

---

**Kingdom Act, 2 December 2004, instituting a Safety Investigation Board (Kingdom Act concerning Safety Investigation Board)**

---

We Beatrix, by the grace of God, Queen of the Netherlands, Princess of Oranje-Nassau, etc. etc. etc.

Greetings to all those who shall see or hear these presents! Be it known:

Having taken into consideration that it is desirable to institute an independent board for the investigation of calamities, accidents and incidents so as to ascertain the causes or probable causes of the occurrence or the category of occurrences and of the extent of their consequences and to make recommendations accordingly;

After hearing the advice of the Council of State of the Kingdom of the Netherlands and in consultation with the States General and having complied with the provisions of the Charter for the Kingdom of the Netherlands, We have therefore approved and decreed, as We hereby approve and decree:

## **CHAPTER 1. DEFINITIONS**

### **Article 1**

1. In this Kingdom Act and the provisions based on it the following words shall have the following meanings:
  - a. Our Minister: Our Minister of Justice and Security of the Netherlands;
  - b. the Board: the Safety Investigation Board, referred to in Article 2, first paragraph;
  - c. the members of the Board: both the members of the Board referred to in Article 6, first paragraph, and the associate members of the Board referred to in Article 6, second paragraph;
  - d. the Bureau: the Bureau referred to in Article 11, second paragraph;
  - e. occurrence: event causing a person's death or injury, or causing damage to an object or to the environment, as well as an event giving rise to the risk of such a consequence;
  - f. ship: an object, not being an aircraft, by its construction evidently intended to float and floating or having floated;
  - g. sea-going vessel; ship which, according to its construction, is intended exclusively or primarily for floating in the sea;
  - h. Dutch sea-going vessel: sea-going vessel which by virtue of the legal rules applying to the Netherlands is entitled to sail under the flag of the Kingdom of the Netherlands;
  - i. Curaçao sea-going vessel: sea-going vessel which by virtue of the legal rules applying to Curaçao is entitled to sail under the flag of the Kingdom of the Netherlands;
  - j. Aruban sea-going vessel: sea-going vessel which by virtue of the legal rules applying to Aruba is entitled to sail under the flag of the Kingdom of the Netherlands;
  - k. Sint-Maartens sea-going vessel: sea-going vessel which by virtue of the legal rules applying to the Sint-Maarten is entitled to sail under the flag of the Kingdom of the Netherlands;

- l. ro-ro passenger ship: a ro-ro passenger ship as defined in Article 2(1) of [Directive No \(EU\) 2017/2110](#) of the European Parliament and of the Council of 15 November 2017 on a system of inspection for the safe operation of ro-ro passenger ships and high-speed passenger craft on regular services and amending [Directive 2009/16/EC](#) and repealing [Council Directive 1999/35/EC](#) (OJEU L 315);
  - m. high-speed passenger craft: high-speed passenger craft as defined in Article 2, section 2 of [Directive No \(EU\) 2017/2110](#) of the European Parliament and of the Council of 15 November 2017 on a system of inspection for the safe operation of ro-ro passenger ships and high-speed passenger craft on regular services and amending [Directive 2009/16/EC](#) and repealing [Council Directive 1999/35/EC](#) (OJEU L 315);
  - n. aircraft: vehicle that can be held in the atmosphere as a result of powers exercised on it by the air, other than the powers of the air against the surface of the earth;
  - o. Dutch aircraft: an aircraft registered in the Netherlands;
  - p. causes: acts, omissions, events, circumstances or a combination thereof that led to the occurrence;
  - q. recommendation: proposal of the Board based on information resulting from investigation by the Board with the intention of preventing future occurrences or mitigating their consequences;
  - r. flight recorder: any kind of recording device installed in the aircraft in order to facilitate investigations into accidents and incidents;
2. An occurrence as referred to in the first paragraph, section e, shall not include:
- a. a disturbance of the public order as referred to in [Article 172, third paragraph, of the Municipalities Act](#) or [Article 174, third paragraph, of the Bonaire, Sint Eustatius and Saba \(Public Bodies\) Act](#), a riotous action or another serious disorderliness as referred to in [Article 175, first paragraph, of the Municipalities Act](#) or [Article 178, third paragraph, of the Bonaire, Sint Eustatius and Saba Public Bodies Act](#), or a situation of which it is seriously feared that any of such events may arise;
  - b. an action of the competent authorities for the purpose of law enforcement;
  - c. an action of the armed forces or a military unit:
    - 1. in a situation of war or armed conflict;
    - 2. during an operation to maintain or promote international legal order;
    - 3. on the basis of the [Police Act 2012](#), the [Police Kingdom Act of Curaçao, Sint Maarten and Bonaire, Sint Eustatius and Saba](#) or the [Bonaire, Sint Eustatius and Saba Security Act](#);
    - 4. in the context of providing assistance pursuant to the [Instructions on the deployment of the armed forces in Aruba, Curaçao or Sint Maarten](#);
3. An aircraft operated by a natural person, legal entity with or without profit motive or government body with or without legal personality, established in the Netherlands, shall be regarded as equivalent to a Dutch aircraft.

## CHAPTER 2. THE BOARD

### §1. Institution and task

#### Article 2

1. There is a Safety Investigation Board.
2. The Board is established in The Hague.
3. The Board possesses legal personality.

### **Article 3**

For the sole purpose of preventing future occurrences or limiting their consequences, the Board's task is to investigate and determine the causes or probable causes of individual or categories of occurrences and of the extent of their consequences and, if necessary, to make recommendations accordingly.

