting in the case of shared responsibilities

1. If Our Minister does not himself implement or supervise the policy underlying his budget or perform the operational management, he is responsible for obtaining the information necessary to account for the policy in the annual report referred to in section 2.31.
2. If an organisation which does not form part of central government receives a financial contribution directly, indirectly or conditionally from different budgets, as referred to in section 2.1, the information referred to in subsection 1 must be included, notwithstanding section 2.31, in the annual report of Our Minister who has primary responsibility for the contribution.
3. If the recipient of the financial contribution referred to in subsection 2 is not required by or pursuant to an Act of Parliament to report annually, it is sufficient for Our Minister concerned to include in the annual report the reporting information supplied by the recipient to Our Minister in accordance with the statutory provision.

Section 4.3. Management of non-ministerial budgets

1. Our Minister of General Affairs is responsible for managing the budget for the King.
2. Our Minister of the Interior and Kingdom Relations is responsible for managing the budget for Kingdom Relations.
3. Our Minister of Finance is responsible for managing the budget for the National Debt.

§ 2. Management by Councils and Offices

Section 4.4. Management of budgets of Councils and Offices

1. Our Minister of General Affairs is responsible for managing the budgets of the King's Office and the Review Committee on the Intelligence and Security Services.
2. Our Minister of the Interior and Kingdom Relations is responsible for managing the budgets of the States General, the Council of State, the Court of Audit, the National Ombudsman, the Chancery of the Netherlands Orders of Knighthood, the Office of the Governor of Aruba, the Office of the Governor of Curaçao, the Office of the Governor of St Maarten and the Electoral Council.
3. The Councils and Offices are responsible for budget management, financial management and material operational management and the records kept for this purpose.
4. Our Ministers concerned must make agreements with the Councils and Offices on the management of their budgets, taking due account of their position under constitutional law.

Section 4.5. Budget of the States General

1. Our Minister of the Interior and Kingdom Relations must consult annually with each of the Houses of the States General about the estimates they have drawn up of expenditures and receipts for their performance of their tasks.
2. Our Minister of the Interior and Kingdom Relations must include the estimates drawn up by the Houses of the States General in the Bill to adopt the budget statements of the States General, unless there is a manifestly compelling reason for not doing so.
3. If Our Minister of the Interior and Kingdom Relations does not include some or all estimates for manifestly compelling reasons, he must explain his reasons.

§ 3. Juristic acts under private law

Section 4.6. Performing a juristic act under private law

1. Each of Our Ministers must perform on the State's behalf the juristic acts under private law arising from the policy and operational management underlying the budgets for which he is

responsible, unless it has been laid down by or pursuant to Act of Parliament that another of Our Ministers should perform the juristic act in question.

2. Subsection 1 applies mutatis mutandis to each of the Councils and Offices in relation to the implementation of the task for which it is responsible.
3. Notwithstanding section 4.18, opening words and (b), Our Ministers may conclude a contract for the raising of a loan on behalf of the State in so far as Our Minister of Finance cooperates by joining in the performance of the juristic act under private law.

Section 4.7. Preliminary parliamentary scrutiny procedure for a juristic act under private law

1. The following juristic acts under private law must not be performed by the State until at least 30 days after written notice of such an intention has been given to the Houses of the States General:
 - a. founding or cofounding a legal person under private law or arranging for such a legal person to be founded;
 - b. providing a legal person under private law with equity capital, loans having essential features of equity capital or guarantees for the amount of the equity capital;
 - c. acquiring debt instruments or shares from a legal person under private law to be held by a third party;
 - d. acquiring risks of financial assets of a legal person under private law if such acquisition is intended to strengthen the solvency of the legal person concerned.
2. If at least one fifth of the number of members of the Houses of the States General specified in the Constitution request further information within the 30-day period referred to in subsection 1, the juristic act under private law must not be performed until 14 days after the information has been provided.
3. The procedure referred to in subsection 1 does not apply to an intention to perform a juristic act under private law, as referred to in subsection 1, opening words and (a) to (d), if:
 - a. a legal basis for performing the juristic act concerned exists under a statutory provision;
 - b. the juristic act relates to the provision of equity capital resulting from an earlier guarantee as referred to in subsection 1 (b);
 - c. the juristic act relates to participation in the share capital of a company, but is not intended to increase the State's relative interest in the equity capital of the legal person concerned;
 - d. applying the preliminary parliamentary scrutiny procedure would be contrary to a statutory provision;
 - e. the juristic act involves a smaller financial interest than the amounts specified by Our Minister of Finance in relation to the juristic acts referred to in subsection 1 (a) to (d).
4. Our Minister concerned must consult with the Court of Audit regarding an intention to perform a juristic act under private law, as referred to in subsection 1 (a). Our Minister

concerned must allow a reasonable period for the consultation with the Court of Audit. After consultation with the Court of Audit, Our Minister concerned must submit the proposed decision to the Cabinet.

Section 4.8. Provision of information about interests in legal persons under private law

1. Our Minister of Finance must inform the Houses of the States General annually about the policy and the policy pursued in relation to:
 - a. acquiring, possessing and alienating capital in legal persons under private law if such capital has essential features of equity capital;
 - b. assuming, managing and disposing of risks of financial assets, as referred to in section 4.7 (1) (d).
2. Where the information provided relates to the alienation of capital as referred to in subsection 1 (a) and the transfer of risks as referred to in subsection 1 (b), it must in any event include the principles applied or to be applied in this connection.
3. Our Minister of Finance must mention the disposal of the interests referred to in subsection 2 in his ministerial annual report.

Section 4.9. Validity of a juristic act under private law

Juristic acts under private law must not be invalidated by the State if the rules laid down by or pursuant to this Act are not observed, unless the rules that are not observed concern the capacity of the persons performing the acts as laid down by or pursuant to sections 4.6 and 4.18, opening words and (b).

§ 4. Juristic acts under public law

Section 4.10. Sunset provision in the case of grant schemes

1. For the purposes of this section, grant scheme means an Act of Parliament, order in council or ministerial order under which a grant is provided on request and on the conditions specified in the scheme for the activities referred to in the scheme, to which grant title 4.2 of the General Administrative Law Act applies and the provision of which is designated as a grant in the budget referred to in section 2.1.
2. A grant scheme must contain a date on which it expires. This date must not be more than five years after the entry into force of the scheme. If a grant scheme makes no provision for an expiry date when this Act enters into force, provision for such a date must be made within two years of the entry into force of this Act in the case of a scheme introduced by Act of Parliament.
3. Notwithstanding subsection 2, second sentence, a grant scheme may contain a date for expiry of the scheme which is more than five years but less than 10 years after its entry into force if:

-
- a. it is apparent from the explanatory notes to the scheme that its expiry within five years of its entry into force would undermine the effectiveness of the activities for which the grant is provided;
 - b. a report on the effectiveness and efficiency of the grant is forwarded by Our Minister concerned to the House of Representatives of the States General during the term of the scheme.
4. Where a grant scheme which contains a date as referred to in subsection 3 takes the form of an order in council or a ministerial order, it must not be adopted until 30 days after the draft of the scheme has been notified in writing to the House of Representatives of the States General.
 5. If at least one fifth of the number of members of the House of Representatives of the States General specified in the Constitution request further information within the 30-day period referred to in subsection 4, the grant scheme referred to in paragraph 4 must not be adopted until 14 days after the information has been provided.
 6. Where a grant scheme which provides for a grant on mainly the same conditions and for predominantly the same activities as an expired grant scheme as referred to in subsection 2 takes the form of an order in council or a ministerial order, it must not be adopted until 30 days after the draft of the scheme has been notified in writing to the House of Representatives of the States General. Subsection 5 applies mutatis mutandis.
 7. Where a grant scheme which is intended to alter the date on which a grant scheme expires takes the form of an order in council or a ministerial order, it must not be adopted until 30 days after the draft of the scheme has been notified in writing to the House of Representatives of the States General. Subsection 5 applies mutatis mutandis.

