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## **Decree of 19 February 2005 containing further rules governing the award of grants by the Minister of Foreign Affairs and the Minister for Development Cooperation (Ministry of Foreign Affairs Grants Decree)**

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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 Foreign Affairs and Our Minister for Development Cooperation, no. DJZ/BR/1257-99 dated 22 July 1999;

Having regard to section 3, subsections 1 and 2 of the Foreign Affairs (Grants) Framework Act;

Having heard the Council of State (advisory opinion no. W02.99.0422/II of 11 November 1999);

Having seen further report no. DJZ/BR/0074-05 by Our Minister of Foreign Affairs and Our Minister for Development Cooperation of 11 February 2005;

Have approved and decreed:

### **Part 1. General**

#### **Article 1**

The following definitions apply for the purposes of this Decree and the provisions based thereon:

- a. activities grant: a grant awarded for activities designed to achieve previously defined aims and results;
- b. core funding: a grant covering the full costs of a body's activities;
- c. award: the provision or, if the grant amount is determined immediately, definitive award of a grant.

#### **Article 2**

A grant may be awarded for activities specified by ministerial order. Further rules concerning matters governed by this Decree may be laid down, and the amounts referred to in this Decree

changed, by ministerial order.

### **Article 3 [Repealed as of 23/10/2010]**

## **Part 2. Grant recipients**

### **Article 4**

1. Grants are awarded solely to legal persons whose aim as stated in their constitution is in line with the objective of the grant award and who are in a position to:
  - a. ensure adequate financial management and
  - b. guarantee effective and efficient implementation of the activities through experience and expertise in relation to activities of the kind for which a grant is being sought.
2. In exceptional cases a grant may be awarded to natural persons who satisfy the conditions laid down in paragraph 1 (a) and (b), provided the circumstances in which the activities are to be conducted provide grounds for doing so.
3. Core funding may be awarded solely to bodies that focus entirely or predominantly on performing activities for which a grant may be awarded pursuant to section 3, subsection 1 of the Foreign Affairs (Grants) Framework Act. Core funding and an activities grant pursuant to section 3, subsection 1 of the Foreign Affairs (Grants) Framework Act may only be combined in cases provided for by ministerial order.

### **Article 5 [Repealed as of 01/07/2013]**

## **Part 3. Administrative rules; grant ceiling; distribution**

### **Article 6**

1. In the event that Our Minister sets administrative rules concerning the award of grants, he or she will publish them at least two weeks prior to the start of the grant period. Our Minister may specify a grant ceiling.
2. Unless stated otherwise in the publication as referred to in paragraph 1, the grant period referred to in paragraph 1 coincides with the calendar year.
3. The administrative rules will be published in the Government Gazette or in some other suitable way, with notification in the Government Gazette. The grant ceiling will be published in the Government Gazette.

4. When publishing the grant ceiling, Our Minister may state that the assessment of grant applications will take account *inter alia* of the spread of expenditure over the grant period and may fix amounts for each category of activity, by target group, region, policy theme, nature of the activity, form of the grant and other factors relevant to the award of grants.

#### **Article 7**

1. Our Minister will consider grant applications in the order in which they are received.
2. Notwithstanding paragraph 1, when publishing the administrative rules or the grant ceiling Our Minister may state that applications received before the end of the period indicated in the publication will be decided upon by no later than one or more specific dates, in the interests of comparing applications or spreading expenditure over the grant period. Furthermore, Our Minister may state that applications will be classified in accordance with the criteria indicated in the publication.
3. If section 4:5 of the General Administrative Law Act is applied, the date on which the application is supplemented will be treated as the date on which the application is received for the purpose of paragraphs 1 and 2.

#### **Part 4. Assessment**

#### **Article 8**

1. In assessing grant applications, Our Minister will consider, partly in relation to other applications on which a decision is yet to be made, the extent to which:
  - a. the activities contribute to achieving the objectives of the grant;
  - b. the grant is proportionate to the nature, scale and intended results of the activities;
  - c. the activities could have more than an incidental effect, and
  - d. there is a support base for the activities, evidenced for example by a contribution to the costs by relevant parties.
2. In assessing grant applications, Our Minister may also take account of:
  - a. the position of women;
  - b. the impact on the environment;
  - c. the extent to which the applicant respects internationally accepted humanitarian principles, and
  - d. the consequences for internationally recognised civil, political, economic, social and

cultural rights.

3. In assessing grant applications, Our Minister may furthermore take account of:
  - a. the spread of expenditure over the grant period;
  - b. the extent to which distributing the available resources among a number of recipients contributes to efficiency of expenditure and is proportionate to the administrative burden of awarding grants;
  - c. the extent to which the activities for which a grant is sought meet a need, also considering the full range of activities being performed, and
  - d. an even distribution over target groups, regions, policy themes, nature of the activity, form of the grant and other factors relevant to the award of grants.

#### **Article 9**

A grant will be refused if the application is submitted after the activities have started. Notwithstanding the first sentence, provision may be made by ministerial order that a grant may be awarded for specific activities of an urgent nature.

