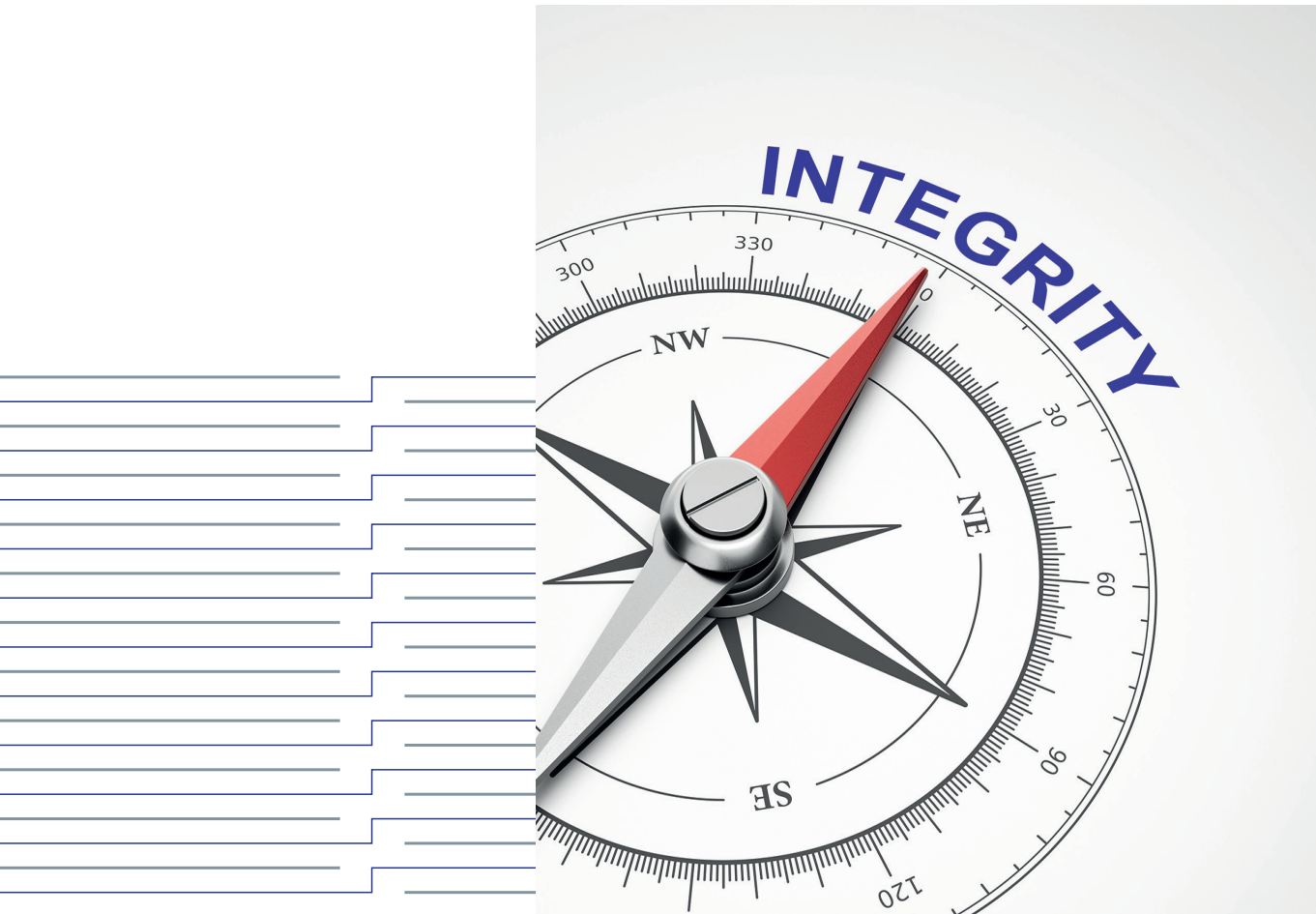




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DER STATEN-GENERAAL



Code of Conduct for Members of The House
of Representatives of The States-General



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Purpose of the Code of Conduct

The purpose of the code of conduct is to increase the accessibility of the integrity rules and familiarity with the substance of these rules and to further internalise the application of the integrity rules.

