

**MAASTRICHT UNIVERSITY**

**MAASTRICHT UNIVERSITY COUNCIL REGULATION**

Following consent obtained from the University Council  
laid down by the Executive Board  
in its meeting of 17 February 1998  
and following subsequent consent from the University Council  
laid down with amendments by the Executive Board on 29 June 1999,  
28 February 2000, 29 January 2001, 4 May 2004, 10 October 2011 and 29 August 2017.

Maastricht, August 2017  
JZ 17.011 (UK)

This is a translation of the document 'Reglement Universiteitsraad UM'.  
In case of a difference of interpretation, this translation cannot be used for legal purposes and the Dutch  
text of these regulations will be binding.

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## **CHAPTER 1    GENERAL PROVISIONS**

### **Article 1.1    Definitions**

In this regulation, the following definitions apply:

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|---------------------------------|---|
| a. act                          | the Higher Education and Scientific Research Act (Wet op het Hoger Onderwijs en Wetenschappelijk Onderzoek, WHW);           |
| b. university                   | Maastricht University (UM);   |
| c. Supervisory Board            | the university's Supervisory Board defined in Article 9.8 of the act;   |
| d. Executive Board              | the university's Executive Board defined in Article 9.2 of the act;   |
| e. council                      | the University Council of Maastricht University defined in Article 9.31 of the act;   |
| f. staff                        | university staff with a permanent or fixed-term employment contract, regardless of the scope thereof;                       |
| g. student                      | the individual enrolled at the university as a student;   |
| h. delegation                   | the academic staff, support and administrative staff, or students;  |
| i. institutional plan           | the plan that gives a description of the content of and specifies the proposed policy as defined in Article 2.2 of the act; |
| j. Arbitration Committee        | the arbitration committee defined in Article 9.39 of the act;   |
| k. Local Consultative Body (LO) | the body for organised consultation as defined in Article 4.5, paragraph 5, of the act.                                     |

### **Article 1.2    Objective**

The council aims to promote the smooth running of university affairs in accordance with the applicable statutory provisions, the rules laid down in the administrative and management regulations of the university (BBRUM), and this regulation.

### **Article 1.3    Tasks**

1. The council promotes openness, transparency and mutual discussion within the university to the best of its abilities.
2. The council is responsible for considering the perspectives and interests of staff and students within the framework of the university's objectives.
3. The council is further responsible for generally guarding against any form of discrimination and, in particular, promoting the equal treatment of men and women as well as the involvement of disabled or chronically ill persons and persons with a migration background.

## **CHAPTER 2    COMPOSITION AND ELECTIONS**

### **Article 2.1    Composition**

1. The council consists of 18 members: six elected from and by the academic staff, three elected from and by the support and administrative staff, and nine elected from and by the student body.
2. The following positions are incompatible with council membership: member of the Supervisory Board, member of the Executive Board, member of a faculty board, secretary-director of a faculty, executive secretary of the University Council, secretary of the Supervisory Board, executive director of the Maastricht University Office (MUO) or director of a service centre.
3. The council selects a chair and deputy chair from its midst or otherwise.  
The chair – or in the event of absence, the deputy chair – represents the council in legal proceedings as defined in Article 9.46 of the act.
4. The Executive Board appoints an official executive secretary to support the council.

### **Article 2.2    Elections**

The election of council members is governed by the election regulations laid down by the Executive Board.

### **Article 2.3    Term of office**

1. A council member's term of office commences on 1 September of the election year or, if later, when the election results become final.
2. The members of the council's staff delegation are elected for a two-year period. The members of the council's student delegation are elected for a one-year period.
3. The delegations resign in their entirety at the end of their term of office.

