

## **Summary of the strategic agendas of the Metropolitan Region Rotterdam The Hague (MRDH)**

In the Southern Randstad (the urban agglomeration of Western Netherlands) 23 local authorities bundle their forces in the Metropolitan Region Rotterdam The Hague (MRDH). The local authorities work together to improve accessibility and strengthen the economic business climate.

MRDH has two strategic agendas (available in Dutch only):

- [Strategic Accessibility Agenda of the Transport Authority](#)
- [Economic Business Climate Agenda](#) + [Economic Business Climate Work Program](#)

The goals of the two MRDH strategic agendas on accessibility and economic business climate complement each other and come together in the operational and practical implementation.

The opportunities in the region are legion: the strong international orientation, a diverse economic structure that encompasses the epicentres of all of the top sectors, the presence of four top universities and various colleges of higher education and the proximity of nature areas to the largest city centres ensure that this region has an extremely good position in the international competitive struggle between metropolitan areas.

In spite of this good initial position, economic performance lags behind comparable regions in the Netherlands. The MRDH economy is growing less than in the metropolitan regions of Amsterdam and Eindhoven. The large cities in the MRDH are faced with persistent unemployment, far higher than the national average. In addition, various important and dominant economic sectors are on the threshold of a major period of renewal.

As with all large metropolitan areas in the world, the MRDH is under the influence of a number of determining global trends. These trends offer opportunities, and make it necessary to take joint action. Five trends have direct influence on the economic future of the MRDH:

1. **Metropolis formation:** the increasing importance of municipal regions means that the international competitive position of a country is no longer determined at the national, but at the municipal/regional level. Now, the municipal regions compete, not the countries.
2. **Knowledge economy:** the production and exchange of knowledge is playing an increasingly important role in economic systems. Effectively operating metropolitan areas are pre-eminently the places where knowledge is produced and exchanged.
3. **The arrival of intelligent manufacturing industries:** new manufacturing methods are once more making it profitable to manufacture in 'high wage countries', close to the sales markets. The emergence of robotics, 3D printing and industrial internet applications reinforce this trend.

4. Ecologising of the economy: managing raw materials and other resources economically is increasingly becoming an economic necessity. The transition to more sustainable manufacturing methods offers the existing industrial complexes excellent opportunities and major challenges.
5. The city as an attractive area of consumption: the city and the surrounding area, with a rich offering of facilities and culture, is increasingly the place where people want to live and to spend both their free time and their money.

These five trends are fundamentally changing the playing field in which the local authorities in the MRDH must operate. The local authorities are using the Strategic Accessibility Agenda and the Economic Business Climate Agenda to address the challenges and opportunities for this region related to these trends in the area of economic development, with the ambition to ensure that:

**“In 2025, the metropolitan region of Rotterdam and The Hague will be the international market leader in the design, development, manufacture and marketing of solutions in the area of sustainable living in a heavily urbanised delta region. In the region, coherent solutions will be devised, tested and produced for global logistic, energy, food and safety issues.”**

The local authorities in the MRDH are very ambitious. The ambition they have can only be realised if they work together in a different way where all of the parties involved contribute from their own roles. Only the bundled strengths of the metropolitan local authorities provide enough mass to effectively anticipate and respond to the leading global economic trends and to shape the further integration of the region. The Metropolitan region begins by creating the conditions and with them a healthy climate for public business development. Working together in the Metropolitan region – voluntarily and without a hierarchical structure – demands a mind-set from the administrators and government officials that is based on the conviction that the value contributed by everyone in the process will be recognised and acknowledged, and that the whole is greater than the sum of its parts.

Concerning the Traffic and Transport Agenda, MRDH sets up the following goals:

1. Competitive economy: the MRDH contributes to the competitive economy from within the transport and traffic goals, by improving the internal and external accessibility of the core areas of the region.
2. Quality of places: MRDH is working on the quality of internationally competitive places and of other relevant locations for living and working by improving the attractiveness and accessibility of those locations regarding Traffic and Transport.
3. Chances for people: MRDH is busy with increasing chances for people by ensuring that they get access to work and facilities within acceptable time and for reasonable price.
4. Sustainable region: MRDH is busy with developing a future-proof, cleaner, less noisy and more economical transport system.

5. Efficient and cost-effective: MRDH is busy developing a cost-efficient and cost-effective transport system by optimal use of the available transport system and the surrounding space.

Concerning the Economic Business Climate Agenda, it covers the following areas:

1. Work locations – an effectively operating spatial structure (retail establishments, offices and industrial estates), where the demand is in balance with the supply, where there is space for companies to grow, where cluster formation is supported and where there are also sufficient facilities in the smaller centres.
2. Energy infrastructure – a sustainable, metropolis-wide energy infrastructure 'grid' to exploit scale and efficiency advantages and to make the development of new technologies possible in practice.
3. Branding – a clear branding strategy for the entire region: a common flag under which all of the brands can unite, while promoting their own identity, with the goal of attracting more (international) visitors, (international) companies and congresses.
4. Cluster formation – establishing a strong economic network comprising companies and knowledge institutes within the metropolitan region, leading to successful crossovers between companies from the various clusters, sectors and regions within the metropolitan region. The goal is to promote economic diversification and the retention and growth of employment opportunities and incomes in the longer term.
5. Financing – investment propositions to link Dutch and foreign financiers – public and private – to initiatives in the metropolitan region.
6. Education and the labour market – a long-term strategy intended to create a flexible and well-educated working population with the knowledge and skills that effectively match the demand from the regional clusters, and a labour market that functions in such a way that there is sufficient mobility of employees between companies and sectors.
7. New economic carriers for the rural area – higher quality, more diverse and more specialised facilities in the region. Tourism and recreation will become, alongside the agricultural sector, a new economic carrier for the rural area.
8. Connectivity – linking mobility challenges to development of urban areas and economic sectors



## General notes

### Introduction

Around the summer recess of 2013, the councils intensively considered the Metropolitan Authority for the Rotterdam and The Hague Region (MRDH). In April of this year, they received the recommendations for the formation of the metropolitan region, based on the reactions received to the views document of 2012 and on the discussions conducted at the public council meetings and during the well-attended congress in Vlaardingen.

The municipal councils have now given their reactions to the recommendations on the formation of the MRDH. They accept the main points of the recommendations, but there are also proposals for improvements. It is encouraging to note that the many discussions that the municipal authorities have conducted with each other in the past year have now led to a high degree of consensus. The reactions of the councils were discussed and processed in the administrative forum. This memorandum explains the changes to which this led. This memorandum also contains the financial and organisational framework on the basis of which the administrative forum mandated the municipal secretaries and the MRDH/Transport Authority (TA) quartermasters to draw up a draft budget and design the organisation.

### The objective of the partnership

Globally and within Europe, populations are shifting towards urban regions. These are the centres of economic development. Regions compete with each other for companies, investments and human capital. The strong economic clusters in the MRDH are all global players. But past performance provides no guarantee for the future. The leading sectors in our region are still growing in terms of productivity, but far less in terms of innovation and employment. There are also too few new, innovative growth sectors. The challenge is to make our economic structure more resilient. This involves both modernisation of our traditional strong sectors and the growth of new sectors.

Meetings between people and the exchange of ideas and knowledge form the basis for this. The key word is 'interaction'. Closeness and access are requirements for this. Urban agglomerations offer advantages: more jobs within reach, a great deal of innovation and exchange of knowledge, economic specialisations, a good infrastructure and high quality facilities. The regions around Rotterdam and The Hague have increasingly integrated in recent decades, and thus increasingly form a single urban system. Awareness is growing that municipal authorities in the metropolitan region are closely interconnected. Urban living and working, suburban and rural: together they form a single urban system. The issue is to make the multitude of small and larger municipalities in our region function more as a single unit, while each retaining their own identity. It is precisely that diversity which can form a strength, provided that the different entities inter-relate. Recent scientific insights<sup>1</sup> show that more can be achieved in our region if they function still more as a single integrated whole. The importance of agglomerations is emphasised time and again in these reports. This involves improving access, a stronger economic structure and an attractive economic establishment climate for work, living and leisure. Successful formation of a metropolis calls for stronger networks within the metropolis in the field of business contacts, living and working relationships and the use of facilities. Better administrative cooperation on a metropolitan scale will benefit this. If we can do that

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<sup>1</sup> Including: The Resilient Region ('*De Weerbare Regio*'), University of Utrecht, December 2012; The international competitiveness of the Dutch regions ('*De internationale concurrentiekracht van de Nederlandse regio's*'); Netherlands Environmental Assessment Agency (PBL) March 2013; The rationale of spatial-economic leading sector policy (*De ratio van ruimtelijk-economisch topsectorenbeleid*), PBL 2012



successfully, it has been calculated that we can realise extra economic growth of €30 to €35 billion for the South Wing Economic Agenda<sup>2</sup> by 2020. This means economic growth that lies about one percentage point higher than the growth without measures and the expected performance of the other leading regions. Our joint challenge and mandate is to fully utilise the existing potential of these and of emerging clusters. In today's global economy, what counts is innovative capacity.

There are therefore good reasons why the contours of the strategic agenda bear the name 'Connecting Qualities'. Realising the challenges in that agenda calls for the combined input and action of many parties involved: businesses, residents, research and education institutions, social organisations, water boards, individual municipal authorities, joint municipal authorities, the provincial authority and central government. On the basis of their own qualities, objectives and activities, all these parties contribute to the economic performance and the business establishment climate of this region, both now and in the future.

But this will not happen automatically. The strengths of all these parties must be combined, starting with the 24 municipal authorities: there lies the power and the challenge to make the whole more than the sum of its parts. Improving the economic establishment climate and access have the highest priority here. No large organisation needs to be set up to make new policy. A small organisation will suffice.

In this way, a transparent situation will arise for the finances. On the one hand, resources for a small, high quality team with adequate support and on the other, finance for necessary research, communication, branding and for maintaining and expanding a national and international network and if necessary, to be able to participate in developments, for example with co-financing. We develop the finances and a proposal for the organisation in more detail in the section on the Financial and Organisational Framework (see page 8).

## Status of the Bill and date of entry into force

Almost all municipal authorities make their consent to the regulations dependent on the adoption of the Bill and certainty on the award of the special-purpose grant to the TA as part of the MRDH. The Withdrawal of the Plus Regions Bill is fully consistent with the partnership that the 24 municipal authorities are developing in the Metropolitan Region. For the improvement of access, the government opts in this Bill for enabling transport regions in the Rotterdam and The Hague region and in Amsterdam-Almere, motivated by the specific metropolitan problems of the two wings of the Randstad metropolitan conglomeration in the western Netherlands. The Cabinet invites the municipal and provincial authorities concerned to develop these transport regions. In the notes to the Bill, the Cabinet states that the transport region will cover the metropolitan region of Rotterdam and The Hague. With this, the Bill supports our plans. Assuming that the Bill will be adopted, this gives us the requested certainty regarding the special-purpose grants for Traffic and Transport.