### **Article 4**

1. The Board is authorised to conduct an investigation into:
  - a. occurrences on, above or under the territory of the Netherlands, including the waters under Dutch jurisdiction;
  - b. occurrences on, above or under the territory of Aruba, Curaçao or Sint Maarten including the waters under the jurisdiction of Aruba, Curaçao or Sint Maarten if the Board is requested by the government of Aruba, Curaçao or Sint Maarten, respectively, to conduct such an investigation
  - c. occurrences involving a Dutch seagoing vessel on the high seas or in waters under other than Dutch jurisdiction;
  - d. occurrences involving a ro-ro passenger ship or high-speed passenger craft on the high seas that last called at a port in the Netherlands;
  - e. occurrences involving a Dutch aircraft over the high seas or abroad;
  - f. occurrences involving a sea-going vessel of Aruba, Curaçao or Sint Maarten on the high sea or in waters under jurisdiction other than Aruba, Curaçao or Sint Maarten, if the Board is requested by the government of Aruba, Curaçao or Sint Maarten, respectively, to conduct such an investigation;
  - g. occurrences involving an aircraft of Aruba, Curaçao or Sint Maarten above the high sea or abroad, if the Board is requested by the government of Aruba, Curaçao or Sint Maarten, respectively, to conduct such an investigation;
2. The authority to conduct an investigation shall also extend to:
  - a. the manner in which in the Netherlands were dealt with the consequences of occurrences abroad the effects of which extend to the territory of the Netherlands including waters under Dutch jurisdiction;
  - b. the manner in which in Aruba, Curaçao or Sint Maarten were dealt with the consequences of occurrences abroad the effects of which extend to the territory of Aruba, Curaçao or Sint Maarten including waters under Aruban, Curaçao or Sint Maarten jurisdiction, if the Board is requested by the government of Aruba, Curaçao or Sint Maarten, respectively, to conduct an investigation thereon;
  - c. dealing with the consequences of the occurrences referred to in the first paragraph, sections a, c, d and e;
  - d. dealing with the consequences of the occurrences referred to in the first paragraph, section b, f and g, if the Board is requested by the government of Aruba, Curaçao or Sint Maarten, respectively, to investigate those occurrences.
3. The Board is furthermore authorised to initiate an investigation into occurrences and the handling of the consequences of occurrences, in so far as it concerns occurrences involving an object or a person in use by or in the performance of a function on behalf of:
  - a. Our Minister of Defence;
  - b. a foreign army, if the occurrence took place on or above the territory of the Kingdom of the Netherlands, including the territorial sea and the continental shelf belonging to the territory, as well as in so far as it concerns an occurrence involving an aircraft, if the occurrence took place within the flight information area of Curaçao, in so far as this flight information area

does not comprise areas or waters belonging to the jurisdiction of another state.

4. The Board is also authorised to conduct an investigation into occurrences and the handling of the consequences of occurrences in so far as it concerns occurrences involving an object or a person in use by or in the course of exercising a function respectively, for the benefit of an organisation of which the management has been assigned to Our Minister of Defence.

#### **Article 5**

1. The occurrences with respect to which the Board is obliged to conduct an investigation will be decided by a Kingdom Order in Council or an Order in Council.
2. By or pursuant to a Kingdom Order in Council or an Order in Council, rules shall be laid down with respect to occurrences, to be further specified, involving another state or another country, concerning organisation of the investigation, the co-operation with this other state or other country in the conduct of the investigation and the role of the Board in such cases, as well as the international obligations to be complied with in the event of such an investigation.

#### **Article 5a**

In so far as not explicitly deviated from, the [independent administrative bodies Framework Act](#) shall be observed with respect to the Board. The [independent administrative bodies Framework Act](#) shall not apply to officials of the Board who are to be regarded as independent administrative bodies.

#### **Article 5b**

In view of Article 9, second paragraph, section g, and Article 10 of the [General Data Protection Regulation Act](#), the Board may, to the extent necessary for the performance of the task referred to in Article 3 of this Act, process special categories of personal data and personal data of a criminal nature as referred to in [Sections 3.1](#) and [3.2](#), respectively, of the General Data Protection Regulation Implementation Act, as well as process numbers that serve to identify persons prescribed by law or general order in council pursuant to [Article 46 of the General Data Protection Regulation Implementation Act](#).

## **§2. Organisation and composition**

#### **Article 6**

1. The Board has a minimum of three and a maximum of five members, including the chairman.
2. In addition, associate members also participate in the Board.
3. Associate members may participate in Board consultations upon request or on their own initiative, subject to the provisions of the fourth paragraph.
4. Associate members shall not participate in the consultations of the Board for the application of Articles 7, 16, 17, 20, first paragraph, 25, 26 and 65.

#### **Article 7**

1. In derogation of [Article 12, first paragraph, of the independent administrative bodies Framework Act](#) the members of the Board referred to in Article 6, first paragraph, shall be appointed, suspended and dismissed by Royal Decree, having heard the Board.
2. In derogation of [Article 12, first paragraph, of the independent administrative bodies Framework Act](#) the members of the Board referred to in Article 6, second paragraph shall be appointed, suspended and dismissed by Royal Decree on the recommendation of Our Minister, in agreement with Our Minister whom it also concerns in the Netherlands, having heard the Board.

3. The selection of the members of the Board shall be made in such a way that all relevant expertise is present within the Board. The Board shall in any case have expertise available in the field of defence and transport. Further rules on the matter may be laid down in a Kingdom Order in Council.
4. The members of the Board are appointed for a term of four years. The term of office of the member appointed to an interim vacancy shall be equal to the duration of the remaining term of the member in whose place this member was appointed. Board members may be reappointed once.
5. Our Minister, in agreement with Our Minister in the Netherlands whom it also concerns, shall ensure publication of a vacancy on the Board. The Board may make a reasoned proposal to Our Minister for publication of a vacancy. Our Minister shall inform the States General of the procedure followed for the appointment and the appointed candidate.
6. At their own request, members of the Board shall be resigned no later than the first day of the third calendar month after the day on which Our Minister received the request for resignation.
7. Without prejudice to the sixth paragraph suspension and dismissal shall only be possible on account of unsuitability or incompetence for the function performed or on account of other compelling personal grounds.

#### **Article 8**

1. By Royal Decree one of the members of the Board referred to in Article 6, first paragraph, shall be appointed chairman of the Board.
2. By Royal Decree one of the members of the Board referred to in Article 6, first paragraph, shall be appointed deputy chairman of the Board.

#### **Article 9**

By or pursuant to a Kingdom Order in Council rules shall be laid down with respect to the manner in which the members of the Board are to be sworn in.

#### **Article 10**

1. The Board may appoint committees.
2. A committee consists of one or more members of the Board as referred to in Article 6, first paragraph, and of one or more members as referred to in Article 6, second paragraph.
3. The Board shall appoint one of the members of the Board as referred to in Article 6, first paragraph, chairman of the committee.
4. The Board may grant a committee the authority to take decisions on its behalf.

### **§3. The Bureau**

#### **Article 11**

1. The Board has a general secretary.
2. The Board is supported by a Bureau.
3. The Bureau is led by the general secretary.
4. The selection of employees of the Bureau shall be made in such a way that all relevant expertise is present within the Bureau.
5. Among the employees of the Bureau are soldiers appointed by Our Minister of Defence in agreement with the chairman of the Board there, who, while retaining their legal status, are deployed for the investigation into occurrences as referred to in Article 4, third paragraph. The Board may also deploy them for other investigative tasks.

6. An employee of the Bureau also includes a person employed by the Bureau other than by virtue of an appointment and entrusted with activities relating to an investigation as referred to in Article 4.

#### **Article 12**

Neither the general secretary nor any of the employees of the Bureau is a member of the Board. The general secretary is accountable only to the Board.