## **CHAPTER 3   GENERAL POWERS**

### **Article 3.1   General powers**

1. The council has the power to discuss all matters concerning the university, and to present relevant proposals and its respective positions to the Executive Board. The Executive Board will communicate its written and reasoned viewpoint on the aforementioned proposals to the council within three months. Before doing so, the Executive Board will give the council at least one opportunity to confer with the Executive Board on the proposal.
2. In addition, the council may, at least twice a year, invite the Executive Board to discuss the proposed policy, based on an agenda drawn up by the council.
3. Excepted from the power of the council as referred to in the first paragraph is the decision-making concerning matters within the competence of a university faculty council, employees' council or the local consultative body.

## **CHAPTER 4    SPECIAL POWERS**

### **Article 4.1    Right of consent of the University Council**

1. The Executive Board requires the prior consent of the council for each decision that the Executive Board proposes to take regarding the adoption or amendment of:
  - a. the institutional plan<sup>1</sup> referred to in Article 2.2 of the act (including the main elements of the housing plans);
  - b. the development of the quality assurance system in accordance with Article 1.18, paragraph 1, of the act, as well as the proposed policy in light of the results of the quality assurance evaluation, as referred to in Article 2.9, paragraph 2, second sentence, of the act;
  - c. the student charter referred to in Article 7.59 of the act;
  - d. the university administrative and management regulations (BBRUM), referred to in Article 9.4 of the act;
  - e. rules concerning the working conditions;
  - f. the choice from representation systems, as referred to in Article 9.30, paragraph 1, of the act;
  - g. the Executive Board's policy regarding application of Article 7.51 of the act and the rules referred to in paragraph 4 of that article.
2. The Executive Board also requires the prior consent of the council regarding:
  - a. the outlines of the annual budget, referred to in Article 2.8 (including the Maastricht University allocation model and the memorandum on the allocation of funds). The power of consent shall not be exercised with respect to a budget component whose contents are provided for in a regulation issued by or pursuant to the law.
  - b. the establishing<sup>2</sup> and ending of degree programmes;
  - c. the establishing or amending of guidelines concerning organisation and coordination of education and research;
  - d. the ensuring of student facilities;
  - e. the creation of a legal entity by UM Holding BV, including the establishment of subsidiaries;
  - f. the adaption or amendment of the election regulations;
  - g. the adaption or amendment of the rules of procedure for the Board of Appeal for Examinations;
  - h. the appointment of members of the Board of Appeal for Examinations, the editorial board of Observant, the board of Observant, and the committee members of Studium Generale;
  - i. the awarding of the Dr. Tanspenning.

### **Article 4.2    Right of consent of the staff delegations**

1. The Executive Board requires the prior consent of the council's staff delegations for each decision that the Executive Board proposes to take with regard to matters of general interest concerning the specific legal status of the university's staff.
2. The right of consent in the matters referred to in paragraph 1 is not exercised insofar as the particular matter has already been substantively regulated for the university by or pursuant to statutory provisions or a collective labour agreement. The right of consent is likewise not exercised insofar as the representation regarding the particular matter has already been effectuated in another manner.

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<sup>1</sup> This is also referred to at UM as the 'strategic programme'.

<sup>2</sup> This is also referred to at UM as the macro-efficiency file with underlying programme and/or businessplan

## **Article 4.2 Right of consent of the student delegation**

The Executive Board requires the prior consent from the part of the university council elected from among and by the students insofar the distribution of the administrative grants for university associations/foundations that are not university sports associations is concerned.