#### **Article 10**

Without prejudice to other provisions laid down by or pursuant to the law, Our Minister may refuse to award a grant if the grant award would be incompatible with Our Minister's policy on foreign relations and development cooperation, as stated *inter alia* in the explanatory memorandum to the Ministry of Foreign Affairs budget, communications between Our Minister and the States General, the publication of the Minister's administrative rules pursuant to article 6, paragraph 1, or other suitable sources.

#### **Article 11**

A grant is awarded only if the applicant can argue convincingly that the financial resources at his disposal, including the grant, will be sufficient to implement the proposed activities.

### **Part 5. Grant period; budget reservation**

#### **Article 12**

Grants are awarded for a period not exceeding the duration of the activities; this period will be fixed at the time the award is made. At the request of the grant recipient, Our Minister may extend the grant period, without adjusting the grant amount, if the activities for which the grant

is awarded cannot be completed within the original period.

### **Article 13**

1. Without prejudice to article 39, paragraph 2, the grant award precedes the determining of the definitive grant amount.
2. The condition referred to in section 4:34, subsection 1 of the General Administrative Law Act may be attached to a grant award that is chargeable to a budget that has not yet been fixed.

### **Part 6. Eligible costs**

#### **Article 14**

1. Grants are awarded solely to cover costs of the planned activities that are necessary in the light of the objectives and results envisaged, in so far as it cannot reasonably be expected that such costs can be funded from the applicant's own resources or other sources.
2. Grants are not awarded to cover shortfalls at the end of the activities.
3. In the grant award, Our Minister may state that he or she may adjust the grant amount in the light of unforeseen developments which cannot be ascribed to the applicant or reasonably regarded as the latter's risk.

#### **Article 15**

The grant award may state that the costs of the activities referred to in article 14, paragraph 1 must be calculated on a standardised basis with reference to the results achieved by the activities or on another basis stated in the grant award, and that the grant amount includes a standard sum to cover the applicant's staff and equipment costs.

**Article 16** [Repealed as of 23/10/2010]

**Article 17** [Repealed as of 23/10/2010]

**Article 18** [Repealed as of 23/10/2010]

### **Part 7. Obligations on the grant recipient**

**Article 19** [Repealed as of 23/10/2010]

## **Article 20**

1. The grant recipient must ensure that the grant is spent efficiently. The grant, including any interest accrued on it, must be spent exclusively on the activities for which it is intended according to the grant award.
2. The grant award may state that in spending the grant, the recipient must respect the Kingdom's position under international law.
3. The grant award may state that, if necessary, the grant recipient must show that it is prepared to coordinate its activities with the activities of other organisations.

## **Article 21**

The grant award may state that the grant recipient charges on a cost-recovery basis for providing goods or services to third parties.

## **Article 22**

The grant award may lay down regulations as to the use and disposal of items procured from the grant after the expiry of the grant period or following the implementation of the activities for which the items were purchased. In doing so, Our Minister may state that the items must be transferred to him or her or to a designated third party free of charge or for a payment to be specified by him or her.

## **Article 23**

The grant award may state that the grant recipient must allow Our Minister, for the purpose of furthering the objectives for which the grant was awarded, to make use freely and without charge of copyright and other intellectual property rights which result from activities financed wholly or partly by the grant.

## **Article 24**

The grant award may state that, in any publications concerning subsidised activities or in correspondence with third parties involved in implementing the activities, the grant recipient must mention the fact that the activities have been wholly or partly financed by a grant awarded by Our Minister, unless the nature of the activities, the position held by the recipient or other compelling circumstances dictate otherwise.

## **Article 24a**

Obligations as referred to in section 4:39, subsection 2 of the General Administrative Law Act may be attached to the grant award with a view to the interests referred to in section 2 (a) to (h) of the Foreign Affairs (Grants) Framework Act and in article 8, paragraph 2.

## **Article 24b**

The grant award must state that the grant recipient must give immediate notification in writing if it is likely that the activities for which the grant was awarded will not be performed in full, at all, or on time, or it will not be able to meet the obligations attached to the grant in full, at all, or on time.

## **Part 8. Applications; instalments**

### **Article 25**

An application for an activities grant must contain the following:

- a. an activity plan;
- b. a budget, and
- c. a liquidity forecast for the next twelve months.

### **Article 26**

The activity plan must contain an overview of the nature, scale and phasing of the activities and the relationship between them in terms of objectives and results envisaged and the effects expected in the first twelve months of the period for which a grant is requested. Where possible, the objectives, results and effects must be expressed in measurable quantities. If the activities have a duration of more than twelve months, the activity plan must be accompanied by an overview of activities, objectives, results and expected effects for the remainder of the grant period.

### **Article 27**

The budget must indicate the expected revenue, including contributions from third parties, and expenditures relating to the proposed activities for the coming twelve months of the grant period, accompanied by itemised explanatory notes. If the activities have a duration of more than twelve months, the budget must be accompanied by a financial estimate for the following period.