The Bill is intended to enter into force on 1 January 2015. However, the regulations provide that this will enter into force at the time when the Bill is adopted in the Senate. This will happen for a number of reasons. Firstly, the Bill provides that the special-purpose grant will be awarded to an existing public body on the basis of the Joint Regulations Act. The MRDH joint regulations must therefore enter into force earlier, so that the special-purpose grants can be awarded as of 1 January 2015. Secondly, in anticipation of the Bill's entry into force on 1 January 2015, a number of provisions must be made on the basis of which follow-up proposals can be prepared which, after the municipal

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<sup>2</sup> The South Wing, the leading Dutch region - Towards a new economic agenda for the South Wing in 2010-2020 ('Zuidvleugel, de topregio van Nederland - Naar een nieuwe economische agenda Zuidvleugel 2010-2020'). Roland Berger 2011



councils have presented their views, can be adopted at the first constituting meeting of the general management (GM), the executive and the TA. Among other things, this concerns the standing orders, the financial orders and the Transport Authority ordinance. The necessary mandate decisions must also be prepared. In order to have enough time for this, it is desirable for the regulations to enter into force earlier than the date on which the Act enters into force.

Thirdly, this also offers scope to organise the phase-out of the urban regions with due care, including for the supra-local tasks of the plus regions which will not transfer to the MRDH, including in the social domain in the field of youth care. The personnel and financial consequences and the consequences for third parties must, of course, proceed smoothly and with due care. A quartermaster has been appointed for the TA. This will shortly also be the case for the MRDH as such.

## **The composition of the executive**

The executive will have five, not three members, in order to create a greater base of support from the 24 municipal authorities. This is an explicit wish of many municipal authorities. It is not the intention that the executive will be assigned substantive portfolios. The chairman and vice-chairman will be the Mayors of Rotterdam and The Hague, by rotation. Three members will come from the other municipal authorities, with a spread over medium-sized and smaller municipalities, and will be appointed for a term of two years. This will make it possible for all municipal authorities to form part of the executive once. Obviously, a geographical spread must also be borne in mind here.

The proposed scale of the executive's task is closely related to the steering philosophy of the MRDH and, therefore, to the tasks and composition of the GM. The MRDH is an alliance of 24 municipal authorities which are all represented in the GM. This is where the substantive discussions and decision-making take place. Portfolios, if these are necessary, will be assigned within the GM, not within the executive. With this steering philosophy, the smallest possible executive, which purely prepares the agendas, is appropriate.

At the request of the provincial executive, the GM can appoint a member of the provincial executive to the MRDH executive. In that situation, the executive will consist of six, not five members.

Until the regulations formally enter into force and a GM has been appointed, the management forum will play the role of a consultative platform of the municipal authorities taking part and will provide for the necessary developments.

## **Determination of the horizon**

In principle, the regulations will be adopted for an indefinite term. This is desirable because the MRDH and the TA must be able to offer certainty, both to central government and to the transport companies. Nevertheless, the proposals include the determination of a horizon. If the MRDH unfortunately does not prove to be the right vehicle for realising the objectives, another method must be sought. At the same time, the MRDH must be able to prove itself. A decision to terminate the regulations must be taken well in advance in order to give all councils an opportunity to form an opinion and to absorb the personnel, financial and legal consequences (contracts, concessions). The date for decision-making on termination is included in the regulations. In line with the suggestion of various municipal authorities, a term of 12 years is set as a horizon and an explicit decision on continuation or termination must be taken two years prior to that. With a view to synchronicity with the terms for the municipal executives and any termination of the MRDH, a choice was made to take a decision in 2024 on termination or continuation of the regulations from 2026 (start of the new municipal executive term).



## Administrative platforms

All municipal authorities agree that improving the economic business establishment climate and access must be core tasks of the MRDH. For these task fields, the draft regulations therefore provide for the possibility of taking financially and legally binding decisions. The GM is authorised to take these decisions after a procedure for presentation of views.

Many municipal authorities have requested a stronger position for space, housing and/or greenery and are of the opinion that there should at least be a platform on which municipal authorities meet and can reach voluntary agreements. Other municipal authorities want precisely to keep the package of tasks limited to access and the economic business establishment climate. For this reason, the MRDH can facilitate by agreement and consultation if at least two participants request this and to the extent that the subjects of discussion of this platform bear a direct relationship to the strategic agenda. This could include facilitating partnerships in the field of space, housing or greenery between two or more municipal authorities in the form of an administrative platform. If these municipalities require far-reaching cooperation, they will bear the costs of this themselves. This involves the lightest conceivable form of cooperation. For the policy fields of space, housing and greenery, the MRDH can formulate ambitions with which no binding (financial) consequences are associated.

Several municipal councils refer to the social, tourism and economic importance of greenery for the MRDH. The MRDH can play a role in this, but this does not mean that the MRDH needs to concern itself with the details of green areas. At present, a pilot project is being conducted together with the provincial authority for the metropolitan landscape of Hof van Delfland, which will probably also be significant for other green areas. An administrative platform for greenery will not pre-empt this, or any greenery authority to be installed at a later date. There is also scope for sub-regional talks at the level of the metropolitan landscapes.

Sustainability will also be an issue as an explicit facet of all programmes of the MRDH. A strategy aimed at sustainability also serves an economic interest; see e.g. Clean Tech Delta as a strongly emerging innovative cluster. Innovation in sustainability improves the attraction of the region as a business establishment location and is also a strong export product. In its survey 'Greenery and earning – a search for opportunities for the Dutch Economy' (*'Vergroenen en verdienen – op zoek naar kansen voor de Nederlandse economie'*) (October 2013), the Netherlands Environmental Assessment Agency (PBL) concludes

that a strong green innovation policy is necessary, which focuses more than at present on support for innovative, small, fast-growing companies. The MRDH has a very strong concentration of companies in this bio-based cluster.

## Leading position of councils

The leading position of councils is one of the supporting principles of the design of the MRDH. Considerable attention has already been devoted to this in the proposals. The Joint Regulations Act also provides for a number of important powers for the councils. In addition to this, the procedure for the presentation of views is an important instrument for assigning the required leading position to the councils. A procedure for the presentation of views will apply for all relevant decisions. The regulations state which decisions are at least involved here. The regulations also state that the GM can decide that additional matters must be subject to a procedure for the presentation of views.

In order to further strengthen the involvement of the councils, the regulations also make provision for an advisory committee on the economic business establishment climate for the GM. Provision was already made for this for the TA.





The GM will also have the possibility of submitting motions on matters that are not on the agenda, with the aim of including current issues in the agenda and requesting a statement on this from the GM. Provision had already been made for the possibility for each GM member to place items on the agenda. Municipal councils can ask 'their' GM member to submit such motions. This will increase the influence of municipal councils on the GM agenda.

One municipal council requests proposals enabling councils to be involved in decision-making earlier than in the formal phase of the presentation of views, for example by organising round table meetings, theme meetings or via (opinion-making) digital surveys prior to decision-making by the GM. This concerns opinion-making rather than advisory or decision-making discussions. Such procedures could be included in the standing orders.

The leading position of the councils is provided for in the regulations, but will also be recorded in other documents still to be established. A number of additional documents, such as the standing orders, will be adopted during the constituting meeting of the GM. In order to ensure a smooth transition, these documents will be sent to the councils for reactions in the period prior to the constituting meeting of the GM.

## **Voting relationship of the GM and TA**

A number of municipal authorities have requested further support for the differences in the voting relationships between the GM and the TA. The municipal authorities suggest that the voting relationships of the TA also be applied to the GM. They also suggest that at least four municipal authorities must consent to a proposal.

The voting relationships within the GM do justice to the differences in the size of the participating municipal authorities, as is also the case in the current regulations of Haaglanden and Stadsregio Rotterdam. The joint regulations therefore assign vote weightings according to the size of the municipal authorities. It is not the intention that Rotterdam and The Hague will jointly hold a majority. This is why a voting ratio has been included in the draft regulations which is more in favour of the smaller municipal authorities and which is more consistent with the voting relationships in the existing urban regions. This also means that at least four municipal authorities are always required for the adoption of a resolution.

In the voting relationships in the TA, the principle was that each municipal authority would have one vote, with the exception of The Hague (5) and Rotterdam (6), because of both their populations and their relationships with transport companies and the financial risks that they run in these.

Moreover, it is unlikely that the TA will have different views from the TA Managing Committee, because the same municipal authorities are represented in both bodies. In the initial evaluation, which will take place after two years, the functioning of the system will be assessed, including the voting relationships. If there are then reasons to review the voting relationships, this can take place on the basis of that evaluation.

## **Cooperation with South Holland Provincial Authority**

In relation to physical and economic matters, the South Holland Provincial Authority is an important partner for the success of the objectives of the metropolitan partnership. In practice, good cooperation already takes place in many fields. Many municipal authorities also emphasise the importance of this in their reactions to the metropolis proposals. The key to success lies in the non-





voluntary partnership between our municipal authorities, without the surrender of their own identities.

Of course, there are different ways in which this partnership can be designed, naturally with respect for each other's administrative responsibilities.

The provincial authority can make its contribution at every level, so that there is optimal coordination and the provincial authority can play a supra-sectoral and binding role, as agreed at the end of 2011 in the administrative agreements between the Cabinet, the Association of Netherlands Municipal Authorities (VNG) and the Interprovincial Council (IPO).

As a realisation of this partnership, a member of the Provincial Executive can participate in the discussions of the GM and the GM can appoint a member of the Provincial Executive as a fully-fledged member, i.e. with voting rights, of the TA and of the executive.

This makes cooperation between the metropolis and the provincial authority possible at all levels, in different forms and with variations of intensity. This offers a solid legal basis and sufficient scope to realise the partnership with the provincial authority by agreement.

## **Cooperation with surrounding regions**

A number of municipal authorities requested attention for the partnership with the surrounding regions, including in the field of traffic and transport. For the time being, the MRDH will follow the definition of areas proposed by central government, i.e. that of the two present plus regions. The notes to the Bill state that in the southern Randstad region, the transport region will cover the metropolitan region of Rotterdam and The Hague. Obviously, in practice there will be good and intensive cooperation, not only with the provincial authority but also with alliances such as Holland Rijnland and the Drechtsteden, both in the field of traffic and transport and in the strengthening of the economic business establishment climate, including in relation to the South Wing.

## **Exit provisions**

A number of municipal authorities have requested greater clarity concerning the exit provisions in the regulations. Additions to the regulations have therefore been made in this regard. However, it is not possible to regulate the exit conditions for every situation in detail in advance. The situations differ too much for this. A number of more procedural rules can be drawn up. The GM can establish a framework for this in which procedures and terms are laid down. At the same time, it provides for balanced representation of the interests of both the exiting municipal authority and those of the other participants. In other respects, which agreements are reached on matters including the financial and personnel consequences depends on the concrete situation at that time. All administrative bodies (municipal councils, municipal executives and Mayors) that contracted the original regulations must take a decision on the exit plan. A majority of at least two thirds of the administrative bodies is required. Each vote carries equal weight in this regard.

## **Installation of the accounts committee**

From a democratic point of view, audits of the financial management and the expenditure are extremely important. Every municipal chamber of audit (or audit committee) is authorised to audit joint regulations in which the municipal authority participates for legitimacy and effectiveness. Every municipal council can also issue an order for this. Each year, the auditors of each municipal authority can audit the account(s) for the joint regulations in which the municipal authority participates. The auditors record their findings in the auditors' report accompanying the municipal authority's financial statements, always discussing the legitimacy and sometimes also the effectiveness of the policy.



Similarly, the auditors of every municipal authority can audit the accounts of the MRDH and record their findings in their auditors' report to the municipal authority. This already takes place at present. An additional possibility, without prejudice to the first two, is an advisory committee for the GM. A number of municipal authorities have accounts committees. An independent advisory committee to the GM is not consistent with the steering philosophy of the lightest possible realisation of the administrative organisation. Preference is therefore given to asking one of these existing advisory committees to issue advice to the GM on the accounts of the MRDH.