## **Article 4.3 Right of advice of the University Council**

1. The Executive Board requires the prior consent of the council for each decision the Executive Board proposes to take regarding:
  - a. matters concerning the continued existence of and smooth running of affairs within the university;
  - b. the budget, which must also indicate the amount of the institutional tuition fee and the tuition fee referred to in Article 6.7 paragraph 1 and Article 6.8, paragraph 1 respectively;
  - c. the annual investment agenda (as part of the budget);
  - d. an intended expenditure or long term obligation having a monetary value that exceeds EUR 5 million;
  - e. an intended expenditure or long term obligation having a monetary value between EUR 2.5 million and EUR 5 million that has not been included in the annual investment agenda and budget;
  - f. the concluding of joint regulations between two or more universities regarding education and research;
  - g. the Executive Board's entering into intensive collaborative arrangements with third parties;
  - h. the creation of, or participation in, a legal entity by the Executive Board, other than that referred to in Article 4.1 paragraph 2 under e;
  - i. decisions concerning financial participation in UM Holding BV and associated legal entities;
  - j. designation of bachelor's programmes for which the initial registration for the propaedeutic phase can be restricted based on available teaching capacity;
  - k. designation of degree programmes which are subject to Binding Study Advice (BSA);
  - l. designation of degree programmes for which a decentralised selection procedure can be used;
  - m. awarding of an honorary doctoral degree;
  - n. regulation of remuneration for board activities.
2. The Supervisory Board requests prior advice from the council regarding:
  - a. an intended decision of the Supervisory Board referred to in Article 9.8 paragraph 1 under a of the act, with respect to the appointment or discharge of Executive Board members;
  - b. an intended decision of the Supervisory Board referred to in Article 9.3 paragraph 3 and Article 9.7 paragraph 4 of the act regarding the profiles for the appointment of the Executive Board and Supervisory Board members respectively.

## **Article 4.3a Right of advice of the student delegation**

1. The Executive Board requests prior advice from that part of the council elected from among and by the students for each decision the Executive Board proposes to take regarding in any event:
  - a. the general HRM and remuneration policy, unless Article 4.2, paragraph 2, applies;
  - b. the policy concerning the institutional tuition fees referred to in Article 7.46 and the tuition fee referred to in Article 6.7 paragraph 1 of the act;
  - c. the Executive Board's regulations concerning refunding of the statutory tuition fee referred to in Article 7.48, paragraph 4, of the act;
  - d. the regulation of the selection criteria and the selection procedure referred to in Article 6.7a, first paragraph, under b, or, as the case may be, Articles 7.26, 7.26a and 7.53,

- paragraph 3 of the act, and, insofar as the selection procedure is concerned, Article 7.30b, paragraph 2 of the act;
- e. the regulation of the criteria and the procedure for exemption from payment of the higher tuition fee, referred to in Article 6.7a, paragraph 1, under c of the act,
  - f. the rules regarding the selection referred to in Article 7.9b, paragraph 1 of the act,
  - g. the rules regarding the study choice recommendations and study choice activities, referred to in Article 7.31b, paragraph 4 of the act.

#### **Article 4.4 Other University Council powers**

1. The council has the corresponding power referred to in Article 10, paragraph 2, opening words and under d, of the National Human Rights Institute Act (Wet college voor de rechten van de mens) if it believes that a distinction is being made in the university as referred to in the Equal Treatment Act, in Article 646, Book 7, of the Dutch Civil Code (Burgerlijk Wetboek) or in the Equal Treatment Men and Women Act (Wet gelijke behandeling van mannen en vrouwen).
2. The part of the council elected from among and by the staff has power concerning the working conditions (which are granted) to the council under the Working Conditions Act (Arbeidsomstandighedenwet) and the Order in Council (Algemene Maatregel van Bestuur) pursuant to Article 16 of that act.
3. The council has power concerning the working conditions in the university, insofar as this does not concern decisions to be taken by the Executive Board as referred to in Article 4.1, under e, of this regulation.
4. Subject to the provisions in Article 2.3, third paragraph, of the Maastricht University administrative and management regulations, the council may make a recommendation to the Minister regarding the appointment of a Supervisory Board member.
5. Before the Supervisory Board appoints or dismisses Executive Board members, it consults confidentially with the University Council.

#### **Article 4.5 Deliberations aimed to form an opinion**

The council may also discuss and express its opinion on subjects besides those listed in Article 4.1 and Article 4.3.