§ 5. Coordination of budget management and financial management

Section 4.11. Budget, financial management and reporting

1. Our Minister of Finance is responsible in relation to central government for coordinating:
 - a. the budget and reporting process;
 - b. budget management.
2. Our Minister of Finance must promote the efficiency of central government's financial management.

Section 4.12. Budgetary supervision

1. Our Minister of Finance is responsible for supervising central government's budget management.
2. Our Minister of Finance may institute prior financial supervision. This supervision entails the designation by him of budget articles in respect of which certain financial commitments may

-
- not be entered into before he has agreed to them.
3. Our Minister of Finance must determine what information should be supplied to him for the purposes of the supervision referred to in subsections 1 and 2.
 4. Our Minister of Finance may object to a draft budget or to a draft amendment of a budget in so far as:
 - a. it is not in keeping with the general financial policy or the efficient management of central government funds;
 - b. the amounts included in a draft budget or a draft amendment of a budget are not reasonably commensurate with the policy objectives underlying the budget;
 - c. the supervision referred to in subsection 1 gives him cause to do so.

Section 4.13. Proposals with financial implications

1. Proposals other than Bills to adopt or amend a budget statement, and intentions and undertakings with financial implications for central government, must not be submitted, notified or made by Our Ministers to the Cabinet or the States General before Our Minister of Finance has given his views on them.
2. Section 4.12 (4) applies mutatis mutandis to such proposals, intentions and undertakings.

Section 4.14. Provision of information about proposals

1. Our Ministers and the Councils and Offices must inform Our Minister of Finance of proposals to alter:
 - a. the structure of the budget and the annual report;
 - b. the structure of the financial records;
 - c. the organisational structure of and implementation of tasks by the unit of a ministry responsible for financial and economic affairs.
2. Our Ministers and the Councils and Offices must not make fundamental changes to the structure referred to in subsection 1 (a), (b) and (c) until agreement about this has been reached with Our Minister of Finance.

Section 4.15. Provision of information and access for Our Minister of Finance

1. Our Ministers must provide Our Minister of Finance, at his request, with the information he considers necessary for the performance of his tasks referred to in sections 4.11 to 4.13.
2. Our Ministers must at all times allow Our Minister of Finance access to or the opportunity to inspect all goods, records, documents and other information carriers.

Section 4.16. Misgivings and objections

Our Minister of Finance must inform Our Ministers of any misgivings and objections he may have in respect of the information referred to in sections 4.14 and 4.15.

§ 6. Balance sheet management and other tasks of Our Minister of Finance

Section 4.17. Central management of the National Treasury

1. The monies and securities belonging or entrusted to central government must be deposited in the National Treasury.
2. Our Minister of Finance is responsible for the central management of the National Treasury. This involves managing the central funds of the National Treasury and coordinating the management of the ministerial funds.
3. Our Minister of Finance may issue the officials responsible for managing the ministerial funds with general instructions on the management of those funds.
4. Our Minister of Finance is responsible for the central accounting records of the National Treasury.
5. After the discharge referred to in section 2.40 has been granted, Our Minister of Finance must copy annually the balances of the budget receipts and budget expenditures in the ministerial and non-ministerial trial balances to the central accounting records of the National Treasury.

Section 4.18. Central management of the national debt

Our Minister of Finance is responsible for:

- a. managing the national debt;
- b. concluding contracts for raising loans by the State for deficit financing and the refinancing of expiring loans.

Section 4.19. Specific tasks

1. Notwithstanding section 4.1 (2), opening words and (e), Our Minister of Finance is responsible for material management in so far as this relates to surplus movable property of central government.
2. Our Minister of Finance is responsible for disposing of surplus movable property of central government.
3. Our Minister of Finance is partly responsible for managing the loans and guarantees granted by Our Ministers to a third party, with the exception of the loans and guarantees determined by or pursuant to Act of Parliament.

Section 4.20. Regulation

1. Our Minister of Finance may lay down further rules for central government on:
 - a. the structure of the central government budget referred to in section 2.1 and the central government financial statements referred to in section 2.29;
 - b. the budget and reporting process;
 - c. budget and reporting information;

-
- d. budget management and financial management;
 - e. the financial records;
 - f. the performance of juristic acts under private law on behalf of the State.
2. Our Minister of Finance may lay down rules for central government on:
 - a. the composition, organisation and goals of periodic interministerial consultation about financial and economic affairs;
 - b. the composition, organisation and tasks of and the provision of information by a ministry's advisory body relating to auditing and operational management affairs;
 - c. material management in so far as this relates to movable property of central government and the accounting records kept for such management;
 - d. the disposal of surplus movable property of central government;
 - e. the application of financial policy instruments;
 - f. the proposals, intentions and undertakings referred to in section 3.1, opening words, and the periodic examination of the effectiveness and efficiency of policy and operational management;
 - g. the structure and management of the agencies.
 3. The rules referred to in subsection 1 (a) and (c) and subsection 2 (f) must not be adopted until after there has been consultation on the broad outline of the rules with the House of Representatives of the States General.
 4. Rules may be laid down by order in council about:
 - a. the tasks and organisation of the unit of a ministry responsible for financial and economic affairs;
 - b. the tasks, organisation and quality control of the Central Government Audit Service.
 5. Our Minister of the Interior and Kingdom Relations may lay down rules for central government on:
 - a. material management in so far as this relates to immovable property of central government and the accounting records kept for such management;
 - b. the management under private law of immovable property of central government.

Chapter 5. Management of public liquid assets outside central government

§ 1. General

Section 5.1. Designation by Our Minister of Finance

1. By virtue of the provisions of this chapter, Our Minister of Finance may, in agreement with Our Minister concerned, designate:
 - a. the legal persons which bank with the National Treasury, as referred to in section 5.2 (1) and (3) and section 5.4;
 - b. the legal persons which invest their liquid assets, as referred to in section 5.7.
2. Our Minister of Finance must make public the designation referred to in subsection 1. The designation constitutes an order as referred to in section 1:3 (1) of the General Administrative Law Act.