#### **Article 13**

[deleted as per 01-01-2020]

#### **Article 14**

1. At the request of the Board, Our Minister whom it concerns may appoint one or more experts under his authority, who shall, subject to the directions given by or on behalf of the Board, assist the Board during the conduct of a specified investigation.
2. For the investigation into an occurrence as referred to in Article 4, third paragraph, assistance shall only be provided by experts appointed by virtue of the first paragraph, to whom pursuant to the Security Clearances Act a certificate has been issued that there are no objections against the performance of a confidential function for reasons of state security or other vital interests of the state, except for cases in which Our Minister of Defence should decide otherwise.
3. Our Minister or Our Minister of Interior and Kingdom Relations respectively, may determine that assistance for the investigation into an occurrence other than referred to in the second paragraph, shall only be provided by experts, appointed by virtue of the first paragraph, to whom a certificate as referred to in the second paragraph has been issued.
4. The experts appointed by virtue of the first paragraph will be attached to the Bureau for the duration of the investigation.
5. The experts appointed by virtue of the first paragraph shall fall under the responsibility of the Board during the execution of the investigation in question.

### **§ 4. Working method**

#### **Article 15**

1. The members sitting on the Board are not bound by a mandate.
2. A member of the Board shall refrain from participating in the discussion of an investigation that:
  - a. concerns himself or one of his relatives by blood or affinity up to the fourth degree;
  - b. concerns an institution or legal entity at which he is employed or in which he has an interest;
  - c. concerns an occurrence in which he has been involved in any manner whatsoever.

#### **Article 16**

1. An employee of the Bureau, as well as an expert appointed by virtue of Article 14, first paragraph, shall inform the chairman without delay that the investigation:
  - a. concerns himself or one of his relatives by blood or affinity up to the fourth degree;
  - b. concerns an institution or legal entity at which he is employed or in which he has an interest;
  - c. concerns an occurrence in which he has been involved in any manner whatsoever.The Board decides whether he should refrain from participating in the investigation for this reason.
2. For the application of the first paragraph the general secretary is considered an employee of the Bureau.

3. If the Board so requests by virtue of the first paragraph, Our Minister whom it concerns shall replace in the investigation concerned one or more of the experts who have been appointed by virtue of Article 14, first paragraph.

#### **Article 17**

The board shall, within six months of its establishment, adopt administrative regulations.

#### **Article 17a**

[Article 21 of the independent administrative bodies Framework Act](#) is not applicable.

### **§5. Management**

#### **Article 18**

The legal entity Safety Investigation Board shall be represented in and out of court by the chairman of the Board and, in his absence by the deputy chairman of the Board.

#### **Article 19**

1. The revenue of the legal entity Safety Investigation Board consists of an annual contribution at the expense of the budget for the Ministry of Justice and Security.
2. If special circumstances should require it, additional funds may be made available to the Board.

#### **Article 20**

1. Before 1 November the Board adopts a budget for the next financial year, as well as a financial multiannual policy plan.
2. The budget and the financial multiannual policy plan require the approval of Our Minister.
3. The approval may be withheld on account of conflict with the law or the public interest.
4. The maximum amount of the equalisation reserve shall be fixed by ministerial regulation.

#### **Article 21**

1. The annual accounts, in which account is given of the financial management and performance of the past financial year, are drawn up as far as possible with analogous application of the provisions of [Title 9 of Book 2 of the Dutch Civil Code](#).
2. The annual accounts shall be accompanied by a certificate of truthfulness issued by an accountant as referred to in [Article 393, first paragraph, Book 2 of the Dutch Civil Code](#). When appointing the accountant the Board shall stipulate that, upon request, Our Minister will be allowed inspection of the auditing work executed by the accountant.
3. The certificate referred to in the second paragraph also refers to the lawful collection and spending of funds by the Board.
4. The accountant shall also attach to the certificate referred to in the second paragraph a report of his findings on whether the board's management and organisation meet requirements of efficiency.
5. The Board shall make the annual accounts and the certificate referred to in the second paragraph generally available.

#### **Article 22**

[deleted as per 01-02-2007]

### **Article 23**

[deleted as per 01-02-2007]

### **Article 24**

[deleted as per 01-02-2007]

### **Article 25**

1. Before 1 July each year, the Board shall draw up a report of its activities, the policy conducted during the past calendar year in general and the efficiency and effectiveness of its activities and working methods in particular.
2. The annual report shall in any case include an overview of the occurrences investigated, the conclusions concerning these occurrences in the reports and the related recommendations, where appropriate. The annual report shall also include the Board's investigation programme.
3. The annual report shall be sent to Our Ministers, both Chambers of the States General, the Parliaments of Aruba, Curaçao and Sint Maarten and be made generally available.

### **Article 26**

1. In derogation of [Article 20, first paragraph of the independent administrative bodies Framework Act](#), the Board may refuse to provide Our Minister with information or to allow inspection of business data and documents regarding the content of and approach of ongoing investigations of the Board.
2. Our Minister shall provide the Board with the information it generally requires for the performance of its task.
3. Our Minister shall adopt an Information Statute. The Information Statute will contain substantive and procedural rules regarding the information traffic between Our Minister and the Board that is necessary for the proper implementation of this Kingdom Act.

### **Article 27**

Further rules may be laid down by ministerial regulation on the design of the draft budget, the financial multiannual policy plan, the auditing and the annual report.

## **CHAPTER 3. REPORTING**

### **Article 28**

1. By Kingdom Order in Council or Order in Council persons or authorities can be appointed who are obliged to report occurrences, to be further specified upon such appointment. This may also include further regulations on reporting.
2. By Kingdom Order in Council or Order in Council, it may be stipulated that the Board shall pass on such reports to Our Minister whom it concern.

### **Article 29**

By ministerial regulation rules shall be laid down the reporting by the Netherlands of specified occurrences, and the supply of other information to a foreign state or an international organisation.



## **CHAPTER 4. INFORMATION MATERIAL**

### **Article 30**

1. The mayor, the governor of the Public Bodies Bonaire, Sint Eustatius or Saba, Our Minister in charge of public order of Aruba, Curaçao or Sint Maarten, or, if it concerns a drilling platform, the Inspector General of Mining, is authorised to take measures to ensure that the situation at the site of an occurrence is not changed. As regards areas and ships under the management of Our Minister of Defence, this authority shall be vested in Our Minister of Defence.
2. It may be stipulated by Kingdom Order in Council or Order in Council that, in the cases to be specified, measures as referred to in the first paragraph are taken.