#### **Article 4.6 Right of consent procedure**

1. For the proposed decision of the Executive Board that requires the consent of the council, or the relevant delegation, the council or the relevant delegation must in principle decide to approve it or withhold consent at the following council meeting or in any case within six weeks of receiving the proposed decision, unless the council and Executive Board jointly set another deadline.
2. If the council or relevant delegation has not come to a decision within the set period, the proposed decision will be deemed to have been approved by the council or relevant delegation.

#### **Article 4.7 Right of advice procedure**

1. If a decision to be taken must be presented to the council for advice beforehand under Article 4.3 or 4.3a, the Executive Board and the Supervisory Board respectively ensures that:
  - a. advice is requested at such a time that it can actually affect the decision-making;
  - b. the council or the delegation is given the opportunity to consult with it before advice is issued;
  - c. the council is given written notice as soon as possible of the manner in which action has been taken on the advice issued and



- d. if the Executive Board and the Supervisory Board respectively does not wish to follow the advice in whole or in part, the council is given the opportunity to consult with it further before the decision becomes final.
2. In principle, the council or relevant delegation determines its advice in the next meeting of the council, but in any case no later than six weeks after receiving the Executive Board's request that it issue advice, unless the council and Executive Board jointly set another deadline.
3. If the council or relevant delegation has not come to a decision within the set period, the council or relevant delegation will be deemed to have issued a favourable recommendation on the proposed decision.

#### **Article 4.8 Meeting of the University Council with the Executive Board**

1. The Executive Board and the University Council will meet at least six times per year. Members of the Supervisory Board may attend these meetings.
2. The Executive Board and the University Council will further meet within a reasonable period, but in any case within four weeks, if the Executive Board, council or the council's staff or student delegation submits a reasoned request.
3. The Executive Board will give the council the opportunity to meet and discuss the general state of university affairs with it at least twice a year.
4. The council may, at least twice a year, invite the Executive Board to discuss the proposed policy, based on an agenda drawn up by the council. The council and Executive Board agree each year on the date the discussion will occur, with the discussion being tied in as much as possible to the meetings between the council and the Executive Board which have already been set, or the meetings in which the general state of affairs will be discussed with the Executive Board.
5. In the meeting, university-related matters will be discussed as the Executive Board or the council sees fit or insofar as prescribed by or pursuant to the act or this regulation. Article 3.1 applies *mutatis mutandis*.
6. As a rule, the Executive Board members attend the meeting. The Board may be assisted by advisers.
7. The chair of the council, or his/her deputy, will preside over the meeting.
8. The agenda of the meeting will contain items submitted by the Executive Board, the council or one of the delegations before the meeting. A report will be made of each meeting.
9. The chair will adjourn a meeting if the Executive Board or the council considers separate deliberation concerning a specific matter desirable.
10. If, during a particular meeting or portion thereof, a predominantly personal interest of one of the council's members is at issue, the council may determine that the member in question will not participate in that meeting or portion. The council will then also stipulate that the matter concerned will be discussed in a closed meeting.
11. The previous paragraph applies *mutatis mutandis* if the personal interests of a member of the Executive Board or Supervisory Board are at issue.