§ 2. Treasury banking

Section 5.2. Mandatory treasury banking

1. Treasury banking is mandatory for legal persons with a statutory task, with the exception of those having a statutory task as referred to in subsection 2.
2. Treasury banking is not mandatory for a legal person with a statutory task if:
 - a. the task regulated by or pursuant to Act of Parliament is mainly of a private nature;
 - b. the task regulated by or pursuant to Act of Parliament involves raising funds with a view to lending them to third parties;
 - c. the task regulated by or pursuant to Act of Parliament is of a minor nature in comparison with the other tasks with which the legal person is charged;
 - d. the liquid assets or the annual receipts of the legal person remain below the amounts specified by Our Minister of Finance; or
 - e. the legal person with a statutory task has been exempted by Our Minister of Finance.
3. Treasury banking is mandatory for a legal person with a public task if Our Minister of Finance considers that the nature of that task entails low-risk management of public liquid assets.
4. Subsections 1 and 3 do not apply to the private liquid assets of a legal person with a statutory or public task if those liquid assets are recognised separately in an adequate manner in the annual accounts of the legal person concerned.
5. At the request of a legal person referred to in subsections 1 and 3, Our Minister of Finance may exempt certain public liquid assets of that legal person from the treasury banking requirement if:

-
- a. the legal person makes a sufficiently convincing case for the necessity of such exemption for operational management purposes;
 - b. in the opinion of Our Minister of Finance, this would not be detrimental to the efficient and low-risk management of liquid assets.

Section 5.3. Mandatory treasury banking in the case of grant prepayments

If a grant charged to the central government budget is to be provided in the form of prepayments, Our Minister concerned may determine, in agreement with Our Minister of Finance, that treasury banking is mandatory for the grant recipient if it is not a natural person.

Section 5.4. Voluntary treasury banking

1. A legal person which manages public liquid assets and a legal person with a statutory task as referred to in section 5.2 (2), opening words and (c) to (e), may, at its request, use treasury banking if low-risk management of those funds would be desirable in the opinion of Our Minister of Finance. The legal person must submit a request to this effect to Our Minister of Finance.
2. Subsection 1 does not apply to the private liquid assets of the legal person referred to in subsection 1 if those liquid assets are recognised separately in an adequate manner in the annual accounts of the legal person concerned.

§ 3. Borrowing and lending through the National Treasury

Section 5.5. Borrowing and lending in the case of mandatory treasury banking

1. Without prejudice to provisions laid down elsewhere by or pursuant to Act of Parliament, Our Minister of Finance, in agreement with Our Minister concerned, may grant a loan or current account credit chargeable to the budget for the National Debt to a legal person as referred to in section 5.2 (1) and (3).
2. A loan may be granted for the financing of investments in fixed assets necessary for the performance of the statutory or public task of the legal person.
3. A current account credit is granted to bridge temporary liquidity shortfalls of the legal person.
4. If in any year a legal person to which a loan or current account credit has been granted pursuant to subsection 1 fails to fulfil the resulting obligations in terms of interest and redemption payments, Our Minister of Finance may charge the amount of those obligations to the ministerial budget of Our Minister concerned and transfer it to the budget for the National Debt.

-
5. Notwithstanding subsection 4, Our Minister of Finance may transfer the amount of the obligations in terms of interest and redemption payments to another budget if Our Minister who is responsible for the management of the other budget agrees to this.

Section 5.6. Borrowing and lending in the case of voluntary treasury banking

1. Our Minister of Finance, in agreement with Our Minister concerned, may grant a legal person as referred to in section 5.4 a loan or current account credit chargeable to the budget for the National Debt.
2. Section 5.5 (2) to (5) applies mutatis mutandis.

§ 4. Management of liquid assets

Section 5.7. Prudent investment of liquid assets

1. A legal person with a statutory task as referred to in section 5.2 (2), opening words and (d) and (e) must invest its liquid assets in products that meet the requirements set by Our Minister of Finance.
2. Subsection 1 does not apply to the private liquid assets of a legal person with a statutory task if those liquid assets are recognised separately in an adequate manner in the annual accounts of the legal person concerned.
3. This section does not apply to legal persons with a statutory task for which rules for the investment of liquid assets have been set by Our Minister concerned.

Section 5.8. Improper management of liquid assets

1. The legal persons referred to in section 5.2 (1) and (3) and sections 5.4 and 5.7 are prohibited from raising funds with a view to investing them in order to generate additional funds.
2. Subsection 1 does not apply to the private liquid assets of a legal person if those liquid assets are recognised separately in an adequate manner in the annual accounts of the legal person concerned.

§ 5. Further regulation

Section 5.9. Further regulation

Our Minister of Finance may lay down further rules on the matters dealt with in sections 5.1 to 5.8.

Chapter 6. Supervision of the management of public funds outside central government

§ 1. Supervision of the management of public funds outside central government

Section 6.1. Supervision by Our Ministers

Without prejudice to other statutory provisions or provisions laid down by EU regulation, Our Minister concerned must supervise:

- a. legal persons, limited partnerships, general partnerships and natural persons practising a profession or carrying on a business if they:
 - 1° have received – directly, indirectly or conditionally – a grant, loan or guarantee or a contribution in kind with features of a grant, loan or guarantee charged to the central government budget;
 - 2° have received – directly, indirectly or conditionally – a tax allowance for research and development work, an energy investment, an environmental investment or an investment in rented housing for which a statement has been issued by Our Minister concerned or a directive has been issued by ministerial order;
- b. legal persons, limited partnerships, general partnerships and natural persons practising a profession or carrying on a business if they have received – directly, indirectly or conditionally – a grant, loan or guarantee from the EU budget, in so far as the member state of the European Union has been charged with supervising and auditing that grant, loan or guarantee and with its management;
- c. legal persons with a statutory task.

Section 6.2. Scope of supervision by Our Ministers

The supervision referred to in section 6.1 is intended to ensure:

- a. compliance with the conditions imposed on the management and reporting of the grant, loan, guarantee, contribution in kind or tax allowance by the legal persons, limited partnerships, general partnerships and natural persons referred to in section 6.1 (a);
- b. compliance with the obligation imposed on the member state of the European Union by the legal persons, limited partnerships, general partnerships and natural persons referred to in section 6.1 (b);
- c. the efficient and effective implementation of the statutory task and compliance with the conditions imposed by or pursuant to Act of Parliament on the management of public funds by legal persons with a statutory task.

