

**Unofficial translation of *Instellingsbesluit Actal 2011* dated 16 June 2011.**  
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**Decree dated 16 June 2011, number 11.001442, establishing an Actal advisory board on regulatory burden (Constituent Act Actal 2011)**

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

On the recommendation of Our Minister of Economic Affairs, Agriculture and Innovation of 10 June 2011, no. WJZ / 11073496, jointly made on behalf of Our Minister of the Interior and Kingdom Relations;

Taking into consideration Section 5, Subsection 1, of the Framework Act for advisory forums;

Having approved and decreed the following:

**Section 1**

An Actal Advisory board, hereafter referred to as: the board, has been established for the assessment of regulatory pressure,.

**Section 2**

The board is entrusted with the task of advising the government of both the Lower and Upper Houses of the States General regarding:

- a. the system of assessing the effects of proposed legislation on regulatory pressure experienced by the business community, citizens, and professionals in the healthcare, education, security and social security sectors;
- b. the consequences of proposed legislation on regulatory pressure experienced by the business community, citizens, and professionals in the healthcare, education, security and social security sectors, in consultation with the minister concerned and if those consequences are expected to be extensive;
- c. strategic issues relating to regulatory pressure, partly based on signals from the business community and organised associations of citizens, and professionals in the healthcare, education, security and social security sectors.

**Section 3**

Insofar as the board deems it necessary for the execution of the task, as stipulated in Section 2, Subsection 1, title and under a, the board shall have access to quantitative and qualitative substantiation underlying the calculated effects on regulatory pressure in an individual dossier.

#### **Section 4**

1. During execution of the task, as stipulated in Section 2, under the introduction and point b, the board shall issue its advice within four weeks of receiving the relevant paperwork.

2. In the event that the complexity of the legislation delays the board from being reasonably able to form a well-considered opinion within the period stipulated under Subsection 1, the board shall be entitled to issue its advice within four weeks at the latest.

#### **Section 5**

The board shall comprise a chairman and a maximum of three other members.

#### **Section 6**

After the work has been completed, the board shall transfer the archives to Our Minister of Economic Affairs, Agriculture and Innovation.

#### **Section 7**

This Decree shall enter into force on the day after the date of the '*Staatscourant*' issue in which it is published and shall take retrospective effect until 1 June 2011. This Decree shall expire with effect from 1 June 2015.

#### **Section 8**

This Decree shall be entitled: Constituent Act Actal 2011.

Our Minister of Economic Affairs, Agriculture and Innovation is charged with the execution of this Decree, which shall be published with the corresponding explanatory memorandum in the '*Staatsblad*'.

*'s-Gravenhage, 16 June 2011*

Beatrix

*The Minister of Economic Affairs, Agriculture and Innovation,  
M.J.M. Verhagen.*

*The Minister of the Interior and Kingdom Relations,  
J.P.H. Donner.*

## EXPLANATORY NOTES

### 1. Purpose and background

The Advisory Board on administrative burdens (Actal) was established as a temporary advisory board in 2000 by Royal Decree and charged with the task of issuing advice that may result in a substantial reduction in the administrative burdens on the business community.<sup>1</sup> Since that time, the establishment and tasks of Actal have been changed on a number of occasions.<sup>2</sup> In the Coalition Agreement ‘Freedom and Responsibility’ the Rutte-Verhagen cabinet formulated a new ambition to further reduce regulatory pressure in the Netherlands. As part of this, the cabinet also determined that Actal be remodelled into a body that advises on the basis of concrete signals (such as complaints, for example) regarding the opportunities for reducing administrative burdens and regulatory pressure, whereby it has the option to ‘name and shame’ the departments involved.

### 2. Tasks

The three tasks entrusted to Actal are stipulated in Section 2, Subsections a to c:

- Ad a. This task relates to the assessment on a systemic level: if departments apply the business impact test, in addition to other assessments, consistently and in such a manner that assessment at the level of individual dossiers (dossier assessment) is no longer necessary by an external assessment organisation, this will enable Actal to limit itself to ex ante spot checks to verify whether departments are describing the effects of regulatory pressure properly and consistently. This task is in line with the regulatory pressure for Business Programme presented to the House of Representatives on 2 February 2011 (Parliamentary papers TK2010/11, 29 515, no. 327) and the Parliamentary letter to the Minister of Economic Affairs, Agriculture and Innovation dated 16 February 2011 (Parliamentary papers TK 2010/11, 29 515, no. 328). With a view to this task, Section 3 stipulates that Actal should have access to the quantitative and qualitative details underpinning individual dossiers. In this respect, Article 3 also implements the motion Groot c.s. (Parliamentary papers TK 2010/11, 31 311, no. 67).
- Ad b. Dossiers for which extensive regulatory pressure is expected, shall remain subject to an ex ante test to a limited degree and in consultation with the minister concerned. This task also arises from the previously mentioned Parliamentary letter dated 16 February 2011. As regards which dossiers shall be chosen, this is closely related to the dossiers on the working programme of