### **Article 31**

1. By or pursuant to a Kingdom Order in Council or an Order in Council it may be stipulated that, in cases to be specified therein, the objects directly involved in an occurrence, apart from certain exceptions to be further specified, shall continue to be or be rendered available for the Board for the duration of the investigation or so much shorter or longer as the chairman of the Board considers necessary.
2. In the application of the first paragraph it may be stipulated that no-one shall be allowed to remove or otherwise withdraw from the investigation any objects involved in the occurrence without being authorised to do so.
3. By or pursuant to a Kingdom Order in Council or an Order in Council further rules may be laid down with respect to the provisions in the first paragraph and with respect to returning the objects concerned.
4. By or pursuant to a Kingdom Order in Council or an Order in Council rules may be laid down with respect to assistance to be provided by the authorities in making the objects referred to in the first paragraph available again.

## **CHAPTER 5. THE INVESTIGATION**

### **§1. Powers of the investigators**

#### **Article 32**

The provisions relating to the investigators laid down in or pursuant to Articles 33 to 40 inclusive shall apply to the members of the Board, the employees of the Bureau charged with conducting an investigation as referred to in Article 4, the general secretary, and experts appointed pursuant to Article 14, first paragraph.

#### **Article 33**

1. In the performance of his task an investigator shall carry an identity card, issued by the Board.
2. If requested, an investigator shall immediately produce his identity card.
3. The identity card shall include a photograph of the investigator and at any rate state his name and capacity.

#### **Article 34**

An investigator shall only avail himself of his powers in so far as this is reasonably required for the performance of his task.

**Article 35**

By ministerial regulation further rules may be laid down for the exercise of the powers that an investigator is entitled to.

**Article 36**

1. An investigator is authorised to enter any location including the living quarters of a ship, with the necessary equipment. A dwelling that is not aboard a ship can only be entered with the consent of the resident.
2. If necessary, he may effect entry with the assistance of the police.
3. He is authorised to be accompanied by persons whom he has appointed for this purpose.
4. As regards areas and ships in use with Our Minister of Defence the powers referred to in the first and third paragraphs shall be exercised in agreement with Our Minister of Defence.

**Article 37**

An investigator is authorised to demand information.

**Article 38**

1. An investigator is authorised to demand inspection of relevant data and documents.
2. He is authorised to make copies of data and documents.
3. If the copies cannot be made in loco, he will be authorised to take the data and documents with him for that purpose for a short period of time against submission of written proof.

**Article 39**

1. An investigator is authorised to investigate objects, to inspect them and to take samples of them.
2. He is authorised to open packaging for that purpose.
3. If the investigation, inspection or the taking of samples cannot take place in loco, he will be authorised to take the objects with him for that purpose for a short period of time against submission of written proof.
4. The samples taken will be returned in so far as possible.

**Article 40**

1. Every person shall be obliged to provide an investigator all cooperation that he may reasonably demand in the exercise of his powers within the term he may reasonably stipulate.
2. When cooperation is provided by themselves or by persons under their authority, Our Minister, Our Minister of Defence and Our Minister of Interior and Kingdom Relations may indicate that the information thereby specified, is supplied to the Board in strict confidence. The confidential supply of information to the Board shall take place by application mutatis mutandis of Article 57. The confidentially supplied information shall not be made public.
3. Those who on account of their office, profession or a statutory provision are obliged to observe confidentiality, may refuse to render assistance in so far as this arises from their obligation of confidentiality. Those to whom a statutory provision applies by which they are bound to confidentiality, except in so far as any other statutory provision obliges them to disclosure or co-operation, may also refuse their assistance if there are serious reasons for it.

## **§2. The investigation**

### **Article 41**

1. The Board decides whether an investigation is to be conducted, without prejudice to the provisions of Article 5.
2. The chairman of the Board may decide on conducting a provisional investigation in anticipation of the decision of the Board referred to in the first paragraph. The chairman of the Board may grant another member of the Board or the general secretary the authority to take this decision on his behalf.
3. The decision to conduct an investigation or a preliminary investigation shall be taken within five days calculated from the day of the occurrence. This shall not apply:
  - a. if an occurrence is investigated in connection with other occurrences;
  - b. if at a later date any facts or circumstances are found that justify an investigation after all.
  - c. if the investigation exclusively relates to dealing with the consequences of an occurrence.
4. The Board shall notify Our Minister whom it concerns, and where appropriate the provincial or municipal administration or the administration of the Public Bodies Bonaire, Sint Eustatius or Saba, of the fact that an investigation is to be conducted.

### **Article 42**

The Board shall not conduct an investigation if Our Minister decides so for serious reasons of security of the countries of the Kingdom or for serious reasons connected with maintaining or advancing international legal order.

### **Article 43**

1. Our Minister whom it concerns in the Netherlands, the King's Commissioner, the mayor or the governor of the Public Bodies Bonaire, Sint Eustatius or Saba may submit a written request to the Board to conduct an investigation.
2. The Board shall decide upon such a request as soon as possible, but not later than within four weeks after receipt and shall inform the petitioner of its decision. The Board may extend this term once by four weeks. The Board shall inform the petitioner of the extension. Article 41, third paragraph, shall not be applicable.
3. If the decision of the Board upon a request is negative, the reasons of this decision shall be given.

### **Article 44**

Rules shall be laid down by ministerial regulation with respect to the notification of the initiation of an investigation and sending a preliminary report to a foreign state or an international organisation, in the cases to be further specified.

### **Article 45**

1. The Board may allow that at the request of a state one or more representatives of that state participate in the investigation. Our Minister whom it concerns may also address such a request to another state through the intervention of Our Minister of Foreign Affairs.
2. In the event of an investigation into military occurrences in which, apart from equipment, personnel or facilities of the Dutch armed forces, also equipment, personnel or facilities of one or more other states belonging to the North Atlantic Treaty Organisation are involved, the Board shall give the representatives of that state or those states the opportunity to participate in the investigation.

3. In the event of an investigation into occurrences in which Aruba, Curaçao or Sint Maarten is involved, the Board may permit that, at the request of the government of Aruba, Curaçao or Sint Maarten, respectively, one or more representatives of Aruba, Curaçao or Sint Maarten participate in the investigation.
4. The representatives may call in the assistance of experts.
5. The representatives and experts shall have access to the data and information collected during the investigation, provided that they undertake to maintain confidentiality and that in the states or countries represented by them they are not subject to broader disclosure of such data than possible pursuant to this Kingdom Act. They shall give the Board all relevant information that they have available.
6. It will be determined by ministerial regulation in which cases, in connection with international agreements, the Board is bound to apply the first paragraph. Furthermore, it will also be determined by ministerial regulation in what cases Our Minister whom it concerns in the Netherlands is obliged to submit a request as referred to in the first paragraph.
7. By or pursuant to a Kingdom Order in Council or an Order in Council further rules shall be laid down concerning the powers of the representatives, to be further specified, and the experts who render them assistance.

#### **Article 46**

By ministerial regulation, in cases to be specified therein, rights in respect of an investigation may be granted to a state whose citizens have suffered specified injuries.