Section 6.3. Powers of supervision by Our Ministers

1. The legal persons, limited partnerships, general partnerships and natural persons referred to in section 6.1 (a) to (c) must, at the request of Our Minister concerned, provide the following information:
 - a. the annual accounts, annual reports and other information supplementing the annual accounts and annual reports;
 - b. the statements, data and documents that are necessary for determining the definitive amount of a grant, loan or guarantee or of a contribution in kind with features of a grant, loan or guarantee;
 - c. reports by accountants who have audited the documents referred to in points a and b;
 - d. further information which Our Minister concerned considers necessary.
2. If, in the view of Our Minister concerned, the information referred to in subsection 1 gives grounds for doing so, he is authorised to obtain further information from the legal persons, limited partnerships, general partnerships and natural persons referred to in section 6.1 (a) to (c), or to require them to hand over documents.
3. Our Minister concerned may, on the basis of the accounting records, institute an audit of the books of the legal persons, limited partnerships, general partnerships and natural persons referred to in section 6.1 (a) to (c).
4. Our Minister concerned is authorised, in so far as he considers this necessary for the performance of the supervision referred to in section 6.1, to inspect in such manner as he may determine all goods, records, documents and other information carriers present in all units of the legal persons, limited partnerships, general partnerships and natural persons referred to in section 6.1 (a) to (c).
5. Our Minister concerned is authorised to demand to inspect the audit programmes and files of the accountant who has audited the documents referred to in subsection 1 (a) and (b), in order to determine whether the audit performed by this accountant may be relied on in the context of the supervision referred to in section 6.1. The accountant may not refuse to allow inspection of the audit files by invoking a non-disclosure obligation imposed by or pursuant to Act of Parliament in respect of confidential data included in the audit files.
6. The powers referred to in section 6.3 (4) must be exercised under the responsibility of a chartered accountant or an accounting consultant, whose record in the register of accountants contains a note as referred to in section 36 (2) (i) of the Accountancy Profession Act.
7. If Our Minister concerned exercises the powers referred to in subsections 1 to 5, sections 5:12, 5:13, 5:15 and 5:17 (2) and (3) of the General Administrative Law Act apply mutatis mutandis.
8. Our Minister concerned may exercise the powers referred to in subsections 1 to 5 for as long as and for the years that central government has an interest therein.

-
9. Without prejudice to provisions laid down elsewhere by or pursuant to Act of Parliament, Our Minister concerned, notwithstanding subsection 2, must not institute an audit in respect of provincial and municipal authorities, water authorities, the Bonaire, St Eustatius and Saba public bodies, public bodies for the professions and trades, and public bodies and joint bodies established under the Joint Arrangements Act, with the exception of public bodies and joint bodies in which central government participates, in so far as they have received a contribution as referred to in section 6.1, opening words and (a).

Section 6.4. Powers of supervision by Our Ministers in the case of outsourcing

If an accounting function or related tasks are outsourced to a third party, Our Minister concerned is authorised to perform an audit as referred to in section 6.3 (3) of the accounts kept by the third party concerned or by the person who keeps the accounts on behalf of the third party.

Section 6.5. Liability of the accountant

The accountant who allows inspection of the audit files and provides copies of documents from these files pursuant to section 6.3 (5) is not liable for any loss consequently suffered by a third party, unless it can be shown that, considering all the facts and circumstances, he should not reasonably have allowed inspection.

Section 6.6. Regulation

Without prejudice to provisions laid down elsewhere by Act of Parliament, rules may be laid down by or pursuant to order in council about:

- a. the information which the legal persons with a statutory task include in their budget and annual report;
- b. the requirements to be met by the information to be included in the annual report of the legal persons with a statutory task.

§ 2. Supervision of treasury banking

Section 6.7. Supervision by Our Ministers of treasury banking

1. Our Minister concerned is responsible for supervising:
 - a. the treasury banking by the legal persons designated pursuant to section 5.1 (1), opening words and (a);
 - b. the investment of the liquid assets by the legal persons designated pursuant to section 5.1 (1), opening words and (b);
 - c. the matters regulated in section 5.8.

-
2. At the request of Our Minister concerned, a legal person designated pursuant to section 5.1 (1), opening words and (a) and (b), must provide the information Our Minister considers necessary for his supervision as referred to in subsection 1.
 3. At the request of Our Minister concerned, the legal persons designated pursuant to section 5.1 (1), opening words and (a) and (b), must perform an audit to determine compliance with the obligations referred to in sections 5.2 to 5.4, 5.7 and 5.8. The audit must be performed by the accountant responsible for auditing the annual accounts of that legal person. The legal persons must forward the audit report to Our Minister concerned.
 4. If a legal person designated pursuant to section 5.1 (1), opening words and (a) and (b), has not complied with the provisions laid down by or pursuant to sections 5.1 to 5.4, 5.7 and 5.8, Our Minister concerned may direct such legal person to rectify the omission.

Section 6.8. Further regulation

Our Minister of Finance may lay down further rules on the supervision referred to section 6.7.

§ 3. Statement on EU expenditure

Section 6.9. Statement on EU expenditure

1. Our Minister of Finance, in agreement with Our other Ministers concerned, may draw up an annual statement for the European Commission on the disbursement of the European funds in shared management by the Netherlands as a member state.
2. Our Minister of Finance must forward the statement to the European Commission.
3. Our Minister of Finance must forward the statement to the Court of Audit for auditing.
4. After the statement has been audited by the Court of Audit, Our Minister of Finance must forward it to the House of Representatives of the States General.

Chapter 7. Court of Audit

§ 1. Composition and organisation

Section 7.1. Composition

1. The Court of Audit consists of three ordinary members who jointly form the board of the Court of Audit, together with at most three extraordinary members.
2. The president is appointed by Royal Decree from among the ordinary members, on the recommendation of Our Minister of the Interior and Kingdom Relations.
3. The Court of Audit must notify Us and the House of Representatives of the States General of any vacancy among its members at the earliest opportunity.
4. The board of the Court of Audit must draw up a list of at least four recommended candidates and forward it to the House of Representatives of the States General as quickly as possible after notification of a vacancy as referred to in subsection 3. In making its recommendation, the House of Representatives of the States General may have such regard to the list of recommended candidates as it sees fit.

Section 7.2. Extraordinary members

1. The extraordinary members may be called upon by the president to take part in certain activities, in which case they then have the same powers as the ordinary members in relation to such activities. The extraordinary members then also form part of the board of the Court of Audit.
2. If an ordinary member is absent or unable to attend, his place will be taken by an extraordinary member.

Section 7.3. The secretary-general

1. A secretary-general is attached to the Court of Audit.
2. The secretary-general is appointed and dismissed by Royal Decree on the recommendation of the Court of Audit. The secretary-general may be suspended by the board of the Court of Audit.

Section 7.4. Appointment requirements

1. Membership of the Court of Audit is restricted to persons of Dutch nationality.
2. The members and secretary-general must not hold any other public office for which a fixed remuneration or allowance is payable or belong to any public body whose members are chosen in elections prescribed by or pursuant to statutory provisions. Provided that the incompatibility in question does not also arise from other statutory provisions, an exemption from this provision may be granted by Royal Decree after the Court of Audit has been heard.

-
3. Without prejudice to subsection 2, the members and secretary-general must not hold any other positions if these positions might conflict with the proper performance of their duties for the Court of Audit or with the maintenance of their impartiality and independence or of confidence therein.
 4. Any positions held by the members and secretary-general of the Court of Audit in addition to their duties as such must be made public annually by the president.