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<sup>1</sup> Decree of 30 March 2000, establishing an Advisory Forum to assess administrative burdens (Constituent Act Advisory Form for the assessment of administrative burdens), Stb. 2000,162.

<sup>2</sup> These changes were recorded in the following Decrees:

- Decree dated 7 February 2004, amending the Constituent Act Advisory Forum for the assessment of administrative burdens relating to the extension of the duration for which the forum was established and any other changes (Extension Decree Advisory Forum for the assessment of administrative burdens) Stb. 2004, 66.
- Decree dated 4 February 2005, amending the Constituent Act Advisory Forum for the assessment of administrative burdens relating to additional tasks of administrative burdens for citizens, Stb. 2005, 113.
- Decree dated 17 February 2006, establishing an Advisory Forum for assessing administrative burdens in 2006 (Constituent Act Advisory Forum for the assessment of administrative burdens 2006) Stb. 2006, 138.
- Decree of 10 June 2008, amending the Constituent Act Advisory Forum for the assessment of administrative burdens 2006 relating to the extension of the duration of establishment, the increase in staffing and the extension of forum tasks, Stb. 2008, 259.
- Decree dated 10 June 2008, amending the Constituent Act Advisory Forum for the assessment of administrative burdens 2006 relating to the extension of the duration of establishment, the increase in staffing and the extension of form tasks, Stb. 2008,259.

the future Impact Assessment Commission (CET). In the CET task description, which has yet to be defined, attention will be given to criteria, potential overlapping and task delineation.

- Ad c. To conclude, Actal is entrusted, where necessary, with the task of providing strategic advice on the reduction of regulatory pressure, whereby use may be made of concrete signals (such as regularly occurring complaints, for example) from the business community and organised associations of citizens, and professionals in the healthcare, education, security and social security sectors, not excluding 'naming and shaming' of the departments concerned. With a view to providing this advice, Actal may – in accordance with Section 19, Subsection 2 of the Framework Act for advisory forums – be aided by other persons, insofar as this is necessary for the fulfilment of its task (i.e. for the purposes of completing the recommendation concerned).

All these tasks are subject to the premise that the tasks entrusted to Actal extend to include regulatory pressure related to the business community, citizens, and professionals in the healthcare, education, security and social security sectors. Specific examples of professionals include nurses, police officers, detectives, teachers, primary school directors, Work and Social Assistance Act case holders, Administrative Office for Employed Persons Insurance Schemes (UWV) employees, Inland Revenue/Allowance employees and so forth. For these professionals, more regulatory pressure (more overheads) means that less time can be devoted to healthcare, education, street surveillance and so forth. With regard to recommendations concerning professionals, Actal pays attention to a possible overlap where implementation tests are involved.

All of the tasks entrusted to Actal concern regulatory pressure in the broadest sense, since it is of little consequence to businesses, citizens and professionals whether regulatory pressure arises as a result of obligations to provide information to the government (administrative burdens) or substantive compliance costs. The term 'administrative burdens' included in the name Actal has, for this reason, been replaced by the term 'regulatory burden.' However, owing to existing familiarity with the name, the abbreviation Actal has been retained. In compliance with the above-mentioned Programme for regulatory pressure on businesses, in addition to administrative burdens, regulatory pressure also includes substantive compliance costs and inspection burdens.

The fundamental reshaping of the tasks entrusted to Actal means a new advisory board and that for the present, Actal is therefore established by Royal Decree pursuant to Section 5 of the Framework Act for advisory forums. At the request of the House of Representatives, Actal will be established by statute (see the letter from the Minister of Economic Affairs, Agriculture and Innovation, dated 20 May 2011, reference OI/rr/11071300). As soon as the statute enters into force this establishment Decree will be withdrawn.

*The Minister of Economic Affairs, Agriculture and Innovation,  
M.J.M. Verhagen.*

*The Minister of the Interior and Kingdom Relations,  
J.P.H. Donner.*