Scope

This code of conduct applies to the totality of the conduct of a Member of Parliament (MP) in office, which further includes conduct that seriously damages the authority or dignity of the House.

Rules of conduct

The MP is aware of the public nature of the office he/she exercises and that this implies rights and obligations. The following rules of conduct flow from this.

1. The MP shall exercise his/her office independently and in the public interest.
2. The MP shall not accept any gift or favour intended to influence his/her official conduct.
3. The MP shall meet the registration obligations the office imposes.
4. The MP shall not use information acquired in the exercise of his/her office for personal interests and shall guarantee the confidential nature thereof, if applicable.
5. The MP shall behave in accordance with the rules of the House.

Notes

Scope

In principle, the code of conduct shall apply to the conduct of MPs in the exercise of their duties. Under certain circumstances other conduct by MPs, not in the exercise of their duties, may also be subject to the code of conduct, more specifically where such conduct damages the authority or dignity of the House to a serious degree.

Rules of conduct 1 and 2

The members must take oaths or make solemn affirmations upon acceptance of their office. It follows from this and from the provisions of the Constitution that at all times an MP shall be independent and expected to act in the public interest. This means that if an MP is faced with a conflict of personal and public interests, the public interest must always have preference. This has proportional consequences for a member. At any rate an MP shall not be permitted to accept gifts or favours meant to influence the conduct of the member in question. Moreover, the MP shall refrain from any conduct that seriously damages the authority or dignity of the House.

In respect of lobbyists¹, members must always be aware of their independent position and the duties the Constitution imposes on them. Although for many members lobbyists are an important source of information, members must always maintain a measure of distance in respect of lobbyists. When confronted by an offer (not pertaining to information) from a lobbyist, a member must therefore refrain from making promises regarding specific conduct. These offers shall also include trips abroad funded wholly or in part by lobbyists.

Rule of conduct 3

The members must declare their ancillary activities and income, interests that may reasonably be considered relevant, trips abroad for which the travel and subsistence costs are wholly or partly paid by third parties, including lobbyists, and gifts and benefits worth in excess of 50 euros. Upon declaration by the MP, the Plenary Office shall include this information in the registers maintained for this purpose, which are open for public scrutiny. Every six months, the Plenary Office shall remind the Members of the necessity to keep information in public registers updated and that they can correct omissions.

¹ The term 'lobbyist' shall apply in its broadest sense. Besides persons in the employ of lobbying offices, others who approach an MP to support specific interests may also be considered lobbyists.

These interests shall not be limited to financial interests only. Reference is made to a recommendation by the OSCE in this regard: *“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”*. “Any other interest” might, for example, refer to:

- (a) prior positions. It is of little consequence whether this interest generated income, as it might be important for the outside world to be aware of the member’s professional background, in order to critically determine whether the member is not acting in the interests of a professional group,
- (b) a return guarantee or other special agreements regarding activities after termination of the MP’s House Membership, or
- (c) a majority interest in a company.

The list presented is intentionally not exhaustive. The member him/herself must determine whether a specific circumstance might reasonably be considered relevant to the performance of his/her duties. In case of doubt a Member may consult the independent integrity adviser in this regard.

The following rule of thumb can be given in this regard: if a random observer could, reasonably directly, think that a particular private circumstance of a member might be of influence to his/her position on a public issue, it might be prudent to have this circumstance included in the register. It can then never be said that the circumstance was kept secret. It does not matter whether the circumstance actually was of influence or not, since neither that nor the contrary can be proved, after all. It is prudent to take a broader view of what an external party might “reasonably” consider to be of influence to parliamentary conduct when it comes to those policy areas in which one is a spokesperson for the parliamentary group or a member of the Parliamentary Committee in question.