Section 7.5. Termination and suspension

1. A member may tender his resignation at any time and will in any event cease to be a member on reaching the age of 70. The termination of membership takes effect on the first day of the following month.
2. The Supreme Court of the Netherlands may dismiss or suspend members. Chapter 6A (excepting sections 46b, 46c (1) (b), (2) and (3), 46d, 46i (1) (c), 46k and 46q) of the Judicial Officers (Legal Status) Act apply *mutatis mutandis*, provided always that:
 - a. the disciplinary sanction of a written warning is imposed by the president of the Court of Audit;
 - b. in section 46e, the words 'the president of the Court of Audit' are substituted for the words 'the judicial officer, who is also president of the Court of Appeal or the District Court, the president of the Supreme Court or the procurator general at the Supreme Court';
 - c. the president of the Court Audit is deemed to be the superior;
 - d. the words 'Our Minister of the Interior and Kingdom Relations' are substituted for the words 'Our Minister';
 - e. the recommendation referred to in sections 46i (4) and 46l (2) is made by the Court of Audit;
 - f. in section 46p (5), the words 'the Court of Audit' are substituted for the words 'the court concerned or the Procurator General's Office at the Supreme Court'.
3. Without prejudice to the grounds for dismissal referred to in subsection 2, a ground for dismissal is that a member has acted in breach of section 7.4 (3).
4. Rules may be laid down by or pursuant to order in council concerning redundancy payments and sickness and invalidity provision.

Section 7.6. Taking up office

1. The president, the other ordinary members, the extraordinary members and the secretary-general must, before taking up office, take the following oath (declaration and affirmation) in Our presence

* 'I swear (declare) that I have not made any gift or promise under whatever name or on whatever pretext to any person, either directly or indirectly, with a view to obtaining my appointment.

I swear (declare and affirm) that I have not accepted and will not accept from any person any gift or promise, directly or indirectly, as an inducement to do or refrain from doing anything in my office.

I swear (affirm) that I will be true to the King, at all times respect the Constitution and perform my duties honestly, conscientiously and impartially.

So help me Almighty God. (This I do declare and affirm.)'

2. With Our authorisation, the president may, at a meeting of the board of the Court of Audit, administer the oath or the affirmation to the other ordinary members, the extraordinary members and the secretary-general.

Section 7.7. Standing orders

The Court of Audit must adopt standing orders for its work. The standing orders must be published in the Government Gazette.

Section 7.8. Tasks and powers of the president

1. The president must supervise the work of the Court of Audit, ensuring the proper application of the provisions laid down by or pursuant to this chapter.
2. The president must ensure that all documents sent to the Court of Audit or to him in his capacity as its president are considered by the board in session, unless they are excluded from such consideration by the standing orders.
3. In the president's absence, his tasks and powers must be exercised by the most senior ordinary member present.

Section 7.9. Decision-making

1. The board of the Court of Audit passes decisions by a majority of votes.
2. In the case of a tied vote, the president has the casting vote.
3. The board of the Court of Audit may not reach decisions unless at least a majority of its members are present at the meeting.

Section 7.10. Duty of withdrawal

1. The members and the secretary-general may not be present during the deliberations or taking of decisions on any matter which concerns them, their spouse, their registered partner, the persons with whom they live or any person related to them by blood or marriage to the third degree.

-
2. The members and the secretary-general must not take part in the auditing of or decisions on accounts or financial statements which they have drawn up.

Section 7.11. Legal position

1. The provisions laid down by or pursuant to the Central and Local Government Personnel Act regarding the legal status of central government personnel apply mutatis mutandis to the officials of the Court of Audit. The board of the Court of Audit may appoint, suspend and dismiss officials of the Court of Audit, provided always that if the appointment or dismissal is to be made by Royal Decree, a recommendation to this effect is made by the Court of Audit.
2. The Court of Audit may entrust the secretary-general with the appointment, suspension and dismissal of officials.
3. The officials must swear the oath or make the declaration and affirmation before the president. This may also apply to staff working at the Court of Audit on the basis of an employment contract under civil law.

§ 2. Audits of annual reports and performance audits

Section 7.12 Audits of annual reports

1. The Court of Audit must audit the following matters in relation to central government each year:
 - a. the financial reporting information in the annual reports;
 - b. the preparation of the non-financial reporting information in the annual reports;
 - c. the financial reporting information in the central government annual financial report.
2. The Court of Audit must audit the following matters in relation to central government:
 - a. budget management, financial management, material operational management and the central government accounting records kept for this purpose;
 - b. the central accounting records of the National Treasury of the Ministry of Finance.

Section 7.13. Scope of audits of annual reports

1. The purpose of the audit referred to in section 7.12 (1) is to establish whether the standards referred to in sections 3.8 to 3.10 have been met.
2. The purpose of the audit referred to in section 7.12 (2) is to establish whether the standards referred to in sections 3.2 to 3.5 have been met.

Section 7.14. Reporting on audits of annual reports

1. Each year the Court of Audit must record its findings and conclusions on the audits referred to in section 7.12 (1) and (2) in reports.

-
2. The Court of Audit must issue a statement of approval regarding the central government account included in the central government annual financial report and the central government trial balance referred to in section 2.35 (2) and (4).
 3. If necessary, the statement of approval may be issued on condition that the final variances referred to in section 2.36 and, when the occasion arises, an Indemnity Act as referred to in section 7.22 (3) are adopted.
 4. Before adopting a report as referred to in subsection 1, the Court of Audit must give Our Minister concerned the opportunity to comment on its findings and provisional conclusions within a reasonable period.
 5. Information and findings of a confidential nature must not be included by the Court of Audit in a report as referred to in subsection 1. Communications which contain such information or findings may be sent to the States General for its information on a confidential basis.

Section 7.15. Presentation of report on audits of annual reports

1. The Court of Audit must present the reports and the statement of approval referred to in section 7.14 (1) and (2) to the States General and Us by no later than 1 June of the year following the budget year.
2. If the Court of Audit has not completed the audit referred to in section 7.12 (1) and (2) by 1 June of the year following the budget year, it must on this date present a provisional report on the current state of the audit. In such an event, the Court of Audit must send the final report and the statement of approval referred to in section 7.14 (1) and (2) as soon as possible thereafter.

Section 7.16. Performance audits

The Court of Audit must examine the effectiveness and efficiency of the policy pursued by central government.

Section 7.17. Presentation of report on performance audits

1. The Court of Audit must notify the States General and Us of the report it has adopted following an audit as referred in section 7.16.
2. When the occasion arises, the Court of Audit must also notify the institution, referred to in section 7.34 (8), of the report referred to in subsection 1.
3. Before adopting a report as referred to in subsection 1, the Court of Audit must give Our Minister concerned the opportunity to comment on its findings and provisional conclusions within a reasonable period.
4. Information and findings of a confidential nature must not be included by the Court of Audit in a report as referred to in subsection 1. Communications which contain such information or findings may be sent to the States General for its information on a confidential basis.