## **CHAPTER 5 UNIVERSITY COUNCIL PROCEDURE**

### **Article 5.1 Procedure**

1. The University Council will not decide on matters presented to it by the Executive Board until the Executive Board has been given the opportunity to orally clarify and, if needed, discuss these with the council, unless the Executive Board and council have decided otherwise.
2. Valid decisions can only be taken when at least 50% plus one of the members are present. Vacancies will not be taken into account when determining the number of members. The resulting number will be rounded off to a whole number. Unless the chair is elected from the council's members, s/he will not have a right to vote.
3. Unless statutory provisions or provisions in this regulation prescribe a different majority, decisions will be taken by a simple majority of the number of votes validly cast, without considering blank votes.
4. Voting per ballot will take place when at least one of the attending members of the meeting so requests.
5. Council members vote according to their personal opinion without instructions from or consultation with others.
6. If no decision can be taken based on paragraph 2 of this article, the chair will convene a new meeting, which will take place no earlier than four days and no later than ten days afterwards, in which only items on the original agenda can be discussed and decided on. If the second meeting again lacks the required number of attending members to take a decision, the proposed decisions presented for consent or advice by the Executive Board in accordance with Article 4.1 and Article 4.3 respectively will nevertheless be discussed, and decisions will be taken in accordance with paragraph 3 of this article.
7. If no decisions are taken due to an equal division of votes, the chair will call a second meeting in accordance with paragraph 6 of this article. If in this meeting no decisions can be taken again because of an equal division of votes, the proposed decisions submitted by the Executive Board for consent or advice will be deemed to have received consent or a favourable recommendation.
8. Proposals submitted to the council for consent or advice must be sent to the council one week before the meeting in which they will be discussed, unless otherwise agreed.
9. The council will notify the Executive Board in writing, including reasons, of a decision regarding a proposal as soon as possible or in any case within one week.

### **Article 5.2 Public access of meetings**

1. The council meetings are open to the public, unless the council decides otherwise due to the subject matter.  
A decision to hold a closed meeting must be supported by reasons.
2. With regard to matters discussed in a closed meeting or closed part of a meeting, the attending members will observe confidentiality as stipulated in Article 6.4.
3. If a meeting, or part of a meeting, concerns the personal interest referred to in Article 4.8 paragraph 10 or 11, the council also decides to handle the matter in a closed meeting or closed part of the meeting.
4. A confidential report will be made of the closed meeting or closed part of the meeting.
5. The chair decides on the wording in which a decision taken in the closed meeting or closed part of the meeting will be made public, unless confidentiality applies in accordance with Article 6.4.

### **Article 5.3    Creation of committees**

1. The council can set up committees to help prepare matters to be discussed by the council. A committee cannot execute the council's powers nor legally act on behalf of the council, unless the council decides otherwise.
2. If two or more committees are responsible for the preparation of a matter to be discussed by the council, the council can set up an ad hoc committee or decide to convene a joint meeting of the committees concerned.
3. As a rule, an Executive Board member attends the committee meetings to provide the necessary information and clarification.  
The Executive Board may be assisted by advisers.
4. Article 4.8 paragraph 8 up to and including paragraph 11 and Article 5.2 applies to the committee meetings.

### **Article 5.4    Rules of procedure**

The council sets rules of procedure further regulating its procedure and the conduct of its meetings, which may not conflict with the act or this regulation. The rules of procedure must at least cover the council meetings, voting, decision-making and reporting procedures.

### **Article 5.5    Written report**

The council provides a written report each year about its activities and ensures that all parties concerned at the university can inspect the report.  
The council ensures that the council meeting agendas and reports are sent to the Executive Board, faculty boards and faculty councils and are made available for inspection by interested persons at a publicly accessible location at the university.

## **CHAPTER 6   RIGHTS AND OBLIGATIONS**

### **Article 6.1    Obligation to inform**

1. The Executive Board provides the council, at its own initiative, in a timely manner with all information that the council reasonably and fairly requires for the performance of its duties and upon request, in a timely manner with all the information the council reasonably and fairly considers necessary for the performance of its duties, including in any case, at least once a year, information about the scope and substance of the employment conditions-related regulations and agreements per group for the persons working at the university, the Executive Board members and the Supervisory Board.
2. At the start of the academic year, the Executive Board furnishes to the council in writing the basic details about the composition of the Executive Board, the Supervisory Board, the organisation within the university and the main elements of the policy already adopted.
3. At least once a year, the Executive Board provides the council written notice of the policy followed by it in the past year and the policy intentions for the coming year concerning the university with respect to financial, organisational and educational matters. The Executive Board immediately informs the council of its intentions regarding the matters described in the institutional plan.
4. The Executive Board regularly meets with the council chair to ensure, insofar as possible, a productive decision-making process.
5. The information provided by the Executive Board as referred to in paragraphs 1 through 3 of this article will be in writing, unless otherwise agreed.
6. The Executive Board provides the information as soon as possible but in any case within three weeks after the council request reached the Executive Board. This period may only be exceeded in exceptional cases, and the fact that it is being exceeded must be communicated to the council, including reasons, before the period expires.
7. Without prejudice to paragraphs 1 through 3 of this article, the council will timely inform the Executive Board of its wish to receive additional information before or during the meeting.
8. The Executive Board may invite the council chair to attend Executive Board meetings.