#### **Article 47**

For the purpose of an investigation into an occurrence with an aircraft, not being an aircraft in use with Our Minister of Defence or a foreign army, the Board is authorised to call in the assistance of authorities or organisations from the other member states of the European Union or any of the other states that are party to the Agreement concerning the European Economic Area in order to make the following available:

- a. installations, facilities and equipment for:
  1. the technical investigation of wreckage, on-board equipment and other objects important for the investigation;
  2. the processing of information from flight recorders and
  3. the electronic filing and processing of data on air accidents;
- b. experts specialised in investigating accidents or incidents, in order to entrust them with well-defined tasks, and this exclusively in an investigation in connection with a major air accident.

#### **Article 48**

1. The Board can hold hearings.
2. The Board shall send written notification of the place, date and hour of the hearing to:
  - a. the natural persons, legal entities or administrative bodies whose acts or omissions according to the provisional judgement of the Board have contributed to the occurrence arisen, or the surviving relatives of a natural person as referred to above;
  - b. the representatives referred to in Article 45 who participate in the investigation;
  - c. Our Minister of Defence, if it concerns an investigation into an occurrence as referred to in Article 4, third or fourth paragraph;
  - d. Our Minister or Our Minister of Interior and Kingdom Relations respectively, after a request to that effect.

3. Place, day and hour of the hearing shall also be announced in the Dutch Government Gazette.

#### **Article 49**

If the Board decides upon holding a hearing, it may determine that those referred to in Article 48, second paragraph, section a, will be allowed to inspect the documents relating to the occurrence, if in its opinion this is necessary in the interest of arriving at the truth. Other than in contacts for the preparation of the items to be dealt with at the session, those who inspect the documents shall be obliged to observe secrecy.

#### **Article 50**

1. The hearings of the Board shall be public.
2. For serious reasons the Board may decide that the issue dealt with or part of it will not be discussed in public. The Board is obliged to take such a decision if this is the express wish of the person who is being heard, if this person thinks that by a public hearing he or one of his relatives by blood or affinity in the direct ascending or descending line or in the collateral line to the second or third degree or his spouse or former spouse or registered partner or former registered partner may be exposed to the risk of a criminal or disciplinary sentence or an adverse civil judgement. The Board shall inform the person who is to be heard of this possibility.
3. By a Kingdom Order in Council or an Order in Council further rules shall be laid down concerning the proceedings during the hearings of the Board.

#### **Article 51**

1. The chairman of the Board will summon the persons it wishes to hear as witnesses or experts. If necessary, the chairman of the Board may have a summons served by means of a bailiff's notification. There shall be at least two weeks between the day on which the summons is served and the day of the hearing.
2. Every person who has been summoned as a witness or an expert will be obliged to appear.
3. If the witness or expert upon whom the summons has been served fails to appear, this shall be recorded in an official report, including an accurate description of the summons and signed by the chairman of the Board.
4. Unless there is proof to the contrary, the official report of non- appearance shall constitute full proof of what is recorded there.
5. The chairman of the Board may request the public prosecutor in the district in which the court is located where the Board holds its hearing, to serve a summons upon the witness or expert in the event of his non-appearance at the hearing of the Board and to add a warrant to bring the latter before the court.
6. The natural persons referred to in Article 48, second paragraph, section a, as well as representatives of the legal entities or administrative bodies referred to there, shall be entitled to be heard as witnesses at the hearing at their request, if they have not been summoned by the Board.

## **Article 52**

1. Provided that he has reached the age of sixteen, a witness can only be heard by the Board at a hearing after having taken the oath or made a solemn affirmation in the presence of the chairman that he will tell the whole truth and nothing but the truth. If in the opinion of the Board a witness does not sufficiently understand the significance of the oath or the solemn affirmation due to mental disorder or limited development of his mental faculties, he shall not be put under oath or be asked to make a solemn affirmation, under penalty of nullity, but he will be demanded to tell the whole truth and nothing but the truth.
2. An expert can only be heard by the Board at a hearing after first having taken the oath or made a solemn affirmation in the presence of the chairman that he will report to the best of his knowledge.
3. If requested by the chairman of the Board, witnesses and experts are obliged to take the oath or make a solemn affirmation, to give testimony or to render their services as experts, except for exemption on account of official or professional secrecy.
4. An official report shall be drawn up of the hearing of witnesses and experts, to be signed by the chairman of the Board and the general secretary.

## **Article 53**

The Board may pay the witnesses and experts summoned by the chairman and the interpreters appointed by the chairman a compensation, to be fixed by ministerial regulation.

## **Article 54**

By or pursuant to a Kingdom Order in Council further rules shall be laid down concerning the investigation of the Board.

## **Article 55**

1. The Board shall draw up a report in completion of its investigation.
2. In so far as the investigation extends to it, the report shall at any rate include:
  - a. an analysis of the facts and circumstances of the occurrence and the way in which the consequences are being dealt with, as well as the data on which this analysis is based;
  - b. establishing the causes or probable causes of the occurrence and the extent of its consequences;
  - c. if there is reason to believe so, the identification of structural safety deficiencies and the related recommendations.
3. Data taken from documents and other data carriers as referred to in Article 69, first paragraph, section a through e, shall only be included in the report in so far as they are essential for the analysis of the facts of the occurrence or for the foundations of the conclusions. The names, addresses or identification data of a similar nature with respect to the persons involved in an accident or incident shall not be included in the report.
4. The Board may issue a report in two parts if it conducts an investigation into both an occurrence and the consequences thereof. If the report is issued in two parts, the regulations concerning the report shall apply to either part.
5. By ministerial regulation further rules may be laid down with respect to the report.

## Article 56

1. The Board shall send the draft report to those referred to in Article 48, second paragraph, section a. They may comment in writing during a period of four weeks, starting from the day after the day on which the draft report has been sent. They are obliged to keep the draft report confidential. The Board may decide not to include the part of the report referred to in Article 55, second paragraph, section c, in the draft report sent.
2. By or pursuant to a Kingdom Order in Council rules shall be laid down with respect to sending the draft report to other states, or Aruba, Curaçao or Sint Maarten, respectively, for comment, as well as with respect to the term during which comments can be made.
3. If the comments made should give rise to it, the Board may adjust the report. If the report is not adjusted in conformity with the essence of the comments, the Board shall indicate the reasons for this in its report.

