

*Please note that, although every effort has been made to ensure this translation is accurate and consistent, it is for informational purposes only. In case of any dispute or inconsistencies, the Dutch version is authentic.*

## **Decision of the Netherlands Authority for Consumers and Markets of 23 April 2013, ACM/DJZ/2013/200999, on the establishment of regulations of the board (Regulations of the Board of ACM)**

The Netherlands Authority for Consumers and Markets,

Given the approval of the Minister of Economic Affairs on 13 April 2013;

Considering Section 4, paragraph 1 of the Establishment Act of the Netherlands Authority for Consumers and Markets;

Decides:

### **Article 1**

In this decision, the following definitions shall be used:

- a. *ACM*: the Netherlands Authority for Consumers and Markets, as referred to in Section 2 of the Establishment Act of the Netherlands Authority for Consumers and Markets;
- b. *ACM staff*: the staff as referred to in Section 5, paragraph 1 of the Establishment Act of the Authority for Consumers and Markets;
- c. *Member of the Board*: member of ACM;
- d. *Chairman of the Board*: member of the board, and also chairman of ACM;
- e. *Secretary*: secretary of ACM.

### **Article 2**

1. The Members of the Board shall jointly lead the ACM staff.
2. The Members of the Board shall make an equal division of activities by dividing the issues about which ACM must take decisions into portfolios for each member in such a way that Members of the Board can stand in for each other.
3. With regard to the issues in his/her portfolio, a Member of the Board shall be the contact person for the directors of the ACM staff.
4. ACM shall appoint a secretary. The secretary shall be part of the ACM staff.

### **Article 3**

1. The Chairman of the Board shall appoint one of the other Members of the Board as deputy Chairman of the Board.
2. The Chairman of the Board shall call meetings for ACM, and chair these meetings.
3. The deputy Chairman of the Board shall replace the Chairman of the Board in his absence. The provisions in his decision with regard to the Chairman of the Board shall apply *mutatis mutandis*.

### **Article 4**

1. The Members of the Board shall, in principle, convene a meeting once per week.
2. These meetings shall take place when at least two Members of the Board are present.
3. These meeting are not public.
4. These meeting can be attended by the Chairman of the Board, the other Members of the Board, and those that have been invited.
5. The secretary, with the approval of the Chairman of the Board, shall set the agenda, and takes care of sending the invitations, the agenda, and the other documents needed for these meetings.
6. In emergency situations or when Members of the Board are absent, meetings can take place either in writing or in any other workable manner. In that case, the method of decision-making shall be included in the minutes, together with the decisions taken.

### **Article 5**

1. Each Member of the Board shall have one vote.
2. ACM shall take decisions with a majority of votes.
3. Members of the Board shall cast their votes independently and not bound by any instructions.

## **Article 6**

1. The Secretary shall draw up the minutes of the discussions held during meetings. These minutes shall include at least the following:
  - a. A list of the attendees to the meeting in question;
  - b. An overview of the issues discussed;
  - c. If necessary, a short summary of the discussion that may be needed for properly understanding the decisions taken during the meeting in question;
  - d. A list of the decisions that have been taken, and the points of action.
2. If a Member of the Board is unable to agree with a decision that has been taken, he/she may include a note thereof in the minutes, supported with reasons.
3. The minutes shall be sent to the Members of the Board within five days after each meeting. These minutes (modified or unmodified) shall be set by the Chairman of the Board at the first meeting after distribution of the minutes.

## **Article 7**

1. Any Member of the Board may request to be excused if he/she is of the opinion that his/her impartiality might be at issue when discussing a particular issue. If he/she wishes to excuse himself/herself, he/she shall submit his/her request to the Chairman of the Board or, in case of the Chairman of Board himself, to the deputy Chairman of the Board.
2. If ACM is of the opinion that the impartiality of a Member of the Board might be at issue when discussing a particular issue or if the semblance of partiality might harm ACM's performance of its tasks with regard to that particular issue, ACM can decide to excuse that Member of the Board without having received a request from him/her.
3. If a request to be excused has been granted or if a Member of the Board has been excused, he/she shall not partake in the discussion or the decision-making process concerning the issue in question.

## **Article 8**

The 2005 Regulations of the Board of the NMa and the Regulations of the Board of OPTA shall be repealed.

## **Article 9**

This decision shall enter into force the day after the date of publication of the Dutch Government Gazette in which it is published.

**Article 10**

This decision shall be cited as: Regulations of the Board of ACM.

This decision shall be published in the Dutch Government Gazette.

*The Hague, April 23, 2013*

*The Netherlands Authority for Consumers and Markets,*

*C.A. Fonteijn  
Chairman of the Board*

*F.J.H. Don  
Member of the Board*

*J.G. Vegter  
Member of the Board*