### **Article 6.2    Complaints service**

1. The Executive Board will ensure that council members, including candidate and former members, are not disadvantaged in their positions within the university due to their council membership or their potential or former council membership. Termination of the position of a person working at the university may not be related to his/her potential, current or former council membership, unless this occurs at the person's own request. Termination of the position in violation of the provisions in this paragraph will be invalid.
2. A council member who feels disadvantaged in his/her position within the university as a result of his/her membership will inform the Executive Board of this in writing, including reasons.
3. The Executive Board will set up a complaints committee consisting of three members within three weeks after receiving the complaint referred to in paragraph 2.
4. At least two members of the complaints committee must be from a different faculty or central-level administrative unit than the one that employed the person concerned in the period covered by the complaint.
5. The complaints committee invites the person concerned to be heard within a week after it has received the complaint.
6. The Executive Board decides whether the complaint is valid or not within two weeks of receiving the advice prepared by the complaints committee, unless the Executive Board decides that it is in the interest of the case to postpone it for a maximum of two weeks.

### **Article 6.3 Facilities and training**

1. The Executive Board provides the council and its members with the opportunity to properly execute the tasks referred to in the act, within the framework of the available funds, services and facilities.
2. With due observance of the provisions in Article 9.48 of the act, the Executive Board adopts further regulations regarding:
  - a. exemptions from activities for staff members;
  - b. fixed reimbursement of expenses;
  - c. training;
  - d. the council's budget, as included in the university budget.

### **Article 6.4 Duty of confidentiality**

1. The council members are sworn to confidentiality on all matters discussed in their capacity, and insofar as the Executive Board or council have imposed confidentiality or insofar as they are expected to understand the confidential nature of the matter.
2. The person or entity imposing confidentiality must also communicate which written or oral information is to remain confidential as well as the period of confidentiality, and whether there are any persons for whom confidentiality does not need to be observed.  
If the reasons for confidentiality cease, the person or entity that imposed confidentiality must notify the council.
3. If a council member, in the judgment of the council majority, has breached the duty of confidentiality set out in the first paragraph of this article, the council chair will issue a warning to the person concerned.  
If the same council member breaches the duty of confidentiality a second time, s/he will be excluded from the closed meetings or closed parts of the meetings and will not be provided information subject to confidentiality for three months.
4. The duty of confidentiality does not cease through the termination of council membership or termination of the person concerned's professional ties with the university.

## **CHAPTER 7   Disputes concerning representation**

### **Article 7.1   Procedure after consent is withheld**

1. If a proposed decision of the Executive Board does not receive the required consent from the council or the relevant delegation, the Executive Board will consult with the council or relevant delegation.
2. Following the consultation, the Executive Board decides to:
  - maintain the proposal, or
  - present an amended proposal to the council, or
  - withdraw the proposal.The Executive Board notifies the council of its decision as soon possible but at least within two months.  
If this notice is not provided within two months, the proposal will lapse.
3. If the Executive Board wishes to maintain the proposal, the Executive Board or council will determine that there is a dispute.
4. The Executive Board or council will notify the Supervisory Board of the dispute.