## Financial and organisational framework

The MRDH will be assigned tasks and resources to improve the economic business establishment climate and access and to facilitate administrative platforms. The budget to be drawn up in early 2014 must fit within the frameworks to be established by the councils. With these, the councils state the amount of the maximum permitted resident contribution. A draft budget will then be drawn up in early 2014, in which the concrete income and expenditure for 2015 is processed and further substantive support is provided for the access and economic tasks and the administrative platforms for space, housing and greenery. This draft budget will be submitted to the municipal councils by means of a procedure for presentation of views in 2014, so that they can exert an influence on the final budget for the MRDH for 2015.

The tasks in the field of traffic and transport will be assigned to the TA and are identical to those of the current plus regions. This concerns tasks in the field of the operation of public transport, road safety, provision of rail infrastructure, financing of new roads and bicycle infrastructure and optimisation of the use of the existing infrastructure.

The tasks in the field of the economic business establishment climate focus primarily on strengthening the economic structure and innovation, economic profiling and working locations, to the extent that the scale of the metropolitan region is serviceable for this purpose.

- The strengthening of the economic structure and innovation involve stimulating network formation between companies, government agencies and research and education institutions, identifying opportunities for cross-fertilisation between different economic strengths and promoting specific actions to realise those opportunities in economic terms.
- Economic profiling involves providing building blocks and coordination of the international marketing and promotion of the entire metropolitan region, and strengthening the position of the MRDH in international networks, including institutions of the European Commission.
- In the field of working locations, the tasks involve developing and communicating the economic strategy in relation to industrial sites, offices, campuses and the retail trade and the metropolis has the task of improving coordination between municipal authorities.

On the basis of the general economic ambitions of the metropolitan partnership, the MRDH will also work on setting up and updating the economic strategy for the region in order to be able to form coalitions from there to strengthen the economic business establishment climate and investments in infrastructure and public transport in the region.

The resources for traffic and transport come from central government (primarily the specific-purpose grants for traffic and transport) and from the municipal authorities. Additional funds may come from e.g. the European Union. The existing urban regions work with progressive annual investment plans for the infrastructure. The MRDH will take over and comply with contracted obligations. Until the end of 2017, the investment plans will remain individually identifiable; from 2018, they will be integrated.

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The resources for non-access tasks come primarily from the municipal authorities, in the form of a fixed amount per resident.

An organisation of 74 FTEs is required for the traffic and transport tasks, divided over a fixed core of 50 FTEs and a flexible shell of 24 FTEs; this is 30% less than the total of the current organisations. The costs of the TA will be funded from central government resources.

Unlike the TA, which also has operative tasks, the strengthening of the economic business establishment climate requires only a small, but highly skilled official staff. As a result, the financial contribution of the municipal authorities can remain limited. This is also achieved by assuming continuation or reuse of existing systems wherever possible, and continuation of accommodation for as long as existing contracts continue.

The organisation consists of a small permanent highly-skilled core. This core has a mix of administrative and substantive knowledge and processing skills and is adequately equipped for the focal points of the substantive tasks. They can motivate and convince managers and senior executives of the participating municipal authorities, the provincial authority, central government, the European Union and the private sector on an equal level and can also contract coalitions with them. The organisation is headed by a Secretary-Director (as an indication: on the level of a Secretary General), who is supported by a number of programme directors (on the level of a Director General), a small team of employees and a number of executive officers in fields including legal, communications and financial affairs. In addition to the TA, this will not involve more than about 15 FTEs in total. This also includes the support from the administrative platforms. Including overhead costs and accommodation, the calculations are based on an average of €133,000 and a personnel budget of about €2 million. Programmes are set up on the basis of the strategic agenda. Together with employees of the municipal authority, the MRDH team will form programme directorates managed by the programme directors together with the municipal secretaries. The municipal secretaries are responsible for manning by the municipal authorities.

In order to be able to operate effectively in the administrative and social playing field, the MRDH also needs a small and effectively deployable programme budget to support the realisation of the substantive ambitions. This will enable active efforts to attract financing resources, including at the European Commission in Brussels and central government, as well as, for example, from private investors, financial institutions and institutional investors. In this way, leverage effects can be realised with limited in-house resources. Particularly in the field of the economic business establishment climate, there are opportunities for this, including in co-financing of programmes and projects of other (market) parties. For the tasks concerning the economic business establishment climate, a limited equipment budget will be provided for research and advice, hiring of specific external expertise and the costs of processes, working meetings, etc. About €4.5 million is needed for the programme budget and the equipment budget combined.

Rounded off, the costs for the MRDH will then amount to €6.5 million per year. The general residents' contribution will then be a maximum structural amount of €2.95 per resident per year. Although this is not entirely comparable, the contribution of the municipal authorities to the Stadsregio Rotterdam currently amounts to €4.65 per resident, and that to the Stadsgevest Haaglanden to €5.40 per resident.

These principles will be passed on to the quartermasters. On the instructions of the administrative forum and under the management of the municipal secretaries, they will translate the frameworks in terms of a draft budget for 2015, which must be ready in early 2014. The draft budget will be submitted to the councils by means of a procedure for presenting views. In the first evaluation of the

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metropolitan partnership, after two years, the councils can assess whether these organisational and financial principles prove to be workable.

Appendices:

1. Draft Joint Regulations of the Metropolitan Authority for the Rotterdam and The Hague Region 2014
2. Article-by-Article Notes
3. Draft Transport Authority Ordinance

# Joint Regulations of the Metropolitan Authority for the Rotterdam and The Hague Region 2014

The municipal councils, the municipal executives and the Mayors of Albrandswaard, Barendrecht, Bernisse, Brielle, Capelle aan den IJssel, Delft, The Hague, Hellevoetsluis, Krimpen aan den IJssel, Lansingerland, Leidschendam-Voorburg, Maassluis, Midden-Delfland, Pijnacker-Nootdorp, Ridderkerk, Rotterdam, Rijswijk, Schiedam, Spijkenisse, Vlaardingen, Wassenaar, Westland, Westvoorne and Zoetermeer;

## Whereas:

In recent decades, their municipal authorities have increasingly developed into a single inter-related region and the intensive (traffic) movements of residents and businesses ('daily urban system') bear witness to that day-to-day reality;

- partly in view of global developments, in which Metropolitan Regions will become increasingly determining factors, this interrelationship will increase in the future;
- effective and efficient partnership at the supra-local level is desirable for the welfare and prosperity of the residents of that Metropolitan Region;
- strengthening of the interrelated traffic and transport network in the region will contribute towards further utilisation of the economic potential of the regions and to an attractive living and working climate for residents and businesses;
- an efficient and pragmatic bottom-up and democratically legitimised partnership between their municipal authorities, and between the municipal authorities and other parties in and around the Metropolitan Region is a necessity in order to be able to participate sustainably in the European and global competition for residents, talents and (international) companies;
- the Joint Regulations Act affords scope to realise this partnership in a light but effective manner;
- the partnership will also be able to make use of the existing expertise within our municipalities here;
- setting up the partnership in the Metropolitan Region also offers new opportunities to realise democratic legitimacy, the involvement of social organisations and residents in an innovative way and this involves and will involve extended local administration.

## Considering:

Chapter I of the Joint Regulations Act;  
the Municipalities Act, in observance of Article 136 of the Joint Regulations Act;  
the General Administrative Law Act, and  
the Withdrawal of the Plus Regions Act

## Hereby decree:

That they each establish the following joint regulations, to the extent that this lies within their own powers:

### Chapter 1 General provisions

#### Article 1:1 Definitions

1. For the purposes of this regulation, the following definitions apply:
  - a. advisory committee: a committee within the meaning of Article 24 of the Joint Regulations Act;
  - b. Transport Region Decree: the Order in Council imposed pursuant to Article 20(3) of the Passenger Transport Act 2000, as amended by the Withdrawal of the Plus Regions Act;

- c. administrative committee; a committee within the meaning of Article 25 of the Joint Regulations Act;
- d. executives: the municipal executives;
- e. provincial executive: the Provincial Executive of South Holland Provincial Authority;
- f. municipal authorities: the municipal authorities of Albrandswaard, Barendrecht, Bernisse, Brielle, Capelle aan den IJssel, Delft, The Hague, Hellevoetsluis, Krimpen aan den IJssel, Lansingerland, Leidschendam-Voorburg, Maassluis, Midden-Delfland, Pijnacker-Nootdorp, Ridderkerk, Rotterdam, Rijswijk, Schiedam, Spijkenisse, Vlaardingen, Wassenaar, Westland, Westvoorne and Zoetermeer;
- g. Metropolitan Regional Authority: the public body referred to in Article 1:2(1);
- h. minister: the Minister of the Interior and Kingdom Relations;
- i. traffic and transport portfolio-holder: the member of the municipal executive assigned responsibility by the relevant municipal executive for its tasks in the field of traffic and transport, pursuant to Article 168 of the Municipalities Act.
- j. regulations: the Joint Regulations of the Metropolitan Authority for the Rotterdam and The Hague Region 2014; k. representative body: the municipal councils of the municipal authorities;
- 1. Transport Authority: the administrative committee referred to in Article 2:7(3); m. Withdrawal of the Plus Regions Act: the Bill concerning the withdrawal of the plus regions (*Parliamentary Documents II 2012/13*, 33 659, No. 2), and n. Procedure for presentation of views: the procedure referred to in Article 2:1(3) of the regulations.
- 2. Where the regulations declare Articles of the Municipalities Act or any other Act or legal regulation to apply likewise, the term 'municipal authority' shall be replaced in those Articles by 'Metropolitan Regional Authority', without prejudice to the provisions of Article 136 of the Joint Regulations Act, and the administrative bodies listed below shall be replaced by the administrative bodies listed alongside them:
  - a. the municipal council: the general management;
  - b. the municipal executive: the executive;
  - c. the Mayor: the Chairman.

### **Article 1:2 Metropolitan Regional Authority**

1. There shall be a public body with legal personality named the Metropolitan Authority for the Rotterdam and The Hague Region.
2. The Metropolitan Regional Authority is established in Rotterdam.
3. The area of the Metropolitan Regional Authority encompasses the territory of the municipal authorities.

## **Chapter 2: The position of the councils and the design and composition of the Metropolitan Regional Authority management**

### **Article 2:1 Decision-making in the municipal councils**

1. The principle for the management of the Metropolitan Authority for the Rotterdam and The Hague Region is that decision-making as an extended local administration shall take place in a transparent, democratically legitimised manner.
2. The representative bodies shall always present their view on important decisions in advance, in the manner described in paragraph 3. These decisions in any event include:
  - a. the strategic agenda referred to in Article 3:2(1);
  - b. the working plan referred to in Article 3:2(3);
  - c. the transfer of powers by the general management to the executive, as referred to in Article 3:3(3);

- d. the strategic access agenda;
- e. the regional traffic and transport plan, pursuant to the Traffic and Transport Planning Act;
- f. the programme of requirements for granting a transport concession;
- g. the principles for the services regulations for public transport;
- h. the establishment, alteration or withdrawal of joint regulations and the accession or withdrawal from joint regulations;
- i. the formation or participation in an association, cooperative, mutual insurance association, public limited liability or private limited liability company, foundation, partnership firm or partnership;
- j. the adoption and alteration of the budget in compliance with the provisions of Article 35 of the Joint Regulations Act; k. the liquidation plan on withdrawal and cancellation and l. the decision referred to in Article 2:8(2) and 2:8(3).