## Article 57

1. The Board shall not include the information collected by it in its report in so far as this:
  - a. might endanger the unity of the Crown;
  - b. might harm the security of the Kingdom of the Netherlands;
  - c. concerns personal data as referred to in [paragraph 3.1](#) and [paragraph 3.2 of the General Data Protection Regulation Implementation Act](#), respectively, unless the data subject has expressly consented to the inclusion of such personal data in the report or such personal data has manifestly been made public by the data subject;
  - d. concerns numbers that serve to identify persons prescribed by law or order in council under [Article 46 of the General Data Protection Regulation Implementation Act](#).
2. Nor shall the Board include the information collected by it in its report in so far as the importance thereof does not counterbalance the following interests:
  - a. the relations of the Kingdom of the Netherlands or the countries of the Kingdom of the Netherlands with other states or international organisations;
  - b. the economic or financial interests of the Kingdom of the Netherlands, of the public-law corporations of the countries of the Kingdom of the Netherlands, or of the administrative bodies referred to in Article 1a, sections c and d of the Government Information Public Access Act;
  - c. the detection and prosecution of offences;
  - d. inspection, monitoring and supervision by administrative bodies of the countries of the Kingdom of the Netherlands;
  - e. respect for privacy;
  - f. business and manufacturing data confidentially communicated to the government by natural or legal entities, as well as other competitively sensitive business and manufacturing data;
  - g. the protection of the environment to which this information relates;
  - h. the security of persons and companies and the prevention of sabotage;
  - i. the proper functioning of the State, other public bodies or administrative authorities;
  - j. if no environmental information is involved, the disproportionate disadvantage of an interest other than that mentioned in the first or second paragraph.
3. The second paragraph, opening words and section b, applies to the inclusion in the report of environmental information, as referred to in [Article 19.1a of the Environmental Management Act](#), insofar as it concerns acts of a confidential nature.
4. The first and second paragraphs shall not apply to environmental information relating to emissions into the environment.

5. The third paragraph does not apply to environmental information that refers to Aruba, Curaçao, Sint Maarten or the Bonaire, Sint Eustatius and Saba public bodies.

#### **Article 58**

1. The Board shall see to it that the investigation is carried out as efficiently as possible and within as short a period of time as possible.
2. In so far as it concerns an investigation into an individual occurrence, the Board shall aim at issuing the report as soon as possible but at any rate within twelve months after the date of the occurrence.

#### **Article 59**

1. The Board shall make the report public.
2. The Board shall at any rate send the report to Our Minister whom it concerns, and to the natural person, the company involved, the national aviation authority involved, the legal entity or the administrative body for whom/which a recommendation is intended. In addition, the Board shall at any rate send copies of the report to Our Minister, an administrative body involved, and the parties referred to in Article 48, second paragraph, section a.
3. By or pursuant to an Order in Council rules shall be laid down with respect to sending the report, in the cases to be specified, to a foreign state, the Commission of the European Community or an international organisation.
4. Everyone can obtain copies of the report. The Board may charge the costs of a copy. The costs are calculated in compliance with the provisions in [Article 8.6 of the Open Government Act](#).
5. Drafts of the report, information collected for the purpose of an investigation by the Board, as well as information that the Board has supplied to other parties by or pursuant to the provisions of this Act, shall not be public.

#### **Article 60**

1. If, as a result of the application of Article 57, certain information cannot be included in the report which, in the opinion of the Board, is essential for the analysis of the facts and circumstances of the occurrence or the foundations of the conclusions, the Board may decide to send the information and the conclusions and recommendations based thereon to the natural person to whom, the legal entity or the administrative body to which the recommendation is addressed and to whom or which, respectively, the information is already known.
2. In the case referred to in the first paragraph the Board may decide not to issue a public report.
3. If the Board applies the second paragraph, it shall inform Our Minister whom it concerns, as well as the provincial or municipal administration or the administration of the Bonaire, Sint Eustatius or Saba public bodies, where appropriate, of this fact.

#### **Article 61**

A conclusion or recommendation shall not constitute a suspicion of guilt or liability for an occurrence.

#### **Article 62**

1. The Board may decide to terminate the investigation prematurely, if in its opinion the investigation will not result in any meaningful recommendations, without prejudice to the provisions by virtue of Article 5.



2. If the Board applies the first paragraph, it shall inform Our Minister whom it concerns, as well as the provincial or municipal administration or the administration of the Bonaire, Sint Eustatius or Saba public bodies, where appropriate, of this fact.

#### **Article 63**

If necessary for immediate action in order to prevent disasters or accidents, the Board shall make recommendations for preventive measures while the investigation is still in progress.

#### **Article 64**

1. If new facts are discovered after the investigation has been closed, which in the opinion of the Board are of essential importance for the conclusions or recommendations recorded in the report, the Board shall decide to reopen the investigation.
2. The Board shall inform Our Minister and Our Minister whom it concerns of its decision to reopen the investigation.

#### **Article 65**

The Board shall draw up an investigative protocol with respect to the investigative methods to be adopted by it. The Board shall publish this protocol.

### **§3. Identification**

#### **Article 66**

If the police in the Netherlands, Aruba, Curaçao or Sint Maarten conducts an investigation into the identity of the victims of an occurrence, the results of this investigation shall be put at the disposal of the Board if requested.

### **§ 4. Relation to investigation with a view to imposing sanctions**

#### **Article 67**

By or pursuant to a Kingdom Order in Council or an Order in Council rules may be laid down:

- a. with respect to the consultation and co-ordination between the Board, the Public Prosecution Service in the European part of the Netherlands, the Royal Netherlands Military Constabulary, the National Police Agency and the regional police forces, if in connection with an occurrence imposing a penal sanction is also considered;
- b. with respect to the cooperation between the Board, the Public Prosecution Service of Aruba, Curaçao or Sint Maarten, respectively, and the police force of Aruba, Curaçao or Sint Maarten, respectively, if in connection with an occurrence imposing a penal sanction is also considered;
- c. with respect to the cooperation between the Board, the Public Prosecution Service of the Bonaire, Sint Eustatius and Saba public bodies and police forces of the Bonaire, Sint Eustatius and Saba public bodies if in connection with an occurrence imposing a penal sanction is also considered;
- d. with respect to making objects mutually available within this context.

## **Article 68**

By or pursuant to a Kingdom Order in Council or an Order in Council rules may be laid down:

- a. with respect to the consultations and co-ordination between the Board and Our Minister whom it concerns, if in connection with an occurrence imposing an administrative sanction is also considered and
- b. with respect to making objects available to Our Minister whom it concerns within this context.