Section 7.18. Powers regarding audits of annual reports and performance audits

1. The Court of Audit may, in so far as it considers this necessary for the performance of its tasks, inspect all goods, records, documents and other information carriers in all central government sectors in such manner as it may determine.
2. The Court of Audit is authorised, for the performance of its tasks, to demand to inspect the audit programmes and files of the accountant who has performed an audit or review on the instructions of one of Our Ministers or of a Council or Office. The Court of Audit is authorised to make copies of the documents in the audit files. An accountant may not refuse to allow inspection of the audit files by invoking a non-disclosure obligation imposed by or pursuant to Act of Parliament in respect of confidential data included in the audit files. Section 6.5 applies *mutatis mutandis*.
3. In performing its tasks, the Court of Audit may, without prejudice to its power to conduct its own audits, make use of the findings of audits conducted by others.
4. The Court of Audit may exercise the powers referred to in this section for as long as and for the years that central government has an interest therein.
5. Our Ministers and the Councils and Offices must, on request, supply the Court of Audit with any information which it considers necessary in order to carry out its tasks.
6. An accountant who has been charged with performing an audit on the instructions of one of Our Ministers or a Council or Office must, on request, hand over to the Court of Audit the audit programmes and files relating to his audit.

Section 7.19. Powers regarding audits of annual reports and performance audits in the case of outsourcing

If an accounting function or related tasks are outsourced to a third party, the Court of Audit is authorised to perform an audit as referred to in sections 7.12 and 7.16 of the accounts kept by the third party concerned or by the person who keeps the accounts or carries out the tasks on behalf of the third party.

Section 7.20. Powers regarding audits of annual reports and performance audits in relation to secret expenditures and receipts

1. The board of the Court of Audit must perform an audit of secret expenditures and receipts.
2. In performing the audit, the board may arrange to be assisted by its staff.

Section 7.21. Objection procedure: general

1. On the basis of its audit referred to in section 7.12, the Court of Audit may raise an objection relating to financial management, material operational management or the reports related to them.
2. The Court of Audit must notify Our Minister concerned of the objection.

-
3. Within a month of receiving the notification referred to in subsection 2, Our Minister concerned must inform the Court of Audit of the measures that may meet its objection.
 4. Upon expiry of this period, the Court of Audit must take its final decision and inform Our Minister concerned accordingly.

Section 7.22. Procedure if the objection is maintained

1. The Court of Audit may maintain its objection referred to in section 7.21 (1).
2. If the Court of Audit maintains its objection, it must notify Our Minister concerned and Our Minister of Finance.
3. If the objection relates to an issue of regularity, a Bill to adopt an Indemnity Act must be submitted to the House of Representatives of the States General within two months of the notification referred to in subsection 2.
4. If no such Bill has been submitted upon expiry of that period, the Court of Audit must notify the House of Representatives of the States General accordingly.
5. If its objection differs from the objection referred to in subsection 3, the Court of Audit must give notice of it in the report in question, as referred to in section 7.14.
6. The Court of Audit may also add a note to this effect to its report on the central government annual financial report.

§ 3. Other tasks and powers

Section 7.23. Audits on request

The Court of Audit may perform an audit at the request of either House of the States General or any of Our Ministers.

Section 7.24. Audit of public funds outside central government

Without prejudice to provisions laid down elsewhere by Act of Parliament, the Court of Audit may perform an audit relating to:

- a. a.legal persons, limited partnerships, general partnerships and natural persons practising a profession or carrying on a business if they:
 - 1° have received – directly, indirectly or conditionally – a grant, loan or guarantee or a contribution in kind with features of a grant, loan or guarantee charged to the central government budget;
 - 2° have received – directly, indirectly or conditionally – a tax allowance for research and development work, an energy investment, an environmental investment or an investment in rented housing for which a statement has been issued by Our Minister concerned or a directive has been issued by ministerial order;

-
- b. legal persons with a statutory task;
 - c. legal persons, limited partnerships, general partnerships and natural persons practising a profession or carrying on a business that deliver goods or services relating to the performance of a public task for which payment is made from the central government budget and where the State has reserved the right to perform audits of the legal person, limited partnership, general partnership or natural person concerned in respect of the goods or services delivered;
 - d. public bodies and joint bodies established under the Joint Arrangements Act, in which central government participates;
 - e. public limited companies and private limited companies in which the State holds 5% or more of the issued share capital.

Section 7.25. Scope of audit of public funds outside central government

1. The purpose of an audit of legal persons, limited partnerships, general partnerships and natural persons, as referred to in section 7.24, opening words and (a) to (c), is to form an opinion on:
 - a. the policy pursued by Our Minister concerned in respect of the legal persons, limited partnerships, general partnerships and natural persons referred to in section 7.24 (a) to (c);
 - b. the supervision conducted by Our Minister concerned in respect of the legal persons, limited partnerships, general partnerships and natural persons referred to in section 7.24 (a) to (c).
2. Without prejudice to subsection 1, one of the purposes of an audit in respect of legal persons with a statutory task as referred to in section 7.24, opening words and (b), is to form an opinion on:
 - a. the management of public funds by the legal persons with a statutory task;
 - b. the performance of the statutory task.
3. An audit at De Nederlandsche Bank NV (the Dutch central bank) does not relate to the performance of tasks implementing the Treaty on the Functioning of the European Union.

Section 7.26. Scope of audit of public bodies and joint bodies

The purpose of an audit of public bodies and joint bodies as referred to in section 7.24, opening words and (d) is:

- a. to form an opinion on the manner in which central government participates in the public bodies and joint bodies referred to in section 7.24 (d);
- b. to assess the policy pursued by Our Minister concerned in relation to the public bodies and joint bodies referred to in section 7.24 (d).

Section 7.27. Scope of audits of state-owned enterprises

The purpose of an audit of public and private limited companies as referred to in section 7.24, opening words and (e) is:

-
- a. to form an opinion on the exercise by the State of its rights as shareholder in relation to these companies;
 - b. to assess the policy pursued by Our Minister concerned in relation to these companies.

Section 7.28. Audit of contributions from the EU budget

Without prejudice to provisions laid down elsewhere by Act of Parliament or EU regulation, the Court of Audit may perform an audit of legal persons, limited partnerships, general partnerships and natural persons practising a profession or carrying on a business if they have received – directly, indirectly or conditionally – a grant, loan or guarantee from the EU budget, in so far as the member state of the European Union has been charged with supervising and auditing that grant, loan or guarantee and with its management.

Section 7.29. Scope of audit of contributions from the EU budget

The purpose of an audit of legal persons, limited partnerships, general partnerships and natural persons as referred to in section 7.28 is to form an opinion on the supervision carried out by Our Ministers concerned to fulfil the obligations imposed on the member state by or pursuant to the Treaty on the Functioning of the European Union in respect of the financial management of the grant, loan or guarantee received and of the audit or supervision thereof.

Section 7.30. Presentation of report on other audits

1. The Court of Audit must notify the States General and Us of the report it has adopted following an audit as referred in sections 7.23, 7.24 and 7.28.
2. When the occasion arises, the Court of Audit must also notify the institution, referred to in section 7.34 (8), of the report referred to in subsection 1.
3. Before adopting a report as referred to in subsection 1, the Court of Audit must give Our Minister concerned the opportunity to comment on its findings and provisional conclusions within a reasonable period.
4. Information and findings of a confidential nature must not be included by the Court of Audit in a report as referred to in subsection 1. Communications which contain such information or findings may be sent to the States General for its information on a confidential basis.