3. In order to enable the representative bodies to present their views on important decisions in good time, the drafts of these decisions shall be presented at least eight weeks before these decisions are to be discussed or voted on in the general management. The representative bodies may submit their opinions on and objectives to the resolution to the executives. The executive shall send the views to the general management and may add recommendations concerning the views.

4. The general management shall not take a decision until the representative bodies have had at least eight weeks to respond to the resolution submitted.

5. The general management may decide that in addition to the decisions referred to in these regulations, other decisions may also be subjected to the procedure for the presentation of views.

6. Article 2:3(2) does not apply to decisions to which the procedure for the presentation of views applies.

#### **Article 2:2 Information and accounting obligations to municipal councils**

1. The general management, the executive and the chairman shall provide the representative bodies with all information required for a proper assessment of the policy pursued and to be pursued by the relevant administrative body.

2. The general management, the executive and the chairman shall provide the representative bodies with all information required by one or more members of those bodies.

3. The standing orders for the GM regulate the way in which the provisions of the preceding paragraphs are implemented.

4. Paragraphs 1 and 2 apply likewise to an administrative committee.

#### **Article 2:3 General Management**

1. The general management consists of 28 members. The representative bodies each appoint one member of the general management. The municipal councils of The Hague and Rotterdam also appoint their Mayors and their traffic and transport portfolio-holders as members of the general management.

2. Except in urgent cases, the executive sends the resolutions to be discussed and voted on at the meeting of the general management to the general management at least eight weeks before adoption.

3. Resolutions are carried by an absolute majority of votes at the general management meeting, on the understanding that:

a. the members of the general management appointed by the municipal council of Rotterdam may each cast fifteen votes;

b. the members of the general management appointed by the municipal council of The Hague may each cast thirteen votes;

cast thirteen votes;



- c. the members of the general management appointed by the municipal councils of Delft, Westland and Zoetermeer may each cast nine votes;
- d. the members of the general management appointed by the municipal councils of Capelle aan den IJssel, Leidschendam-Voorburg, Schiedam, Spijkenisse and Vlaardingen may each cast seven votes;
- e. the members of the general management appointed by the municipal councils of Barendrecht, Hellevoetsluis, Lansingerland, Pijnacker-Nootdorp, Ridderkerk and Rijswijk may each cast five votes;
- f. the members of the general management appointed by the municipal councils of Albrandswaard, Krimpen aan den IJssel, Maassluis and Wassenaar may each cast four votes;
- g. the members of the general management appointed by the municipal councils of Bernisse, Brielle, Midden-Delfland and Westvoorne may each cast two votes.
4. The representative bodies may appoint a deputy member for each member of the general management.
5. The members of the general management shall account to the representative body that appointed them for their administration in the general management. To that end, they shall provide the representative body with all information that one or more members of that body require or that the representative body needs for the performance of its tasks. The relevant representative body shall determine how such accounting shall take place. If the relevant representative body loses confidence in its own member of the general management, it may dismiss that member.
6. At the request of the provincial executive, the general management may appoint a member of the provincial executive who will have access to the meetings of the general management and may take part in the discussions.

#### **Article 2:4 Initiatives, amendments and motions**

1. Each member of the general management has the right to submit resolutions to the general management.
2. Each member of the general management has the right to propose amendments to resolutions pending before the general management.
3. A member who addresses a meeting of the general management may submit motions on the matter under discussion or any other matter.
4. The standing orders of the general management determine how resolutions, as referred to in this Article, may be submitted.

#### **Article 2:5 Chairman and deputy chairman**

1. The general management shall appoint a chairman from among its members for a term of two years, on the understanding that the Mayor of The Hague or the Mayor of Rotterdam shall be appointed as the chairman.
2. The chairman may not be reappointed immediately.
3. The Mayor referred to in paragraph 1 who is not appointed as the chairman is the vice chairman of the Metropolitan Regional Authority and shall replace the chairman if the chairman is absent.
4. The chairman shall account to the general management for his administration. He shall provide the general management, orally or in writing, with the information requested by one or more members, provided that the provision of such information is not counter to the public interest.

#### **Article 2:6 Executive**

1. The executive consists of five members appointed by the general management from among its members, each of whom has one vote, where:
  - a. the Mayors of The Hague and Rotterdam shall be appointed as the chairman and vice-chairman;
  - b. the other members shall be appointed from among the members referred to in Article 2:3(3)(c) to 2:3(3)(g).
2. The members referred to in paragraph 1(b) shall be appointed for a term of two years.
3. Further to paragraph 1, the general management may, at the request of the provincial executive, decide to appoint an additional member from the provincial executive to the executive. This member of the executive has access to the meetings of the general management and may take part in the discussions. If this paragraph is applied, Article 2:3(6) does not apply.

#### **Article 2:7 Administrative committees**

1. By ordinance, the general management may appoint administrative committees to which powers of the general management or of the executive are transferred.
2. The general management regulates the coordination between the various administrative committees, to the extent that more than one administrative committee is appointed.
3. The general management shall in any event appoint an administrative committee known as the Transport Authority for the Rotterdam and The Hague Metropolitan Region, consisting of the traffic and transport portfolio-holders of the municipal authorities. The general management may, at the request of the provincial executive, also decide to appoint the traffic and transport portfolio-holder of the provincial executive as a member of the Transport Authority.
4. The traffic and transport portfolio-holder of The Hague municipal authority or of Rotterdam municipal authority is appointed as chairman of the Transport Authority. The chairman of the Transport Authority may not be reappointed immediately.
5. The portfolio-holder referred to in paragraph 4 who is not appointed as chairman of the Transport Authority is the vice chairman of the Transport Authority and shall replace the chairman if the chairman is absent.

#### **Article 2:8 Advisory committees**

1. By ordinance, the general management may appoint standing advisory committees to the general management, the executive or the chairman. On the appointment, the general management regulates the committee's relationship with the other advisory committees and administrative committees appointed.
2. The general management shall in any event install an advisory committee that advises on the affairs of the Transport Authority. This advisory committee shall send copies of all its advisory reports to the Transport Authority. The members of this advisory committee shall be appointed by and from the representative bodies and, to the extent that a member of the provincial executive has a seat in the Transport Authority, by and from the provincial executive of the South Holland Provincial Authority.
3. The general management shall in any event install an advisory committee that advises on the economic business establishment climate. The members of this advisory committee shall be appointed by and from the representative bodies and, to the extent that a member of the provincial executive has a seat in the executive, by and from the provincial executive of South Holland Provincial Authority.

### **Chapter 3 Interests, task and powers**

#### **Article 3:1 Interests and tasks**

1. The Metropolitan Regional Authority has the task, in observance of the statutory provisions and the provisions of these regulations, of promoting cooperation between the municipal authorities with a view to favourable development in the area and the management of the facilities entrusted to the region. To that end, it shall concern itself with:
  - a. the determination of the objectives in the fields of traffic and transport and the improvement of the economic business establishment climate, to the extent that the following does not derogate from this, and in observance of the autonomy of the municipal authorities. Provision for the realisation of the objectives and the preparation and development of a joint regional policy in these fields, and
  - b. the performance of the tasks and the exercise of the powers assigned to the metropolitan regional authority, directly by or pursuant to the law or by or pursuant to this regulation, in connection with the interests and subjects relating to the policy referred to in sub-paragraph a.
  - c. the tasks and powers assigned to the Metropolitan Regional Authority by law or by Order in Council.
2. The 'traffic and transport' and the 'economic business establishment climate' referred to in a. in the preceding paragraph may not be supplemented by other fields of policy until after the application of Article 6:3.

#### **Article 3:2 Strategic agenda**

1. In the first year of each administrative term of the municipal councils, the general management shall adopt a Strategic Agenda. This agenda shall in any event include strategies to realise the objectives referred to in Article 3:1.
2. Each year, the general management shall adopt a working plan for the coming calendar year, on the basis of the Strategic Agenda.

#### **Article 3:3 Allocation of powers**

1. All powers accrue to the general management, to the extent that these are not allocated to the executive of the chairman by or pursuant to the law or by or pursuant to these regulations.
2. The executive is authorised to perform the executive activities unless otherwise provided by or pursuant to the law.
3. The general management shall determine the powers of the executive to take legal action in interim injunction proceedings, to join criminal proceedings as a party to the action, to file objections and appeals as a matter of urgency, including filing interlocutory appeals, requests for provisional relief and the performance of (legal) acts to prevent prescription or the loss of rights or possessions, and may transfer powers from the general management to the executive, unless this is contrary to the nature of such powers. Article 156 of the Municipalities Act applies likewise.
4. The chairman represents the Metropolitan Regional Authority in and out of court.

#### **Article 3:4 Traffic and Transport Powers**

1. The executive exercises the power referred to in the Transport Region Decree, for the territories laid down in that Decree.
2. The power to draw up a subsidy ordinance in relation to traffic and transport is transferred to the general management.

#### **Article 3:5 Facilitation and service-provision tasks**

1. At the request of at least two participants, the Metropolitan Regional Authority shall facilitate a platform for coordination and matching between the municipal authorities taking part, to the extent

that the subjects of discussion on this platform bear a direct relationship to the strategic agenda, as referred to in Article 3:2.

2. The Metropolitan Regional Authority is authorised to provide services for one or more legal entities installed by public law, other than the municipal authorities, if they request this and the general management grants that request.

3. The Metropolitan Regional Authority is authorised to provide services for an institution or body in which it is represented on behalf of the municipal authorities, if the relevant institution requests this.

4. A decision to facilitate or to provide services is taken by the general management and shall state the cost settlement method and other conditions on which the requested facilitation or service-provision will take place.

#### **Article 3:6 Establishment of a joint regulation**

1. The general management, the executive and the chairman, each to the extent that they are authorised to act on behalf of the Metropolitan Regional Authority, shall establish a joint regulation, as referred to in Article 93 or Article 96 of the Joint Regulations Act.

2. If the executive or the chairman establish joint regulations, the consent of the general management is required. The general management may withhold its consent only on the grounds of a breach of the law or a conflict with the general interest.

3. For the purposes of this Article, 'establishing a joint regulation' also refers to accession to, withdrawal from or amendment of a joint regulation.

#### **Article 3:7 Other powers**

1. All powers accrue to the Metropolitan Regional Authority that the public body holds by law in order to participate in social and economic life as a legal entity.

2. For all the interests, tasks and powers referred to in Article 3:1, the Metropolitan Regional Authority is authorised to:

- a. respond to central government and provincial authority memoranda and plans that are of importance for its territory;
- b. represent the Metropolitan Regional Authority in consultative situations, and
- c. organise consultations and issue advice.

### **Chapter 4: Finances**

#### **Article 4:1 Budget**

1. Each year, prior to the year for which they apply, the general management shall adopt the budget and the investment plans. Articles 189 to 195 of the Municipalities Act apply likewise, to the extent that the Joint Regulations Act does not derogate from these.

2. The procedure for presentation of views applies likewise to changes to the budget, unless the contributions of the municipal authorities do not change and there are no shifts between budget items.