### **Article 7.2   Procedure after advice is withheld**

1. If the Executive Board wishes to wholly or partly deviate from the council's advice regarding a proposal as referred to in Article 4.3 or 4.3a, the Executive Board notifies the council of this within four weeks.
2. The notification in the previous paragraph must be written and supported by reasons.
3. Unless the Executive Board and the council decide otherwise regarding the point in time, the council will decide in its following meeting whether to stand by its original advice after reconsidering the applicable interests.  
If the council finds no reason to amend its original advice, the Executive Board must note in its decision that it deviated from the council's recommendation.
4. The Executive Board will postpone implementation of the decision for four weeks, unless the council does not object to its immediate implementation.
5. The Executive Board or council will notify the Supervisory Board of the dispute.

### **Article 7.3   Procedure regarding non-compliance with statutory obligations**

1. If the Executive Board or the council does not comply with an obligation described in Articles 9.32 through 9.36 of the act, the body concerned will request compliance within a reasonable period.  
If, after this request, the body concerned still does not comply with the obligations described, the Executive Board or council will determine that there is a dispute.
2. The Executive Board or council will notify the Supervisory Board of the dispute.

### **Article 7.4   Procedure after notification of the dispute**

1. The Supervisory Board examines whether the dispute between the Executive Board and council can be settled amicably.
2. If an amicable settlement is not possible, the Executive Board or council will refer the dispute to the Participation Arbitration Committee referred to in Article 9.39 of the act.
3. The Arbitration Committee has the power to effectuate an amicable settlement between the parties.

4. If an amicable settlement as referred to in paragraph 3 is not reached, the Arbitration Committee will resolve the dispute referred to it by issuing a binding decision, with its reviewing whether:
  - the Executive Board has complied with the requirements of the act and the University Council Regulation;
  - the Executive Board, in balancing the relevant interests, could have reasonably put forward the proposal or reached the decision;
  - the Executive Board acted negligently towards the council.
5. If the Executive Board has not obtained consent from the council, the Executive Board may, in derogation of paragraph 4, ask permission from the Arbitration Committee to take the decision. The Arbitration Committee will only give permission if the council's decision not to provide consent was unreasonable or if the proposed decision by the Executive Board is necessitated by compelling organisational, economic or social reasons. Insofar as a dispute involves the outlines of the budget and the Arbitration Committee has not granted the Executive Board permission to take a decision before 1 January of the year to which the budget pertains, the Executive Board may avail itself, to cover expenses in that year, of a maximum of four twelfths of the amounts featured in corresponding sections of the budget for the preceding year, until the Arbitration Committee has taken a decision regarding the granting of permission.
6. If the decisions referred to in Article 4.1 under a, b, or d and second paragraph under a are involved, the Arbitration Committee will, in derogation of paragraph 5, second sentence, assess whether the Executive Board or council, in balancing the relevant interests, could have reasonably reached the decision.
7. A decision by the Participation Arbitration Committee may be appealed to the Enterprise Division of the Amsterdam Court of Appeal, as further provided in Article 9.46 of the act.

## **CHAPTER 8    FINAL PROVISIONS**

### **Article 8.1    Adoption or amendment of this regulation**

This regulation and each amendment thereof will be presented to the council by the Executive Board and will not be laid down by the Executive Board until two-thirds of the number of council members have, after consultation, consented to the regulation (in amended form or not).

### **Article 8.2    Unforeseen circumstances**

In circumstances which are related to matters governed but not explicitly covered by this regulation or if this regulation is open to differing interpretations, the Executive Board will provide the council with a relevant proposal; in urgent cases, a proposal can be sent within the period set in Article 5.1, paragraph 8, or be communicated orally at the meeting. The council decides on the proposal by a simple majority of the votes validly cast, without considering blank votes; if the required number of members for this decision-making process is not present, the decision of the majority of attending members will be decisive.

### **Article 8.3    Entry into force**

With due observance of Article 8.1 of this regulation, this regulation takes effect on the day after it is laid down by the Executive Board.