Section 7.31. Audit of statement on EU expenditure

The Court of Audit must audit the statement referred to in section 6.9 concerning the disbursement by the Netherlands of European funds in shared management.

Section 7.32. Presentation of report on audit of statement on EU expenditure

1. The Court of Audit must notify the States General and Our Minister of Finance of the report it has adopted following an audit as referred in section 7.31.
2. Section 7.30 (2) to (4) applies mutatis mutandis.

Section 7.33. Report on activities

The Court of Audit must present a report on its activities in the preceding year to the States General and Us by no later than 1 April of every year.

Section 7.34. Audit powers in respect of public funds outside central government and public bodies and joint bodies

1. When performing an audit as referred to in section 7.24 (a) to (d), the Court of Audit must make as much use as possible of the findings of audits conducted by others.
2. Using the documents held by Our Minister concerned or the institution referred to in subsection 8, the Court of Audit may take note of the information about the legal persons, limited partnerships, general partnerships, natural persons, public bodies and joint bodies as referred to in section 7.24 (1) (a) to (d).
3. If it considers that the information held by Our Minister concerned or the institution referred to in subsection 8 gives grounds for doing so, the Court of Audit is authorised to obtain further information from the relevant legal persons, limited partnerships, general partnerships, natural persons, public bodies and joint bodies referred to in section 7.24 (1) (a) to (d), or to require them to hand over documents.
4. Using the records, the Court of Audit may institute an audit of the legal persons, limited partnerships, general partnerships, natural persons, public bodies and joint bodies referred to in section 7.24 (1) (a) to (d). Sections 7.18 (1) and 7.19 apply mutatis mutandis.
5. The Court of Audit is authorised to demand to inspect the audit programmes and files of the accountant who has audited the documents referred to in section 6.3 (1) (a) and (b). The accountant may not refuse to allow inspection of the audit files by invoking a non-disclosure obligation imposed by or pursuant to Act of Parliament in respect of confidential data included in the audit files. Section 6.5 applies mutatis mutandis.
6. If the Court of Audit exercises the powers referred to in subsections 3 to 5 above, sections 5:12, 5:13, 5:15 and 5:17 (2) and (3) of the General Administrative Law Act apply mutatis mutandis.
7. The Court of Audit may exercise its powers referred to in this section for as long as and for the years that the public interest so requires.

-
8. An institution charged by or pursuant to Act of Parliament with supervision of legal persons with a statutory task must inform the Court of Audit of the results of such supervision in the manner prescribed by the Court of Audit. If the Court of Audit so requests, the institution must make its audit programmes available.
 9. The Court of Audit must inform Our Minister concerned of the audit that it performs on the basis of this section.
 10. This section does not apply to provincial and municipal authorities, water authorities, the Bonaire, St Eustatius and Saba public bodies, public bodies for the professions and trades, financial institutions and electronic money institutions as referred to in the Financial Supervision Act and the BES Financial Markets Act, and public bodies and joint bodies established under the Joint Arrangements Act, with the exception of public bodies and joint bodies in which central government participates.

Section 7.35. Audit powers in respect of state-owned enterprises

1. Section 7.34 (1) to (3) applies mutatis mutandis to public and private limited companies in which the State holds at least 5% of the issued share capital as referred to in section 7.24 (e), provided always that any further information must be obtained and documents demanded through the intermediary of Our Minister concerned and may relate only to the annual accounts and the related reports of the accountants who have audited the annual accounts.
2. Section 7.34 (1) to (7) and (9) applies mutatis mutandis to public and private limited companies in which the State holds over 50% of the issued share capital and to public and private limited companies in which the former public and private limited companies hold, directly or indirectly, over 50% of the issued share capital.

Section 7.36. Audit powers in respect of contributions from the EU budget

Section 7.34 (1) to (9) applies mutatis mutandis to contributions from the EU budget as referred to in section 7.28.

Section 7.37. Cooperation within the Kingdom

1. The Court of Audit may cooperate with the courts of audit of Aruba, Curaçao and St Maarten and with the joint court of audit of the Bonaire, St Eustatius and Saba public bodies.
2. Data, findings and conclusions which are of a confidential nature may not be disclosed to the courts of audit referred to in subsection 1.

Section 7.38. International activities

1. The Court of Audit may perform international activities that are in keeping with its statutory tasks.

-
2. In performing the activities referred to in subsection 1, the Court of Audit may collaborate with comparable research institutes in other countries.
 3. Section 7.37 (2) applies mutatis mutandis to the activities referred to in subsections 1 and 2.

Section 7.39. Communications

The Court of Audit may send to Our Minister of Finance, Our Minister concerned and the States General any communications that it considers to be in the public interest.

§ 4. Consultation

Section 7.40. Consultation with the Court of Audit

1. Our Minister concerned must consult with Our Minister of Finance and with the Court of Audit about:
 - a. the rules relating to the Court of Audit's tasks and powers to be laid down by or pursuant to Act of Parliament;
 - b. a statutory provision as referred to in section 4.7 (3) (a) in so far as that provision relates to the actions of the State in founding or cofounding a legal person under private law or arranging for such a legal person to be founded.
2. Our Minister concerned, in agreement with Our Minister of Foreign Affairs and Our Minister of Finance, must consult with the Court of Audit about draft EU legislation in so far as it relates to the position, tasks or powers of national audit offices.
3. Our Minister of Finance must consult with the Court of Audit about the rules to be laid down by or pursuant to this Act, with the exception of rules about:
 - a. the structure of the central government budget, referred to in section 4.20 (1), opening words and (a);
 - b. the budget process, as referred to in section 4.20 (1), opening words and (b);
 - c. budget management, as referred to in section 4.20 (1), opening words and (d);
 - d. the financial records in so far as they concern the budget, as referred to in section 4.20 (1), opening words and (e).
4. Our Minister concerned must allow a reasonable period for the consultation with the Court of Audit as referred to in subsections 1 to 3.

Chapter 8. Emergency legislation

Section 8.1. Emergency legislation

1. Without prejudice to sections 7 (1) and 8 (1) of the National and Local Emergencies (Coordination) Act, Our Minister of Finance may be authorised by Royal Decree, on the recommendation of Our Prime Minister, to lay down rules which depart from the provisions of this Act and of the Acts referred to in section 2.11 (2) where necessitated by exceptional circumstances.
2. Where a decree is adopted as referred to in subsection 1, a Bill must immediately be sent to the House of Representatives of the States General concerning the length of time that the provision contained in that decree is to remain in force.
3. If such a Bill is defeated by the States General, a provision that has entered into force under subsection 1 must be declared inoperative forthwith by Royal Decree, on the recommendation of Our Prime Minister.
4. The provision that has entered into force under subsection 1 must be declared inoperative by Royal Decree, on the recommendation of Our Prime Minister, as soon as the government believes this to be justified by the circumstances.
5. A decree as referred to in subsections 1, 3 and 4 must be published in the manner provided for therein. A decree enters into force as soon as it has been published.
6. A decree as referred to in subsections 1, 3 and 4 must in any event be published in the Bulletin of Acts and Decrees.