#### **Article 4:2 Administration**

1. The general management shall establish the principles for the financial policy and for the financial management and the design of the financial organisation, by ordinance. The ordinance shall ensure compliance with the requirements regarding legitimacy, accountability and auditing. Article 212(2) of the Municipalities Act applies.

2. By ordinance, the general management shall establish rules for auditing of the financial management and the design of the financial organisation. This ordinance shall ensure that the legitimacy of the financial management and the design of the financial organisation is assessed. Article 213(2) to 213(9) of the Municipalities Act apply likewise.

3. The executive shall send the ordinances referred to in this Article to the provincial executive within two weeks of their adoption by the general management.

## **Chapter 5: The Secretary-Director, other support, archives, Ombudsman**

### **Article 5:1 Secretary-Director**

1. On the nomination of the executive, the general management shall take decisions regarding the appointment, suspension and dismissal of the Secretary-Director of the Metropolitan Regional Authority.
2. The Secretary-Director of the Metropolitan Regional Authority manages the support of the management of the Metropolitan Regional Authority.
3. The general management shall regulate the replacement of the Secretary-Director in the event of his absence.

### **Article 5:2 Official support**

1. The general management shall establish an ordinance concerning the official organisation.
2. The general management shall regulate the remuneration and the legal position of the officials of the Metropolitan Regional Authority. Article 4 of the Municipalities Act applies likewise.

### **Article 5:3 Archives**

1. The executive shall provide for the archive documents of the bodies installed by these regulations, in compliance with regulations to be adopted by the general management in observance of the 1995 Archives Act, which will be notified to the provincial executive.
2. The provincial executive shall supervise the duty of care for the archive files mandated to the executive pursuant to paragraph 1 in compliance with the Archives Decree, to the extent that this applies to the bodies of municipal authorities.
3. The Secretary-Director is responsible for the management of the archive files, to the extent that these archive files are not transferred to the archiving location of the municipal authority within the territory of which the Metropolitan Regional Authority is established.
4. The municipal archivist of the municipal authority within the territory of which the Metropolitan Regional Authority is established shall supervise the management referred to in paragraph 3.
5. The archiving location of the municipal authority within the territory of which the Metropolitan Regional Authority is established is designated for the safekeeping of the archive files of the bodies referred to in these regulations to be transferred pursuant to Article 12(1) and Article 13(1) of the 1995 Archives Act.
6. The archive files referred to in paragraph 5 shall be managed by the archivist of the municipal authority within the territory of which the Metropolitan Regional Authority is established.

### **Article 5:4 Ombudsman function**

The Ombudsman of Rotterdam municipal authority is authorised to handle applications within the meaning of Article 9:18(1) of the General Administrative Law Act.

Chapter 6: Accession, withdrawal, changes and cancellation

### **Article 6:1 Accession**

1. The accession of municipal authorities may take place by identical decisions to that effect of the municipal council or the municipal executive of the relevant municipal authority and with the consent of all administrative bodies participating in these regulations.
2. The general management shall regulate the consequences of the accession and may attach consequences to the accession.
3. The accession shall commence on a date to be fixed by the general management in the accession decision.

### **Article 6:2 Withdrawal**

1. The municipal council and the municipal executive of one of the municipalities may withdraw from the partnership.
2. The general management may establish general rules concerning the withdrawal procedure.
3. The general management shall submit a proposal to the administrative bodies of the municipal authorities for the regulation of the consequences of the withdrawal in a draft withdrawal plan, giving balanced consideration to the interests of the municipal authorities of which the administrative bodies are withdrawing and to those of the remaining municipal authorities.
4. The administrative bodies participating in these regulations may adopt the withdrawal plan by a majority of at least two thirds.
5. The withdrawal shall take place only on 1 January following the date on which inclusion in the register referred to in Article 27 of the Joint Regulations Act took place, unless the general management fixes a later date.

#### **Article 6:3 Changes**

1. The regulations may be changed by identical decisions of all administrative bodies participating in these regulations.
2. The date on which the change regulation enters into force shall be laid down in the change regulation.

#### **Article 6:4 Cancellation**

1. The regulations may be cancelled by identical decisions to that effect by all administrative bodies participating in these regulations.
2. The cancellation shall be effective from 1 January following the date on which the last administrative body to participate in these regulations takes the decisions referred to in paragraph 1, unless the general management fixes a later date.
3. In the event of the cancellation of the regulations, the general management shall resolve to liquidate the authority and shall establish the necessary rules for that purpose. Derogation from the provisions of the regulations is permissible in that case.
4. After consultation of the representative bodies, the general management shall adopt the liquidation plan.
5. The liquidation plan provides for the obligation of the municipal authorities to share in the financial consequences of the termination of the regulations.
6. If necessary, the bodies of the Metropolitan Regional Authority shall remain in office after the termination date, until the liquidation is complete.

### **Chapter 7: Disputes**

#### **Article 7:1 Preliminary procedure**

1. Without prejudice to the provisions of Article 28 of the Joint Regulations Act, disputes concerning the application of the regulations, in the broadest sense, shall be subjected to non-binding expert advice.
2. Before the expert advice referred to in paragraph 1 is requested, the dispute shall be discussed by a delegation of the executive and a delegation of the municipal administration with which the dispute exists.
3. If the talks referred to in paragraph 2 do not lead to a solution, the executive and the municipal administration shall each appoint an independent expert. Both experts shall appoint a third expert who will also serve as the chairman of the advisory committee. The executive shall act as the committee's client, on behalf of the relevant municipal administration. The order shall at least outline the problem, formulate the questions to be answered and state the term within which the committee must issue its advisory report.

4. The committee referred to in paragraph 3 shall itself regulate the way in which it realises its advisory report. The advisory report shall be sent simultaneously to the executive and to the relevant municipal administration.

5. On the basis of the advisory report, the persons referred to in paragraph 2 shall once again conduct talks in an attempt to reach a solution to the dispute. If the talks do not lead to a solution, each party is free to submit the dispute to the provincial executive in compliance with the provisions of Article 28 of the Joint Regulations Act.

6. The executive and the relevant municipal administration shall each bear half of the costs of the advisory committee.

## **Chapter 8: Transitional and final provisions**

### **Article 8:1 Regular evaluation**

The general management shall provide for five-yearly evaluations of the regulations. The participating administrative bodies will be involved in this evaluation. The evaluation will be submitted to the representative bodies. The first evaluation will be conducted two years after these regulations enter into force.

### **Article 8:2 Dispatch pursuant to Article 26 of the Act**

The Rotterdam municipal executive shall provide for the dispatch of the decisions on accession, withdrawal, changes to or cancellation of the regulations to the provincial executive and the Minister. These decisions shall also be sent to the Minister of Infrastructure and the Environment for information.

### **Article 8:3 Indefinite term**

1. The regulations shall be established for an indefinite term.

2. In 2024, the general management will evaluate the regulations, in any event investigating whether:

- a. the objectives of the regulations have been achieved, taking account of the findings, or
- b. there are sufficient grounds to continue the regulations.

3. Having heard the Transport Authority, the general management will submit a proposal to the administrative bodies of the municipal authorities on the basis of the evaluation referred to in paragraph 2, concerning the continuation of the regulations and the conditions for this. The procedure for presentation of views applies.

### **Article 8:4 Entry into force and citation method**

1. The regulations shall enter into force on the day after the date on which the Dutch Senate has adopted the Withdrawal of the Plus Regions Bill.

2. The regulations shall be referred to as the 'Joint Regulations of the Metropolitan Authority for the Rotterdam and The Hague Region 2014'.

3. Article 8:3(2) and 8:3(3) shall lapse as of 1 January 2026.



# Notes to the Joint Regulations of the Metropolitan Authority for the Rotterdam and The Hague Region 2014

## The relationship between the municipal councils and the general management

The municipal councils shall decide together with the municipal executives whether to accede to the regulations and on the objectives of the partnership and the package of tasks. Article 3:1 provides that the legal basis for the metropolitan partnership is limited to traffic and transport and to the economic business establishment climate. The regulations must be amended if other interests and tasks are added. This change is only possible if all municipal councils and municipal executives make a decision to that effect (Article 6:3). The municipal councils largely organise their involvement in the decision-making of the metropolitan regional authority and the roles of their representatives in this themselves. Best practices are already exchanged between municipal councils and there are initiatives for learning from each other in this way. If required, municipal councils could decide that the representative in the general management must first confer with them before voting at the general management meeting (Article 2:3(2)). The proposed regulations also make an important contribution towards timely and effective involvement of the municipal councils in the decision-making of the metropolitan regional authority. In this way, the municipal councils gain a better position than they are used to in many municipal regulations at present.

The proposal is that municipal councils will appoint an executive member as a member of the general management. However, this is not laid down in the joint regulations, so that freedom of choice always remains. Appointment of an executive member will promote political accounting in their own councils. It is more appropriate to the relationships between the council and the executive if an executive member is called to account for his or her role in the metropolitan partnership in his or her own council than if a council member from his or her own council is called to account. This line of democratic responsibility is also more appropriate to the way in which the council represents its own population and the way in which residents of the municipality can call the government to account for decision-making by the metropolitan partnership. In addition, a council can always decide to invite a portfolio-holder, such as the portfolio-holder for traffic and transport, to provide an explanation in a council committee meeting or a council meeting. In this way, a council can form a better view of matters that it regards as being of political and administrative importance. Finally, council members can make use of the instruments that are also at their disposal in their own councils, such as putting written questions.

At the same time, the general management of the MRDH can opt to form advisory committees consisting of council members of the participating municipal authorities. This will in any event take place with regard to the Transport Authority and the economic business establishment climate. This gives council members an opportunity to enter into a dialogue directly with each other and with the general management and/or with the Transport Authority. The general management of the MRDH can also decide to organise administrative talks between the relevant aldermen of the 24 municipal authorities.

The general management is responsible for coordination and integrated decision-making and for realising results.

### *The executive*

The Transport Authority has a direct relationship with the general management and prepares the decisions to be taken by the general management. The task of the executive is similar to that of the presidium of a municipal council. As a result, the size of the executive can remain limited. In this way,

a democratically legitimised, light form of metropolitan administration is designed. Furthermore, maximum use is made of the legal possibilities to involve the municipal councils in the metropolitan partnership effectively and in advance. After all, the municipal councils have and will retain a leading position.

An overview of steering possibilities is presented below:

1. The members of the general management are required to account to the council that appointed them and it has been made clear that the member can be dismissed if the council loses confidence in that member (Article 2:2 and 2:3(5));

2. The general management, the executive, the chairman and the managers in the Transport Authority are required to inform the council, on request or otherwise (Article 2:2(1));

3. Provision has been made for a mandatory procedure for presentation of views for important decisions. Because the Act makes it impossible to assign rights of consent or approval to municipal councils, the procedure for presentation of views is the most stringent legal variant of involving the municipal councils in the metropolitan partnership in advance. The prior involvement of the municipal councils is mandatory for the following decisions:

- the strategic agenda, as referred to in Article 3:2(1);
- the working plan referred to in Article 3:2(3);
- the transfer of powers by the general management to the executive, as referred to in Article 3:3(3);
- the strategic access agenda;
- the regional traffic and transport plan, pursuant to the Traffic and Transport Planning Act;
- the programme of requirements for granting a transport concession;
- the principles for the services regulations for public transport;
- the establishment, alteration or withdrawal of joint regulations and the accession or withdrawal from joint regulations;
- the formation of or participation in an association, cooperative, mutual insurance association, public limited liability or private limited liability company, foundation, partnership firm or partnership;
- the adoption and alteration of the budget, in compliance with the provisions of Article 35 of the Joint Regulations Act;
- the liquidation plan on accession and cancellation, and
- the installation of the Transport Authority advisory committee and the advisory committee on the economic business establishment climate.