Moreover, members would be wise also to take note of the fact that third parties might reasonably consider specific circumstances regarding their partner or other direct family members as relevant to the assessment of their conduct as a member. The caveat here is that for various reasons it might not always be possible to shed light on all interests in a member’s private environment. Firstly, the private environment cannot easily be delineated. Secondly, members’ private relations are of course entitled to protection of their privacy; not only can this privacy only be breached upon a solid statutory basis, but a breach of this kind might also be disproportionate to the objective, namely ensuring the integrity of the members. Society, however, is not blind to the social forces among which the members find themselves and to the influence this can have on their conduct and functioning. Individual members will have to weigh up the matter from this point of view. For completeness’ sake, this shall apply not only to the registration of interests, but to all registration obligations.

Here too it might be prudent to adopt the point of view of a random observer and to ask oneself whether invoking protection of an interest of the third party in question should be honoured when weighed against the importance of transparent registration. The following rule of thumb has been formulated in this regard: when considering “family or relational domain”, think primarily of those with whom you share a lasting household, then when considering the “interests” that could possibly be declared, think for example of a responsible position which that person has in the policy area in which you are a spokesperson, and keep the declaration anonymous.

“Benefits worth in excess of 50 euros” implies, for example, the offer of a concert or dinner. These benefits too must be registered.

For completeness’ sake, it is pointed out that when accepting, in particular, gifts or favours from lobbyists, including trips abroad, registration must be seen to correctly and promptly, in order to prevent the appearance of a conflict of interest.

Rule of conduct 4

The secrecy of exchanges of opinion in a closed committee meeting or plenary sitting behind closed doors must be observed by all who were present during the business and all who have knowledge of the business that was conducted or the documents in this regard, until the duty of secrecy is terminated by the committee or the House. The duty of secrecy shall however not apply to what a committee says in its report about a closed committee meeting.

Breach of the secrecy of exchanges of opinion in a closed committee meeting or in a plenary sitting behind closed doors may lead to a decision by the House, at the Presidium’s suggestion, to exclude the Member from all meetings of one of more committees for up to one month or exclusion from examination of confidential documents until at the latest the end of the parliamentary term.

The confidentiality of documents must be observed by everyone. The rules regarding confidential documents were adopted in June 2010 in the Regulations regarding confidential documents (Regeling vertrouwelijke stukken). Breach of the confidentiality of the content of a confidential document may lead to a decision by the House, at the Presidium’s suggestion, to exclude the member from all meetings of one of more committees for up to one month or exclusion from examination of confidential documents until at the latest the end of the parliamentary term. The Rules of Procedure of the House of Representatives moreover contain a number of provisions of enforcement for cases where confidentiality is not observed during deliberations about a subject.

Rule of conduct 5

The Charter for the Kingdom of the Netherlands, the Constitution and various laws contain rules that directly or indirectly relate to the integrity of the members. The Rules of Procedure also contain integrity rules². In addition to the rules mentioned above, these concern, for example, rules regarding discourteous behaviour. In the event that a speaker behaves discourteously, in the first instance he/she will be asked by the Speaker to return to debating the subject, or cautioned, and given the opportunity to take back the words that gave rise to the warning. If the member does not avail him/herself of this opportunity, the Speaker may deny him/her the floor and decide to exclude the member from further attendance of the meeting on the day on which the exclusion takes place. Any other member – not being a speaker – may be directly excluded from further attendance of the meeting if he/she behaves discourteously. The Chair of a committee meeting will have the same authority as the Speaker, on the understanding that an exclusion under section 60 of the Rules of Procedure shall only apply to public meetings of that committee on the day on which exclusion takes place.

² For an overview, see among others the document entitled 'Regelingen integriteit' [Integrity Regulations] (2015).