## **§5. Relation to other proceedings**

### **Article 69**

1. In criminal, disciplinary or civil proceedings the following cannot be used as evidence nor can a disciplinary measure, an administrative sanction or an administrative measure be based on :
  - a. statements of persons made within the context of the investigation of the Board, unless the person who made the statement has given his explicit consent;
  - b. communication recorded by means of a technical device among persons who were involved in the operation of a means of transport;
  - c. medical or private information recorded within the context of the investigation of the Board concerning persons who were involved in an occurrence investigated by the Board, unless the person in question has given his explicit consent;
  - d. data from a flight recorder, a cockpit-voice recorder or a travelling- data recorder used in shipping and transcripts thereof;
  - e. opinions expressed within the scope of analysing the investigation material;
  - f. documents drawn up by the Board, or documents drawn up by third parties on behalf of the Board.
2. For the purpose of a criminal or disciplinary investigation or proceedings for imposing a disciplinary measure, an administrative sanction or an administrative measure, data carriers as referred to in the first paragraph, sections a, b, c, d and f, with the exception of the report referred to in Article 55, first paragraph, cannot be demanded for inspection or be seized. However upon request, statements such as referred to in the first paragraph, section a may be submitted for inspection, if the person who has made the statement has given his explicit consent to it, and information such as referred to in section c may be made available, if the person to whom the information refers has given his explicit consent to it.
3. In derogation of the first and second paragraphs data carriers such as referred to in the first paragraph, sections b and d, may be used as evidence and be demanded for inspection or be seized, if it concerns a criminal investigation into a hostage-taking, murder, manslaughter or an offence with the intention of frightening the population or part of the population of a country, or forcing a government or an international organisation to do, omit or tolerate something, or seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation.
4. The Board, the employees of the Bureau, the general secretary and the experts appointed under Article 14, first paragraph, shall not be summoned as witnesses or experts in respect of any investigation in which they are or have been involved.
5. The first paragraph, first sentence and section a, and the second paragraph in so far as it concerns a data carrier as referred to in the first paragraph section a, shall not apply in the event of prosecution of a witness or an expert on account of perjury in connection with a statement made by him before the Board.

## Article 70

The Board, the employees of the Bureau, the general secretary and the experts appointed under Article 14, first paragraph, shall not report offences that have come to their notice in the performance of their duties at the Board, to an investigating officer, with the exception of the cases referred to in [Articles 160](#) and [162 of the Netherlands Code of Criminal Procedure](#), perjury, the offences made punishable under Article 81, as well as the offences made punishable in the following Articles that are related to Articles 40, first paragraph:

- a. [Articles 179 through 182](#) and [184 of the Dutch Penal Code](#);
- b. [Articles 185 through 188](#) and [190 of the Bonaire, Sint Eustatius and Saba Penal Code](#);
- c. Articles 2:132 through 2:135 and 2:137 of the Penal Code of Aruba;
- d. Articles 2:132 through 2:135 and 2:137 of the Penal Code of Curacao;
- e. Articles 2:132 through 2:135 and 2:137 of the Penal Code of Sint Maarten.

## § 6. Confidentiality

### Article 71

[deleted as per 01-02-2007]

### Article 72

Anyone who is involved in the implementation of this Kingdom Act and who thereby obtains data of which he knows or reasonably should assume the confidential nature, and who is not already obliged to observe confidentiality with respect to these data on account of his office, profession or a statutory provision, is obliged to observe confidentiality with respect to these data, except in so far as he is obliged to disclose information under a statutory provision or in so far as the necessity of disclosure results from his duties in the implementation of this Kingdom Act.

## CHAPTER 6. FOLLOW-UP ON RECOMMENDATIONS

### Article 73

1. If the Board has made a recommendation to an administrative body, the administrative body at which the recommendation is directed shall define its position in this respect within half a year after the day on which the report in question has been adopted. The administrative body may extend this term twice for three months, supported by reasons. If the administrative body is not Our Minister whom it concerns, the administrative body shall notify Our Minister whom it concerns of its position in writing.
2. The administrative body shall send a copy of this notification to the Board. If the recommendation is directed at Our Minister whom it concerns, the latter shall notify the Board of his position in writing.
3. Where Article 18 of [Regulation \(EU\) No 996/2010](#) of the European Parliament and of the Council of 20 October 2010 on the investigation and prevention of accidents and incidents in civil aviation and repealing [Directive 94/56/EC](#) (OJEU 2010, L 295) applies to a recommendation, the administrative body to which the recommendation is addressed shall determine its position thereon within 90 days of the day on which the report in question was adopted. The possibility of extending the deadline referred to in the first paragraph shall not apply in that case.

#### **Article 74**

1. If the Board has made a recommendation to a party other than an administrative body, the latter shall notify Our Minister whom it concerns of the way in which he/it intends to comply with the recommendation and send a copy of this notification to the Board within six months after the date on which the report in question has been adopted. The natural person to whom or the legal entity to which the recommendation is addressed may extend this period twice for three months, supported by reasons.
2. Within one year after receipt of the notification referred to in the first paragraph Our Minister whom it concerns shall consider if further measures are necessary. Our Minister whom it concerns shall inform the Board and the natural person or the legal entity to whom/which the recommendation is directed, of the outcome of his consideration.
3. Where Article 18 of [Regulation \(EU\) No 996/2010](#) of the European Parliament and of the Council of 20 October 2010 on the investigation and prevention of accidents and incidents in civil aviation and repealing [94/56/EC](#) (OJEU 2010, L 295) applies to a recommendation, the recipient of the recommendation shall notify Our Minister whom it may concern of the manner in which it will act on the recommendation within 90 days of the day on which the report in question was adopted and shall send a copy of such notification to the Board. The possibility of extending the deadline referred to in the first paragraph shall not apply in such case.

#### **Article 75**

Annually, the Board shall send the States General an overview of the recommendations of the Board, the positions defined with respect to them and the way in which the recommendations have been acted on.

#### **Article 76**

The Board is authorised to conduct an investigation into the state of affairs with respect to the implementation of recommendations made by the Board in previous investigations.

### **CHAPTER 7. INVESTIGATION BY ANOTHER STATE**

#### **Article 77**

1. By or pursuant to an Order in Council rules may be laid down with respect to participation of the Board or a representative of the Board in an investigation initiated by another state in cases designated therein.
2. By or pursuant to an Order in Council it may be determined that, in the cases to be specified, Our Minister whom it concerns in the Netherlands may order the Board or a representative appointed by Our Minister whom it concerns in the Netherlands to participate or render assistance in an investigation conducted by another state, or render assistance in an investigation conducted by Aruba, Curaçao or Sint Maarten.
3. By or pursuant to an Order in Council regulations may be laid down with respect to the appointment by Our Minister whom it concerns in the Netherlands of the representative referred to in the second paragraph.

#### **Article 78**

By or pursuant to an Order in Council rules may be laid down with respect to supplying information, providing facilities or services, or rendering assistance, in the cases to be specified, to the state that is authorised to initiate an investigation into an occurrence.