4. The representatives of the municipal authorities in the general management have rights to take initiatives, propose amendments and submit motions (Article 2:4).

5. The chamber of audit or audit function of every municipal authority taking part can audit the management of the metropolitan regional authority and issue a report to its own council.

6. An Ombudsman has been appointed, who will handle complaints concerning the metropolitan regional authority (Article 5:4).

7. The regulations will be evaluated every five years, for the first time two years after they enter into force (Article

8:1). Naturally, this evaluation will be sent to the municipal councils.

8. Provision has been made for an exit scheme (Article 6:2).

9. An advisory committee for the Transport Authority will be installed, with council members and possibly one or more members of the South Holland provincial executive (Article 2:8(2)).

10. An advisory committee for the economic business establishment climate will be installed, with council members and possibly one or more members of the South Holland provincial executive (Article 2:8(2)).

11. The standing orders of the general management will provide that citizens and council members can address the general management and will have the right to draw the attention of the general management to opinions concerning the affairs of the metropolitan regional authority.

12. Pursuant to the Joint Regulations Act, the administration must offer the councils an opportunity to present their views on the draft budget (Article 35 of the Joint Regulations Act) and proposals to install administrative committees (Article 25(2) of the Joint Regulations Act).<sup>3</sup>

## **Article-by-Article Notes**

### **Chapter 1 General provisions**

#### **Article 1:1**

This Article contains a number of definitions used in the joint regulations. These definitions supplement the definitions used in other legislation, such as the General Administrative Law Act, the Joint Regulations Act and the Municipalities Act.

#### **Article 1:2**

Paragraph 1 provides for the installation of a public body named the Metropolitan Authority for the Rotterdam and The Hague Region. This means that the Metropolitan Regional Authority has legal personality (Article 2:1(2) of the Dutch Civil Code in conjunction with Article 8(1) of the Joint Regulations Act). This is necessary partly in order to be able to open an account into which central government can pay the special-purpose traffic and transport grant.

The second paragraph records the location of the registered place of business of this legal entity. Pursuant to Article 10(3) of the Joint Regulations Act, this must be laid down in the joint regulation itself. The recording of this principal place of business does not mean that it is not possible to work at other locations.

Finally, paragraph 3 determines the field of work of the Metropolitan Regional Authority. The powers of the administrative bodies of the Metropolitan Regional Authority can be exercised only for this region (see Article 30(1) of the Joint Regulations Act).

### **Chapter 2 The position of the councils and the design and composition of the Metropolitan Regional Authority management**

#### **Article 2:1**

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<sup>3</sup> This is expected to be amended in 2014 with the Joint Regulations Act Amendment Bill (Parliamentary Documents II, 2012-2013, 33 587, 2). Until that time, a consent requirement still applies for the installation of an administrative committee.

This provision makes it entirely clear that democratic legitimisation of decision-making by the Metropolitan Regional Authority is a core value. The leading position of the councils is developed and an assurance is provided that democratic legitimacy and transparency are principles of the legal basis for the metropolitan partnership.

Paragraphs 2 to 5 provide that important resolutions must first be discussed in the councils before the general management can take a decision on these. Paragraph 2 contains a list of important decisions. Pursuant to paragraph 5, the general management can also subject other matters to the procedure for presentation of views. The general management takes a decision on the basis of the views submitted. The principles of due care require that the general management justifies its decision and any derogation from the views presented.

It should be noted that the councils (together with the municipal executives and the Mayors) decide on each expansion of the package of tasks of the regulations, and on the transfer of powers to the metropolitan partnership. However, there is no question of this in the regulations proposed at present, other than for the provision of subsidies.

### **Article 2:2**

This Article has already been discussed above, in the general section of these Notes. See in particular the section on The relationship between the municipal councils and the general management.

### **Article 2:3**

Paragraph 1 provides that the general management shall consist of 28 representatives from the municipal authorities. Each participant appoints one member, on the understanding that Rotterdam and The Hague can each appoint three members (one of whom is their Mayor, and one their Traffic and Transport portfolio-holder).

In paragraph 2, the obligation to submit the documents eight weeks in advance secures the possibility for representatives in the general management to confer with their councils beforehand. In urgent cases, it must be possible to discuss the documents in the general management sooner.

Paragraph 3 provides for the voting relationships within the general management. With the general management, a primary principle is the correction of vote weightings by the population size. The metropolitan partnership is for all municipalities and the following principle is therefore a balance between each group of municipalities (large, small and medium-sized). For this reason, Rotterdam (615,726 inhabitants) and The Hague (505,568 inhabitants) do not jointly hold a majority with about 40% of the votes. The other 22 municipalities were divided into five groups, according to the number of residents, from 1 January 2013. Article 3:1 contains the voting relationships.

An overview:

(1) Delft (99,085), Westland (102,717) and Zoetermeer (123,064)	9 votes
(2) Capelle aan den IJssel (66,034), Leidschendam-Voorburg (72,561), Schiedam (76,354), Spijkenisse (72,332) and Vlaardingen (70,889)	7 votes
(3) Barendrecht (47,387), Hellevoetsluis (39,093), Lansingerland (56,508), Pijnacker-Nootdorp (50,454), Ridderkerk (45,327), Rijswijk (47,354)	5 votes
(4) Albrandswaard (25,114), Krimpen aan de IJssel (28,854), Maassluis (31,956), Wassenaar (25,659)	4 votes
(5) Bernisse (12,399), Brielle (16,328), Midden-Delfland (18,243),	2 votes

Westvoorne (13,889)

Paragraph 4 provides that a deputy member can be appointed for each member of the general management. The deputies are appointed by the same body that appointed the member to be replaced. The same conditions apply for the deputy member as for the member (to be appointed by and from the municipal councils, with the option of also appointing aldermen or the Mayor). This avoids a situation where a vote cannot be cast if the relevant member is absent.

Paragraph 5 is consistent with Article 16(1) and 16(3) of the Joint Regulations Act. These Articles require members of the general management to account to the body that appointed them and to provide it with all information requested for that purpose. If a council loses confidence in its member, that member may be dismissed as a member of the general management (Article. 16(5) of the Joint Regulations Act).

If the provincial executive has appointed one of its members as a member of the executive, that member also has access to the meetings of the general management and may take part in the discussions of the general management (Article 2:6(3)). Paragraph 6 of Article 2:3 regulates the access of a member of the provincial executive appointed by the provincial executive to the meetings of the general management and the possibility of participating in the discussions of the general management if the provincial executive has opted not to be represented in the executive.

#### **Article 2:4**

This provision determines who, apart from the executive, has the right of initiative (paragraph 1) and who can make amendments (paragraph 2). These powers accrue to every member of the general management. The same applies for the right to submit motions (paragraph 3). Consequently, if a council wishes resolutions to be placed on the agenda, it will have to do this via its representative in the general management. Paragraph 3 makes clear that members of the general management can also submit motions. Further rules will be included in the standing orders (paragraph 4).

#### **Article 2:5**

The chairman of the Metropolitan Regional Authority must be appointed by and from the general management (paragraph 1; Article 13(9) of the Joint Regulations Act). Provisions concerning the chairmanship may be included in the joint regulations. It can be deduced from the combination of the first two paragraphs that the Mayors of Rotterdam and The Hague will serve as chairman of the Metropolitan Regional Authority in turn for terms of two years, while the other Mayor will always be the vice chairman (paragraph 3).

The chairman is accountable to the general management and will provide the general management with all the requested information for that purpose (paragraph 4). Naturally, the chairman can also actively provide information.

#### **Article 2:6**

By law, the executive consists of the chairman of the Metropolitan Regional Authority (the public body) and at least two other members appointed by and from the general management (Article 14(1) of the Joint Regulations Act). The chairman and vice-chairman of the Metropolitan Regional Authority (the Mayors of Rotterdam and The Hague) are therefore also members of the executive (paragraph 1). In addition, three members from the other municipal authorities are appointed from among the members of the general management. The executive therefore has five members in all, who come from the general management. In the first paragraph, the voting relationships are regulated in the standard manner.

The members of the executive who are not the chairman or the vice-chairman are appointed for a term of two years (paragraph 2). In this way, a rotation system can be applied for these seats for the other participating municipal authorities, taking account of their populations.

In order to enable the South Holland provincial authority to participate in the decision-making of the Metropolitan Regional Authority, the possibility is offered (in compliance with Article 14(2) of the Joint Regulations Act) for the general management to appoint a member of the provincial executive, on request, to a seat in the executive (paragraph 3). In that capacity, this member of the provincial executive can also take part in the discussions in the general management. It is obvious that the general management will appoint the member of the provincial executive nominated by the provincial executive to a seat on the executive.

### **Article 2:7**

The general management has no statutory powers of its own to install administrative committees. The general management only has such powers if the joint regulations provide for this (Article 25(1) of the Joint Regulations Act). Paragraph 1 grants these powers. Pursuant to Article 25(2) of the Joint Regulations Act, the general management requires the consent of all councils before it can install the administrative committee. On the installation, the general management regulates which of its powers and which powers of the executive are transferred (Article 25(3) of the Joint Regulations Act). This cannot be determined in the joint regulations or by the executive.<sup>4</sup> Article 25 of the Joint Regulations Act also makes provision for the other matters to be regulated in the ordinance installing the administrative committee.

Paragraph 3 requires the general management to in any event install an administrative committee known as the Transport Authority for the Rotterdam and The Hague Metropolitan Region. Because this is a power of the general management, the joint regulations may not contain any further provisions in that regard. They do provide that the participants' traffic and transport portfolio-holders must have seats in the Transport Authority. This also partially provides for the municipal contribution to the Transport Authority. This will be regulated in more detail in the ordinance. In view of the special position of the South Holland provincial executive in relation to traffic and transport in the Metropolitan Region and the surrounding areas, a possibility has been created for the general management, at the request of the provincial executive, to appoint the member of the provincial executive responsible for the traffic and transport portfolio to participate in the Transport Authority as a full member.

The principle is that the general management will establish the frameworks and as far as possible, take the strategic decisions. It is established that the strategic agenda, the annual working plans and the budget will be adopted by the general management. The Transport Authority must perform its tasks in the field of Traffic and Transport within the frameworks set by the general management. Article 2:1 already provided that important decisions in the field of traffic and transport (such as the strategic access agenda, the regional traffic and transport plan and the programme of requirements for granting a concession) will only be taken after the municipal councils have been able to express their views on these.

### **Article 2:8**

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<sup>4</sup> CRvB 16 March 2010, *LJN* BL8816; *Crst.* 2010, 47 (*Drechtsteden Social Services*).

The general management does have general powers to install advisory committees (Article 24(1) of the Joint Regulations Act). Article 24 of the Joint Regulations Act lays down what must in any event be regulated. This is confirmed in paragraph 1, adding that the relationship with any other advisory committees and administrative committee(s) must be regulated.