## **Article 28**

1. If the activities have a duration of more than twelve months, the grant recipient must provide, no later than thirteen weeks before the beginning of the thirteenth month, an activity plan, accompanied by a budget and a liquidity forecast, for the following twelve-month period. The grant award may state that Our Minister's consent is required for the activity plan and the budget for each new twelve-month period.
2. Our Minister may state in the grant award that paragraph 1 does not apply.

## **Article 29**

Articles 26 to 28 apply *mutatis mutandis* to core-funding applications, on the understanding that the information must concern all of the organisation's activities and their full cost. A core-funding application being made for the first time must be accompanied by:

- a. a copy of the most recent version of the articles of association / constitution or the rules of the applicant, and
- b. the most recent annual accounts or a statement of the applicant's financial situation.

## **Article 30**

1. Our Minister will decide on an application within thirteen weeks of its receipt. The Minister may extend this time limit by up to:
  - a. 22 weeks if the activities are funded in part by the European Union or if an advisory opinion has been sought or further investigation is taking place with a view to the decision to be made, or
  - b. 40 weeks if an advisory opinion has been sought internationally with a view to the decision to be made.
2. If article 7, paragraph 1 applies and the application is submitted more than 13 weeks before the start of the grant period in which the activities are to begin, Our Minister will postpone consideration of the application until 13 weeks before the start of the grant period; the date on which the 13-week period starts will be taken as the date of receipt of the application.
3. Paragraphs 1 and 2 do not apply if article 7, paragraph 2 applies.
4. For the purpose of applying article 8, paragraph 1 Our Minister may, notwithstanding article 7, paragraph 1, postpone a decision on the application without prejudice to paragraph 1.

### **Article 31**

1. Requests to determine the definitive amount of an activities grant must be submitted within six months after the end of the grant period or completion of the activities or, if section 4:44, subsection 1 (b) or (c) of the General Administrative Law Act is applied, within six months after the end of each calendar year.
2. Our Minister will give a decision within 13 weeks of receiving the request. The Minister may extend this time limit by up to 22 weeks.

### **Article 32**

If section 4:5 of the General Administrative Law Act is applied, the period for deciding on a grant application or a request to determine the definitive amount of a grant will start as soon as the application or request has been supplemented.

### **Article 33**

Prepayments will be paid in instalments, the amounts and payment dates of which will be laid down in the decision awarding the grant.

**Article 34** [Repealed as of 23/10/2010]

**Article 35** [Repealed as of 23/10/2010]

**Article 36** [Repealed as of 23/10/2010]

**Article 37** [Repealed as of 23/10/2010]

**Article 38** [Repealed as of 23/10/2010]

## **Part 9. Grants of less than €25,000**

### **Article 39**

1. Grants of less than €25,000 will be awarded as a fixed amount.
2. The grant amount will be:
  - a. determined definitively without being preceded by a decision awarding the grant, or
  - b. determined definitively and automatically by a date stated in a preceding decision

awarding the grant, but in any case no later than 22 weeks after the activities must have been carried out pursuant to the decision.

3. A grant as referred to in paragraph 2 (a) will be paid in a single instalment within six weeks of being determined definitively, but in any case not before the start of the grant period.

#### **Article 40**

1. If a decision awarding a grant as referred to in article 39, paragraph 2 (b) is given, it must state the latest date by which the activities must have been carried out.
2. The grant award must state that the grant recipient must, on request, demonstrate in a way laid down in the grant decision that it has carried out the activities for which the grant was awarded and has satisfied the obligations attached to the grant.
3. Up to 100% of the grant award is prepaid in instalments, the amounts and payment dates of which are laid down in the decision awarding the grant.

#### **Part 10. Grants of between €25,000 and €125,000**

##### **Article 41**

1. Grants of between €25,000 and €125,000 are awarded in the form of a fixed amount or a fixed amount calculated on a basis determined in the grant decision that is related to the results achieved.
2. The grant award must state that the grant recipient must demonstrate in a way laid down in the grant decision that it has carried out the activities for which the grant was awarded and has satisfied the obligations attached to the grant.
3. If costs and revenues are so uncertain due to the nature of the activities that a realistic budget cannot be required, the decision may state that the grant recipient must provide a statement of actual costs and revenues in order to demonstrate that the activities have been carried out.

#### **Part 11. Concluding provisions**

##### **Article 42 [Repealed as of 23/10/2010]**

##### **Article 43 [Repealed as of 23/10/2010]**

**Article 44**

This Decree enters into force with effect from 1 January 2006.

**Article 45**

This Decree is to be cited as the Ministry of Foreign Affairs Grants Decree.

We order and command that this Decree and the explanatory memorandum pertaining to it be published in the Bulletin of Acts and Decrees.

The Hague, 19 February 2005

Beatrix

Bernard Bot  
Minister of Foreign Affairs

Agnes van Ardenne-van der Hoeven  
Minister for Development Cooperation

Published on the twenty-second of March 2005

Piet Hein Donner  
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