



Tweede Kamer
DER STATEN-GENERAAL

Code of Conduct for Members of the House of Representatives of the Netherlands



Purpose of the Code of Conduct

The purpose of the Code of Conduct is to increase the accessibility of the integrity rules and the familiarity with their content and to further internalise the application of the rules of integrity.

Rules of Conduct

Members of the House of Representatives (MPs) must be aware that they carry out a public office that entails rights and duties. This gives rise to the following rules of conduct.

1. MPs must exercise their duties independently and in terms of the public interest.
2. MPs must not accept any gifts or favours intended to influence their actions or decisions in office.
3. MPs must comply with the registration obligations imposed on them by the office.
4. MPs must not use any information obtained in office for personal benefit and must safeguard the confidential nature of the information, if applicable.

Explanatory notes

Rules of conduct 1 and 2

Upon taking office, every MP must take the oath or affirmation. Consequently, and in accordance with the provisions of the Constitution, an MP shall at all times act independently and in terms of the public interest. This means that the public interest must always prevail over an MP's personal interests and the MP must hereby attach proportionate consequences. Under no circumstances is an MP permitted to accept any gifts or favours intended to influence their actions and decisions. Moreover, the MP shall refrain from any actions or decisions that would cause significant damage to the authority, dignity or reputation of the House.

In dealing with lobbyists¹ MPs must at all times be aware of their independent position and the duties the Constitution imposes upon them. To a certain extent, lobbyists are important sources of information for many MPs but a degree of distance must always be maintained in any dealings with them. Therefore, when a lobbyist makes an offer (other than information), an MP must refrain from making promises about undertaking certain actions. This also applies to offers of overseas trips wholly or partly paid for by lobbyists.

¹ The term 'lobbyist' should be interpreted broadly. Not only people working for lobbying firms but also other people approaching MPs to promote certain interests qualify as lobbyists.

Rule 3

MPs must declare their outside activities and secondary income, any interests that may reasonably be considered relevant, overseas travel for which the travel and accommodation expenses are paid in full or in part by third parties, including lobbyists, and gifts and favours exceeding the amount of 50 euros. At the MP's initiative, the Registry will record this information in the registers kept for this purpose. These registers are available for public inspection. Every six months, the Registry will remind the MPs of their duty to keep their information in the public registers up to date and of the possibility of correcting omissions.

These interests do not only refer to those of a financial nature and reference is hereby made to an OSCE recommendation: *"The rules should [...] include a clause requiring legislators to declare any other interest that might reasonably be thought to influence their actions, speeches or votes".*

Examples of these "other interests" could include:

- (a) past employment. It is not particularly relevant whether the MP earned an income from this employment. However, it could be important for the general public to know the MP's professional background to critically monitor that they are not advocating for an occupational group;
- (b) the right to reinstatement or other special arrangements with regard to activities after termination of membership of the House;
- (c) a controlling interest in a company.

The list is deliberately non-exhaustive. It is up to the MP to determine whether specific circumstances might reasonably be considered relevant to their functioning as an MP. In case of doubt, an MP may consult the independent integrity advisor.

In this context, the following rule of thumb applies: if a random observer might think that an MP's private circumstances could influence their position on a public issue, it may be advisable to have these circumstances included in the register. In so doing, there can be no claim of deliberate concealment of these circumstances. Whether these circumstances were of any actual influence is irrelevant, since neither that nor the opposite can be proven. When it comes to policy areas for which the MP is a spokesperson for their parliamentary group or member of the committee in question, it is advisable to apply a stricter concept of what an outsider may 'reasonably' view as 'influence on parliamentary actions'.

MPs are also advised to take into account the fact that third parties may reasonably consider specific circumstances relating to their partner or other close relatives relevant when assessing their functioning as an MP. It should be noted, however, that for various reasons it is not always possible to identify all of an MP's interests in the private domain. Firstly, the private domain is difficult to delineate. Secondly, the MP's private relations have the obvious right of privacy protection and any breach of such is not possible without a sound legal basis and could be disproportionate in relation to the objective of ensuring the MP's integrity. However, society is not blind to the sphere of social influence in which an MP operates and how this can affect their actions and functioning. The individual MP has to weigh up the matter from that perspective. This does not only apply to the registration of interests but to all registration obligations.

Here too, it may be wise for an MP to assume the perspective of a random observer and question whether invoking the protection of an interest of the third party involved should be honoured when weighed against the importance of transparency. The following rule of thumb has been drawn up for this: the "family and relational context" primarily relates to those with whom the MP shares a household, whereas "interests" to be registered, if necessary, include a responsible position held by the person in question in the policy area for which the MP is a spokesperson and the registration should be kept anonymous.

Invitations to a concert or dinner, for instance, qualify as "gifts and favours exceeding the value of 50 euros" and must also be registered.

For the sake of completeness, it should be noted that registration must be done correctly and promptly, especially in the case of accepting gifts or favours from lobbyists, including overseas travel, to avoid any appearance of a conflict of interest.

Rule 4

Confidentiality of the exchange of views in a closed committee meeting or plenary sitting behind closed doors must be upheld by those who were present at the proceedings and by all those who have knowledge either of the matters dealt with or the related documents, until such time as the committee or the House lifts the confidentiality obligation. However, the duty of confidentiality does not apply to information the committee mentions in its report on a closed committee meeting.

Breach of confidentiality of the exchange of views in a closed committee meeting or a plenary sitting behind closed doors may result in the decision by the House, at the proposal of the Presidium, to exclude the MP in question from all meetings of one or more committees for a maximum of one month or from access to confidential documents for at most the remainder of the parliamentary term.

Everyone must observe the confidentiality of documents. In June 2010, the rules pertaining to confidential documents were laid down in the Regulations concerning confidential documents. Breach of confidentiality relating to the content of a confidential document may result in the decision by the House, at the proposal of the Presidium, to exclude the MP in question from all meetings of one or more committees for a maximum of one month or from access to confidential documents for at most the remainder of the parliamentary term. The Rules of Procedure of the House of Representatives also contain a number of enforcement provisions in the event that an MP fails to observe the confidentiality of the deliberations about a subject.

Colophon

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