Paragraph 2 provides that in any event, an advisory committee must be appointed for the powers of the Transport Authority administrative committee. Because the Joint Regulations Act only provides for advisory committees to the general management, the executive or the chairman, a formal choice was made for an advisory committee to the general management, which will also issue its advice to the Transport Authority administrative committee. It is also laid down that the advisory committee must consist of council members. If the traffic and transport portfolio-holder of the provincial executive has a seat in the Transport Authority administrative committee, the advisory committee will also consist of one or more members from the provincial council.

Paragraph 3 provides that there must in any event be an advisory committee on the economic business establishment climate. This advisory committee consists of council members. If a member of the provincial executive has a seat in the executive, the advisory committee will also consist of one or more members from the provincial council.

### **Chapter 3 Interests, task and powers**

#### **Article 3:1**

Joint regulations will be adopted to represent one or more interests of municipal authorities (Article 1(1) of the Joint Regulations Act). This provision explicitly restricts the scope of the joint regulations to traffic and transport and improvement of the economic business establishment climate. This complies with the statutory requirement to include the interests for which joint regulations are adopted in these regulations themselves (Article 10(1) of the Joint Regulations Act). The administrative bodies of the Metropolitan Regional Authority may not concern themselves with other interests (see Article 30(1) of the Joint Regulations Act), unless the regulations are changed, and this is possible only if the councils of all the participating municipal authorities decide this. Moreover, the general interests and tasks of the Metropolitan Regional Authority are laid down in Article 3:1(1), while the tasks and powers relating to traffic and transport are included in Article 3:4. This concerns powers that are assigned to the Metropolitan Regional Authority by central government, pursuant to the legislation on the withdrawal of the Joint Regulations Act-Plus.<sup>5</sup> No transfer of powers from the municipal administrations is at issue there. Paragraph 2 of this Article confirms that these joint regulations cannot be expanded with policy fields other than 'traffic and transport' and 'the economic business establishment climate' without the explicit consent of all the representative bodies. A change in the scope of the joint regulations therefore always requires that the procedure for changing the joint regulations be followed (Article 6:3).

#### **Article 3:2**

For the municipal councils and the general management, the strategic agenda is the instrument for establishing the plans of the Metropolitan Regional Authority for the coming years. The general management must therefore establish this strategic agenda at least once in each administrative term (paragraph 1). Within the framework of the strategic agenda, the general management adopts a working plan each year (paragraph 2). The other bodies of the Metropolitan Regional Authority, such as the Transport Authority, must coordinate the exercise of their powers with these general metropolitan policy frameworks. This concerns important decisions, on which the councils will be

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<sup>5</sup> *Parliamentary Documents II* 2012/13, 33 658, No. 2.



consulted in advance. For this reason, the procedure for the presentation of views of Article 2:1(3) of the MRDH Joint Regulations is declared to be applicable to both decisions.

### **Article 3:3**

The management of the Metropolitan Regional Authority consists of a general management, an executive and a chairman (Article 12(1) of the Joint Regulations Act). The general management heads the Metropolitan Regional Authority and in that capacity, holds final responsibility for the matters administered within the Metropolitan Region (Article 12(2) of the Joint Regulations Act). This means that it is necessary to provide that all powers that are not allocated by or pursuant to the law to another body accrue to the general management (paragraph 1; Article 33(1) in conjunction with Article 136 of the Joint Regulations Act in conjunction with Articles 147 and 108 of the (former) Municipalities Act).

In principle, the general management may transfer one or more of its powers to the executive (paragraph 2, Article 136 of the Joint Regulations Act in conjunction with Article 156 of the (former) Municipalities Act). Because this could place the councils at a further distance, this Article ensures that the councils can make their views known on this in advance: the procedure for the presentation of views of Article 2:1(3) of the MRDH Joint Regulations applies (paragraph 2). It is an obvious step to assign a number of the tasks in the field of implementing procedures to the executive, to ensure that where necessary, there is no need to wait for a formal decision by the general management. The further details of this will be regulated in an ordinance to be adopted by the general management, to which the procedure for the presentation of views also applies. In the interests of the legibility of such an ordinance, it is advisable to explicitly name the statutory powers of the executive here (Article 33(1) in conjunction with Article 136 of the Joint Regulations Act in conjunction with Article 160 et seq. of the (former) Municipalities Act).

Paragraph 3 provides that the chairman represents the Metropolitan Regional Authority in and out of court. The chair is held in turns by the Mayors of Rotterdam and The Hague, switching places every two years.

### **Article 3:4**

Without further provisions, the executive would exercise the Traffic and Transport powers, while it is precisely the intention that the executive should confine itself to preparing decision-making by the general management. The regulations must therefore first regulate the exercise of the powers of the executive, including the procedure for the presentation of views, after which the general management can transfer that entire package to the Transport Authority. After all, it is the intention that the Transport Authority should exercise these powers. The Transport Authority must observe the frameworks established by the general management in that regard (the strategic agenda and the working plans). The general management also established the budget, which includes the financial resources (including the specific-purpose grant) which will be deployed by the Transport Authority in its task fields. The general management will also be notified of the draft decisions concerning which the provincial or municipal councils will first express their views in a procedure for the presentation of views, and then of the views received. The general management is therefore also in control here, even though the Transport Authority makes the final decision.

The Transport Authority is designed as an administrative committee, and in order to be able to transfer the statutory powers of the executive to the Transport Authority, the general management must take a decision to that effect in the installation ordinance. The regulations provide for this.

### **Article 3:5**

The Metropolitan Regional Authority can facilitate the participants by agreement and consultation if at least two participants request this (paragraph 1). This could include facilitating voluntary cooperation in the field of space, housing or greenery between two or more municipal authorities in the form of a platform or an optional administrative table of participants. It is up to the participants themselves to determine the policy fields to which this coordination or consultation relate, provided that these are consistent with the strategic agenda. The second and third paragraph provide that the Metropolitan Regional Authority may perform certain service provision tasks for parties other than the municipal authorities concerned or for an institution or body in which the Metropolitan Regional Authority participates. Paragraph 4 provides for a regulation for the settlement of the costs for the facilitation and service provision.

#### **Article 3:6**

The legal basis of the metropolitan partnership must support the pragmatic nature of the metropolitan partnership. This means that the possibility must be provided of participating in other joint regulations in a concrete policy matter as a Metropolitan Regional Authority. Without an explicit provision, this possibility does not exist (Article 93 or Article 96 of the Joint Regulations Act). In this case too, the councils must first present their views on participation in such regulations, before the general management can take a decision to that effect. De procedure for the presentation of views applies.

#### **Article 3:7**

The Metropolitan Regional Authority is a legal entity (Article 1:2(1) of the MRDH Joint Regulations; Article 2:1(2) of the Dutch Civil Code in conjunction with Article 8(1) of the Joint Regulations Act). This means that the Metropolitan Regional Authority can perform (private-law) legal acts (Article 2:1(3) in conjunction with Article 2:5 in conjunction with Article 3:32 of the Dutch Civil Code). This could include contracting all forms of agreements (Article 6:213 of the Dutch Civil Code), such as employment contracts, purchase or leasing agreements or order contracts. The private-law powers of the Metropolitan Regional Authority are in principle unlimited, to the extent that these are exercised within the interests for which the joint regulations are established (paragraph 1; see Article 3:1 of the MRDH Joint Regulations or Article 31 of the Joint Regulations Act), and these are confined to traffic and transport and the improvement of the economic business establishment climate. The performance of private-law legal acts also includes the formation or participation in private-law legal entities such as associations, cooperatives, public limited liability or private limited liability companies or foundations. This may form the basis for coordinating a particular metropolitan activity not only informally, but also more formally with the other metropolitan activities included in the regulations (traffic and transport and the improvement of the business establishment climate). It is also possible that the participation will have administrative and financial consequences. In this case, too, therefore, the councils of the participants and the provincial council must first express their views before the general management can take a decision. For this reason, the procedure for the presentation of views of Article 2:3 of the MRDH Joint Regulations is also prescribed. Paragraph 2 lists a number of other tasks that are assigned to the Metropolitan Regional Authority.

### **Chapter 4 Finances**

#### **Article 4:1 and Article 4:2**

These Articles are based on Articles 34 and 35 of the Joint Regulations Act and also on the provisions of the current Municipalities Act concerning the administration, budget and financial statements, which apply likewise (Article 33(1) in conjunction with Article 136 of the Joint Regulations Act). Perhaps superfluously, it is also noted that the Traffic and Transport investment programmes also form part of the budget of the Metropolitan Regional Authority.

## **Chapter 5 The Secretary, other support, archives, Ombudsman**

### **Article 5:1 and Article 5:2**

Article 5:1 regulates the appointment, suspension and dismissal of the Secretary. These provisions are based on the provisions of the Municipalities Act on the Secretary. Article 5:2 regulates the same matters in relation to the other officials and support.

### **Article 5:3**

This Article provides for compliance with the obligation of Article 40 of the 1995 Archives Act.

### **Article 5:4**

Pursuant to Article 1a(1)(b) of the National Ombudsman Act, the National Ombudsman is authorised in relation to the external complaints law at public bodies, within the meaning of the Joint Regulations Act, such as the Metropolitan Regional Authority. To the extent that the ombudsman of one of the participants is not designated as the authorised institution in the joint regulations (Article 10(4) of the Joint Regulations Act), these powers of the National Ombudsman apply. The Rotterdam Ombudsman is declared to be authorised with regard to external complaints law at the Metropolitan Regional Authority. The executive will send the joint regulations to the National Ombudsman, in compliance with Article 10(4) of the Joint Regulations Act.

## **Chapter 6 Accession, withdrawal, changes and cancellation**

### **Article 6:1**

New participants may join the partnership through unanimous decision-making by the relevant participant and the existing participants (paragraph 1). Each council thus has a say in this, because the accession of a new participant could have consequences for the voting ratios, among other things. The general management is authorised to regulate the consequences of the accession, such as any entrance fee or the obligation to contribute personnel (paragraph 2). The general management also regulates when the accession will take place (paragraph 3).

### **Article 6:2**

Explicit consideration has also been given to the way in which the exit regulations could contribute towards the democratic legitimisation of the metropolitan partnership. A first condition for this is that it must be designed in a light form. Because it is not, of course, acceptable for one municipal authority that decides to withdraw to leave the other 23 municipal authorities with the disproportionate financial consequences, settlement is necessary. A municipal administration can decide on withdrawal unilaterally (paragraph 1), in compliance with the general procedural rules to be laid down by the general management (paragraph 2). The draft exit plan to be drawn up by the general management must address matters including the financial and personnel consequences of the withdrawal. The interest of both the participant that is withdrawing and the remaining participants must be assessed with due care and in a balanced manner (paragraph 3). The participating administrative bodies must then make decisions, in accordance with Articles 1(3) and 1(1) of the Joint Regulations Act, concerning the consequences of the withdrawal.<sup>6</sup> This decision is carried by a two-thirds majority of the participants, with each participating administrative body

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<sup>6</sup> See *Parliamentary Documents II* 2012/13, 33 597, No. 3, pg. 29-30.

having one vote (as with the decision to establish the joint regulations) (paragraph 4).<sup>7</sup>After all, this is not a decision of the general management, as a result of which the voting ratios in the general management do not apply to this. The withdrawal may take place only on 1 January, so that it can be taken into account in the budget (paragraph 5). In the event of any dispute, the disputes regulations of Article 7:1 of the regulations apply.