### **Article 79**

Our Minister whom it concerns and the Board shall not disclose a draft report obtained by them during an investigation conducted by another state, by Aruba, by Curaçao or by Sint Maarten, unless they have been given the explicit consent thereto by the state or the country concerned respectively, or unless the document in question has already been published or released by that state or country.

### **Article 80**

If the Netherlands receives recommendations or other proposals for preventive measures from another state, Our Minister whom it concerns in the Netherlands shall inform the State concerned, what action will be taken on the recommendations or proposals, supported by reasons.

### **Article 80a**

Articles 32 to 40, 59, fifth paragraph, and 69 shall apply if the Board or a representative of the Board participates or provides assistance in an investigation initiated by another State or by Aruba, Curaçao or Sint Maarten.

## **CHAPTER 8. PENAL AND INVESTIGATIVE PROVISIONS**

### **Article 81**

1. A fine of the [second category](#) shall be imposed on those who act in conflict with the provisions in Articles 28, first paragraph, or 31, second paragraph, or in conflict with Articles 49, 51, second paragraph, 72 or 74, first paragraph, or if the fine is imposed by the criminal judge in Aruba, Curaçao or Sint Maarten, a fine of the third category pursuant to article 1: 54, fourth paragraph, of the Penal Code of Aruba, respectively Article 1:54, fourth paragraph, of the Penal Code of Curaçao, respectively Article 1:54, fourth paragraph, of the Penal Code of Sint Maarten.
2. The offences made punishable under the first paragraph are summary offences.

### **Article 82**

1. The officials appointed by Our Minister shall be charged with the investigation of the offences made punishable under Article 81, as well as the offences made punishable under [Articles 179 through 182](#) and [184 of the Dutch Penal Code](#), in so far as these offences relate to Article 40, first paragraph, without prejudice to the officials referred to in [Article 141 of the Netherlands Code of Criminal Procedure](#).
2. The officials appointed by Our Minister shall be charged with the investigation of the offences made punishable under [Article 81](#), as well as the offences made punishable under [Articles 185 through 188](#) and [190 of the Bonaire, Sint Eustatius and Saba Penal Code](#), in so far as these offences relate to Article 40, first paragraph.
3. The investigation of the offences made punishable by Article 81 as well as the offences made punishable by Articles 2:132 through 2:135 and 2:137 of the Penal Code of Aruba, respectively Articles 2:132 through 2:135 and 2:137 of the Penal Code of Curacao, respectively Articles 2:132 through 2:135 and 2:137 of the Penal Code of Sint Maarten in so far as these acts relate to Article 40, first paragraph, the persons appointed for this purpose by the governments in Aruba, Curaçao and Sint Maarten are also respectively in charge.
4. A decision as referred to in the first and second paragraphs shall be published in the Dutch Government Gazette.

## CHAPTER 9. EVALUATION

### Article 83

1. In derogation of [Article 39, first paragraph of the independent administrative bodies Framework Act](#), within three years after the entry into force of this Kingdom Act and subsequently after every five years Our Minister shall send the States General, the Parliaments of Aruba, Curaçao and Sint Maarten a report on the efficiency and expediency of the performance of the Board.
2. By ministerial regulation, as referred to in Article 26, third paragraph, regulations shall be laid down concerning the realisation of the report and the involvement of the Board in this respect.

## CHAPTER 10. NEGLECT OF DUTIES

### Article 84

1. In derogation of [Article 23, first paragraph, of the independent administrative bodies Framework Act](#), Our Minister and Our Minister whom it also concerns may take the necessary measures, if in the opinion of Our Minister and Our Minister whom it also concerns the Board remains seriously in breach in the performance of its task with respect to the investigations referred to in the provisions by virtue of Article 5. In that case Articles 32 through 40, 69 and 70 are applicable mutatis mutandis to the persons to be appointed by Our Minister and Our Minister whom it also concerns. Investigations shall be conducted in compliance with Articles 44 through 65. Furthermore, Articles 73 and 74 are applicable mutatis mutandis.
2. In derogation of [Article 23, second paragraph, of the independent administrative bodies Framework Act](#), the term within which the Board is given the opportunity to still properly perform its task shall be determined by Our Minister in agreement with Our Minister whom it also concerns.
3. In derogation of [Article 23, third paragraph, of the independent administrative bodies Framework Act](#), Our Minister and Our Minister whom it also concerns shall also inform the Board, the Parliaments of Aruba, Curaçao and Sint Maarten without delay of the measures taken by them, as referred to in the first paragraph.

## CHAPTER 11. TRANSITIONAL AND FINAL PROVISIONS

### Article 85

[deleted as per 01-01-2021]

### Article 86

[deleted as per 01-01-2021]

### Article 87

[deleted as per 01-01-2021]

### Article 88

[deleted as per 01-01-2021]

### Article 89

[deleted as per 01-01-2021]

**Article 90**

[deleted as per 01-01-2021]

**Article 91**

[deleted as per 01-01-2021]

**Article 92**

[deleted as per 01-01-2021]

**Article 93**

[deleted as per 01-01-2021]

**Article 94**

[deleted as per 01-01-2021]

**Article 95**

[deleted as per 01-01-2021]

**Article 96**

1. In connection with international treaties and resolutions of international institutions further rules may be laid down by or pursuant to a Kingdom Order in Council or an Order in Council with respect to the Board, its task and the performance thereof.
2. The rules referred to in the first paragraph, laid down by a Kingdom Order in Council or an Order in Council, may deviate from the regulations of the present Kingdom Act. If this is the case, a legislative proposal for a Kingdom Act regulating the subject in question shall be submitted to the States General as soon as possible. If the legislative proposal is withdrawn or if either of the Chambers of the States General decides not to pass the legislative proposal, the Order in Council or the Kingdom Order in Council shall be withdrawn without delay. If the legislative proposal is passed as a Kingdom Act, the Order in Council or the Kingdom Order in Council shall be cancelled on the date on which this Kingdom Act enters into force.

**Article 97**

[deleted as per 01-01-2021]

**Article 98**

This Kingdom Act is quoted as: Kingdom Act concerning Safety Investigation Board.

We hereby order and command that this Kingdom Act shall be published in the Netherlands Bulletin of Acts and Decrees, in the Official Journal of the Netherlands Antilles and the Official Journal of Aruba and that all ministries, authorities, bodies and officials whom it may concern shall diligently implement it.

The Hague, 2. December 2004

Beatrix

The Minister of the Interior and Kingdom Relations, The Minister of Justice,

J.W. Remkes

Published on the twenty-third day of December of 2004

The Minister of Justice:

J.P.H. Donner

---

**DISCLAIMER:**

This is a non-official translation of the Rijkswet Onderzoeksraad voor veiligheid (Kingdom Act Dutch Safety Board). If there is any discrepancy between this translation and the original Dutch version, the Dutch version prevails.