Chapter 9. Amendments to other Acts of Parliament

Section 9.1. Amendments to the National and Local Emergencies (Coordination) Act

[Amends the National and Local Emergencies (Coordination) Act.]

Section 9.2. Amendments to the Grants to Local Government Act

[Amends the Grants to Local Government Act.]

Section 9.3. Amendments to the Animal Health and Welfare Act

[Amends the Animal Health and Welfare Act.]

Section 9.4. Amendments to the Commercial Register Act 2007

[Amends the Commercial Register Act.]

Section 9.5. Amendments to the Advisory Bodies Framework Act

[Amends the Advisory Bodies Framework Act.]

Section 9.6. Amendments to the Prices (Emergency Situations) Act

[Amends the Prices (Emergency Situations) Act.]

Section 9.7. Amendments to the Railways Act

[Amends the Railways Act.]

Section 9.8. Amendments to the Ambulance Services (Temporary Provisions) Act

[Amends the Ambulance Services (Temporary Provisions) Act.]

Section 9.9. Amendments to the Act implementing the EGTC Regulation

[Amends the Act implementing the EGTC Regulation.]

Section 9.10. Amendments to the Water Act

[Amends the Water Act.]

Section 9.11. Amendments to the Housing Act

[Amends the Housing Act.]

Section 9.12. Amendments to the Transport (Broad Special-Purpose Grant) Act

[Amends the Transport (Broad Special-Purpose Grant) Act.]

Section 9.13. Amendments to the Animals Act

[Amends the Animals Act.]

Section 9.14. Amendments to the Public Bodies (Bonaire, St Eustatius and Saba) Finances Act

[Amends the Public Bodies (Bonaire, St Eustatius and Saba) Finances Act.]

Section 9.15. Amendments to the Economic Structure Enhancing Fund Act

[Amends the Economic Structure Enhancing Fund Act.]

Section 9.16. Amendments to the Sustainable Public Finances Act

[Amends the Sustainable Public Finances Act.]

Section 9.17. Amendments to the Infrastructure Fund Act

[Amends the Infrastructure Fund Act.]

Section 9.18. Amendments to the Chronic Care Act

[Amends the Chronic Care Act.]

Section 9.19. Amendments to the Market Regulation (Healthcare) Act

[Amends the Market Regulation (Healthcare) Act.]

Section 9.20. Amendments to the Public and Semi-Public Sector Senior Officials (Standard Remuneration) Act

[Amends the Public and Semi-Public Sector Senior Officials (Standard Remuneration) Act.]

Section 9.21. Amendments to the Financial Supervision Act

[Amends the Financial Supervision Act.]

Section 9.22. Amendments to the Intelligence and Security Services Act 2002

[Amends the Intelligence and Security Services Act 2002.]

Section 9.23. Amendments to the Betting and Gaming Act

[Amends the Betting and Gaming Act.]

Section 9.24. Amendments to the National Police Selection and Training Institute and Police Education Act

[Amends the National Police Selection and Training Institute and Police Education Act.]

Section 9.25. Amendments to the Parliamentary Inquiries Act 2008

[Amends the Parliamentary Inquiries Act 2008.]

Section 9.26. Amendments to the Judiciary (Organisation) Act

[Amends the Judiciary (Organisation) Act.]

Section 9.27. Amendments to the Public Servants (Cover under Employee Insurance Schemes) Act

[Amends the Public Servants (Cover under Employee Insurance Schemes) Act.]

Section 9.28. Amendments to the Trust Office Foundation (Management of Financial Institutions) Act

[Amends the Trust Office Foundation (Management of Financial Institutions) Act.]

Section 9.29. Amendments to the Audit Firms (Supervision) Act

[Amends the Audit Firms (Supervision) Act.]

Section 9.30. Amendments to the Health Insurance Act

[Amends the Health Insurance Act.]

Chapter 10. Evaluation, transitional and concluding provisions

§ 1. Evaluation

Section 10.1. Evaluation

Our Minister of Finance must send a report on the effects of this Act in practice to the States General within five years of its entry into force.

§ 2. Transitional law and concurrence

Section 10.2. Transitional law

1. The provisions of the Government Accounts Act 2001 and the provisions based on it as they applied before the entry into force of this Act remain applicable to:
 - a. budgets and supplementary budgets, annual reports and reports connected with such budgets, in so far as the budgets were presented to the House of Representatives of the States General before the entry into force of this Act;
 - b. decisions concerning a designation as a departmental agency using accrual accounting or a departmental agency using commitment-cash accounting, as referred to in sections 10 and 11a of the Government Accounts Act 2001, in so far as they were taken before the entry into force of this Act;
 - c. decisions concerning a directive to hold liquid assets with the National Treasury or to lend liquid assets as referred to in sections 24 (6) and 45 of the Government Accounts Act 2001, in so far as they were taken before the entry into force of this Act;
 - d. juristic acts under private law, as referred to in sections 32, 34 and 34a of the Government Accounts Act 2001, in so far as they were performed before the entry into force of this Act;
 - e. the powers of the Court of Audit referred to in chapter VII of the Government Accounts Act 2001, in so far as they were exercised before the entry into force of this Act.
2. The provisions of this Act do not apply to:
 - a. budgets and supplementary budgets, annual reports and reports connected with such budgets, in so far as the budgets were presented to the House of Representatives of the States General before the entry into force of this Act;
 - b. juristic acts under private law, as referred to in sections 32, 34 and 34a of the Government Accounts Act 2001, in so far as they were performed before the entry into force of this Act;
 - c. the powers of the Court of Audit referred to in chapter VII of the Government Accounts Act 2001, in so far as they were exercised before the entry into force of this Act.

Section 10.3. Basis of decisions

When the present Act enters into force:

- a. decisions concerning a designation as a departmental agency using accrual accounting or a departmental agency using commitment-cash accounting, as referred to in sections 10 and 11a of the Government Accounts Act 2001, are deemed to be based in part on section 2.20 of this Act;
- b. decisions concerning a directive to hold liquid assets with the National Treasury or to lend liquid assets as referred to in sections 24 (6) and 45 of the Government Accounts Act 2001 are deemed to be based in part on sections 5.2 to 5.4 and 5.7 of this Act.

Section 10.4. Concurrence

[Amends this Act.]

§ 3. Geographical applicability

Section 10.5. Applicability to Bonaire, St Eustatius and Saba

The powers provided for in this Act may also be exercised in the Bonaire, St Eustatius and Saba public bodies.

§ 4. Concluding provisions

Section 10.6. Repeal of Government Accounts Act 2001

The Government Accounts Act 2001 is hereby repealed.

Section 10.7. Entry into force

This Act enters into force on a date to be determined by Royal Decree.

Section 10.8. Short title

This Act may be cited as the Government Accounts Act 2016.

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

Done at Wassenaar on 22 March 2017.

J.R.V.A. Dijsselbloem
Minister of Finance

Willem-Alexander

Published on 7 April 2017
S.A. Blok
Minister of Security and Justice