### **Article 6:3**

Changes to the joint regulations may take place only if all participants, i.e. all councils, municipal executives and Mayors consent to this (see Article 1 of the Joint Regulations Act). Each council therefore has an optimal say in changes to the joint regulations and cannot be bound by unwanted changes. The change regulation itself provides when it will enter into force (paragraph 2).

### **Article 6:4**

This provision is based on Article 9 of the Joint Regulations Act.

## **Chapter 7 Disputes**

### **Article 7:1**

Disputes concerning the joint regulations between participants or between participants and the public body are settled by the South Holland provincial council (Article 28 of the Joint Regulations Act). A choice has been made to first attempt to reach a solution through consultation before this formal procedure.

## **Chapter 8 Transitional and final provisions**

### **Article 8:1**

The joint regulations are evaluated every five years, with the first evaluation taking place two years after the regulations take effect.

### **Article 8:2**

Pursuant to Article 26 of the Joint Regulations Act, a municipal authority must be designated to send in the joint regulations to the provincial council. The municipal executive of Rotterdam (as the establishment location) has been made responsible for this. It is also provided that the joint regulations must be sent to the Minister of the Interior and Kingdom Affairs and to the Minister of Infrastructure and the Environment, as the Ministers responsible for regulations concerning the Transport Region.

### **Article 8:3**

Joint regulations can be established for a fixed term or indefinitely (see Article 9(1) of the Joint Regulations Act). This must therefore be established in the joint regulations. The MRDH Joint Regulations are established indefinitely, as is customary for legal entities. In 2024, the general management will conduct an evaluation, in which in any event the question of whether the objectives of the Metropolitan Regional Authority have been realised, and whether there are

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<sup>7</sup> Decision-making by a majority is permissible pursuant to Disputes Department of the Board of the Council of State (AGRVs) 12 January 1987, *Gst. 1987-6847*, 5.

sufficient grounds to continue the regulation (paragraph 2), must be investigated. After the Transport Authority, in any event, has been given an opportunity to express its views on the evaluation (other advisory or administrative committees may also be consulted), the general management will make a proposal based on the evaluation conducted, regarding whether or not to continue the regulations and any conditions on which such continuation or termination should take place (paragraph 3). The councils will be given an opportunity to present their views before the general management sends its final proposal to the administrative bodies of the municipal authorities. Chapter 6 of the regulations applies in full to any change in the regulations or an exit from or cancellation of the regulations. Article 7:1 applies in the event of a dispute concerning this Article.

**Article 8:4**

This provision regulates the entry into force and the citation method for the joint regulations. It should be noted that the joint regulations must also be published (Article 26(2) of the Joint Regulations Act), before this enters into force (see Article 3:40 of the General Administrative Law Act and Article 139 of the Municipalities Act).

## **Ordinance installing the Transport Authority for the Rotterdam and The Hague Metropolitan Region 2014**

The general management of the Metropolitan Authority for the Rotterdam and The Hague Region,

### **Whereas**

In view of the Withdrawal of the Plus Regions Act and the Acts amended as a result and the Transport Region Decree, it is desirable to install an administrative committee known as the Transport Authority of the Rotterdam and The Hague Metropolitan Region;

In accordance with Article 25(3) of the Joint Regulations Act, the executive of the Metropolitan Authority for the Rotterdam and The Hague Region has proposed that the powers referred to in this ordinance be transferred to the administrative committee known as the Transport Authority of the Rotterdam and The Hague Metropolitan Region;

In accordance with Article 25(2) of the Joint Regulations Act, the municipal councils of the municipal authorities of Albrandswaard, Barendrecht, Bernisse, Brielle, Capelle aan den IJssel, Delft, The Hague, Hellevoetsluis, Krimpen aan den IJssel, Lansingerland, Leidschendam-Voorburg, Maassluis, Midden-Delfland, Pijnacker-Nootdorp, Ridderkerk, Rotterdam, Rijswijk, Schiedam, Spijkenisse, Vlaardingen, Wassenaar, Westland, Westvoorne and Zoetermeer have granted consent for the installation of the administrative committee known as the Transport Authority of the Rotterdam and The Hague Metropolitan Region;

### **Considering**

Article 2:7 of the Joint Regulations of the Metropolitan Authority for the Rotterdam and The Hague Region

the request from the provincial council of the South Holland provincial authority, as referred to in Article 2:7(3) of the Joint Regulations of the Metropolitan Authority for the Rotterdam and The Hague Region

Article 25 of the Joint Regulations Act

Section 10.1.2 of the General Administrative Law Act

### **Decision**

to establish the following **Ordinance installing the Transport Authority for the Rotterdam and The Hague Metropolitan Region 2014**

#### **Article 1: Definitions**

1. For the purposes of this regulation, the following definitions apply:

- |    |                           |   |
|----|---------------------------|---|
| a. | administrative committee: | a committee within the meaning of Article 25 of the Joint Regulations Act;  |
| b. | Transport Region Decree:  | the Order in Council imposed pursuant to Article 20(3) of the Passenger Transport Act 2000, as amended by the Withdrawal of the Plus Regions Act; |
| c. | municipal executives:     | the municipal executives of the municipal authorities and the provincial executive of South Holland Provincial Authority;                         |
| d. | municipal authorities:    | the municipal authorities of Albrandswaard, Barendrecht, Bernisse, Brielle, Capelle aan den IJssel, Delft, The Hague,                             |

Hellevoetsluis, Krimpen aan den IJssel, Lansingerland, Leidschendam-Voorburg, Maassluis, Midden-Delfland, Pijnacker-Nootdorp, Ridderkerk, Rotterdam, Rijswijk, Schiedam, Spijkenisse, Vlaardingen, Wassenaar, Westland, Westvoorne and Zoetermeer;

- e. Metropolitan Regional Authority: the public body referred to in Article 1:2(1) of the regulations;
- f. portfolio-holder: the member of the municipal executive who, pursuant to Article 168 of the Municipalities Act, is charged by the relevant municipal executive with the tasks in the field of traffic and transport, as well as the member of the provincial executive who, pursuant to Article 166 of the Provinces Act, is charged by the provincial executive with the tasks in the field of traffic and transport;
- g. provincial authority: South Holland Provincial Authority;
- h. regulations: the joint regulations of the Metropolitan Authority for the Rotterdam and The Hague Region;
- i. Transport Authority: the administrative committee referred to in Article 2:7(3) of the regulations;
- j. representative body: the municipal councils of the municipal authorities and the provincial executive of South Holland Provincial Authority, and
- k. procedure for presentation of views: the procedure referred to in Article 2:1(3) of the regulations.

### **Article 2: Transport Authority**

There shall be an administrative committee known as the Transport Authority of the Rotterdam and The Hague Metropolitan Region to represent the interests of traffic and transport within the Metropolitan Region.

### **Article 3: Powers**

1. The powers referred to in Article 3:4 of the regulations shall be transferred to the Transport Authority.
2. The Transport Authority shall exercise its powers within the framework of the strategic agenda referred to in Article 3:2(1) of the regulations and the working plan referred to in Article 3:2(2) of the regulations.
3. The Transport Authority shall send the general management copies of the draft decisions to which the procedure for the presentation of views applies, as well as the views received.
4. If the procedure for the presentation of views applies to decisions of the Transport Authority, the Transport Authority shall send the relevant decisions to the representative bodies via the general management, within the terms laid down in the regulations. Within the terms laid down in the regulations, the general management shall present its own views on the views contributed by the representative bodies.

5. The Transport Authority may be authorised by the general management or the executive to perform private-law actions on behalf of the Metropolitan Regional Authority, to the extent that these concern the interests referred to in Article 2. That authorisation must therefore also be accompanied by the decision to enter into such private-law legal action.

6. The Transport Authority shall submit a proposal to the executive for the traffic and transport element within the budget of the Metropolitan Regional Authority. The Transport Authority shall send its proposal to the executive no later than 1 March of the year preceding the year for which the budget applies. The executive shall send the Transport Authority's proposal to the general management, if it is not incorporated in full in the draft budget drawn up by the executive.

#### **Article 4: Composition and voting relationships**

1. The Transport Authority consists of 25 members, i.e. the traffic and transport portfolio-holders within the municipal executives. A portfolio-holder may arrange to be replaced by another member of the relevant municipal executive in the event of his absence.

2. Resolutions of the Transport Authority are carried by an absolute majority of the votes cast, on the understanding that:

a. the portfolio-holder of Rotterdam municipal authority has six votes;

b. the portfolio-holder The Hague municipal authority has five votes;

c. the portfolio-holders of the municipal authorities of Albrandswaard, Barendrecht, Bernisse, Brielle, Capelle aan den IJssel, Delft, Hellevoetsluis, Krimpen aan den IJssel, Lansingerland, Leidschendam-Voorburg, Maassluis, Midden-Delfland, Pijnacker-Nootdorp, Ridderkerk, Rijswijk, Schiedam, Spijkenisse, Vlaardingen, Wassenaar, Westland, Westvoorne and Zoetermeer each have one vote, and

d. the portfolio-holder of the South Holland provincial authority has one vote.

3. The Secretary of the Metropolitan Regional Authority referred to in Article 4:1(1) of the regulations supports the Transport Authority in its work and on those grounds, has access to the meetings of the Transport Authority.

#### **Article 5: Chairman**

1. The Transport Authority shall appoint a chairman from among its members for a term of two years, on the understanding that the portfolio-holder of The Hague or the portfolio-holder of Rotterdam shall be appointed as the chairman.

2. The chairman may not be reappointed immediately.

3. The portfolio-holder referred to in paragraph 1 who is not appointed as the chairman is the vice chairman of the Transport Authority and shall replace the chairman if the chairman is absent.

4. The Transport Authority may also appoint other members who will be temporarily charged with exercising part of the Transport Authority's powers on its behalf.

#### **Article 6: Accounting**

1. The chairman and vice-chairman of the Transport Authority shall account to the Transport Authority for all that they do on its behalf. They shall provide the Transport Authority with all the



information that it needs for the performance of its tasks and with the information requested by one or more members of the Transport Authority.

2. The Transport Authority is accountable to the general management for all matters assigned to the Transport Authority. It shall provide the general management with all the information that the general management needs for the performance of its tasks and with the information requested by one or more members of the general management.

3. If the general management requests oral accounting of the Transport Authority, in accordance with paragraph 2, the chairman or deputy chairman of the Transport Authority shall provide such accounting, without prejudice to the provisions of Article 3:1(5) of the regulations.

4. The members of the Transport Authority account to the municipal councils and provincial executives and to their own provincial or municipal executive for the management performed by the Transport Authority. To that end, they shall provide the representative body or the municipal executive with all information required by one or more members of the relevant body. The relevant body shall determine how accounting shall be provided.

#### **Article 7: Final provisions**

1. This ordinance shall enter into force on the day after date of its publication.

2. This ordinance shall be published in the provincial journal of the South Holland provincial authority and thereafter shall be posted on the website(s) of:

a. the Metropolitan Authority of the Rotterdam and The Hague Region, or

b. the municipal authorities.

3. This ordinance shall be referred to as the: Ordinance installing the Transport Authority for the Rotterdam and The Hague Metropolitan Region 2014.

4. This ordinance shall be sent to the representative bodies and the municipal executives for information.

5. This ordinance shall be sent to the Minister of the Interior and Kingdom Affairs and to the Minister of Infrastructure and the Environment for information.

As agreed at the meeting of the general management of the Metropolitan Authority for the Rotterdam and The Hague Region on **ENTER DATE**

The Secretary

The Chairman