

Dear Mr. President,

With regards to the fourth round of evaluation from 2013, Transparency International Netherlands (hereafter: Transparency), would like to request GRECO to review the implementation of the recommendations by the Second Chamber of the Netherlands (Tweede Kamer). It is our understanding such individual country reviews, concerning past evaluation rounds, are regularly carried out under item 4 of the order of business of the plenary meetings.

Transparency fights corruption in all of its forms and for that reason consistently monitors the integrity of Dutch politicians. Using our own platform Integrity Watch (see: integritywatch.nl) and through media reports we consistently find that the code of conduct of the Second Chamber is not adequately adhered to. Recent reporting by *Nieuwsuur* has confirmed that the lack of adherence to the rules stems from a minimalistic interpretation and – in practice - erroneous implementation of the second recommendation from GRECO's fourth evaluation round.

The second recommendation from the fourth evaluation round of GRECO's anti-corruption standard for the Netherlands:

(i) current disclosure requirements applicable to the members of both Chambers of Parliament be reviewed with a view to increasing the categories of interests and the level of detail to be reported as to provide all the relevant and necessary information on interests of members of Parliament (e.g. outside activities and positions, assets, liabilities) and (ii) that consideration be given to widening the scope of disclosure to include information on spouses and dependent family members, as appropriate (it being understood that such information would not necessarily need to be made public).

We base our most recent assessment on a letter sent to the Speaker of the Second Chamber on the 17th of March 2024 by the independent integrity advisor (Onafhankelijk adviseur integriteit), which outlined a hitherto unknown policy of the Dutch Second Chamber (see attachment I). The policy prescribes, contrary to GRECO recommendations, that members of the Second Chamber need not declare all of their assets. Under ancillary income, the letter argues, that politicians do not need to declare income from substantial interest (so-called “box 2 income”) and income from investments (so-called “box 3 income”). Secondly, the letter states that there is no need for members of Parliament (MP) to declare their assets under the “any interests that can reasonably be deemed relevant. The letter states that substantial interests are only relevant in “some cases”. It is our understanding that this policy is not compliant with the second recommendation from the fourth evaluation round of GRECO's anti-corruption standard for the Netherlands.

This recommendation clearly states that *all the relevant and necessary information on interests of members of Parliament* need to be declared. In the compliance report by GRECO from 2015, it was concluded that the Netherlands had implemented this recommendation adequately. However, based on the letter provided by the independent integrity advisor to the Second Chamber we can now conclude that these rules are not realised in practice.

Transparency argues that this is in breach of the recommendations set out by GRECO. It leads to the rather absurd situation where an MPs' presidency of a local sports club needs to be declared, whereas an asset portfolio worth millions is left up to the discretion of the MP. We believe this was not GRECO's intention when drafting the recommendation.

This issue is worsened by the fact that non-compliance with the existing rules is a recurring issue. Based on reporting by the Dutch broadcaster *Nieuwsuur* from March 26, 2023, it has come to our attention that nearly one-third of MPs are non-compliant with the existing code of conduct of the Second Chamber. In the appendix, we have outlined numerous media reports and a link to our own research based on data from [Integritywatch.nl](https://integritywatch.nl) providing evidence for the lack of adherence to the existing rules.

Transparency hopes that the seriousness of the failure of the Second Chamber to comply with GRECO recommendation will result in the application of Article 34 of the rules of procedure.

Yours Sincerely,

Lousewies van der Laan

Executive Director of Transparency International Netherlands

Appendix i: Media reports from the last seven years

3 February 2024 (Follow the Money): [‘Mona Keijzer en elf andere Kamerleden gaven neveninkomsten en -functies niet op’](#)

Members of the Dutch parliament are obliged to report their secondary functions and sources of ancillary income. After MP’s from ‘Forum for Democracy’ refused to report on their commercial activities, Follow the Money started an investigation into the entire parliament. They found 12 MP’s who failed to comply with the reporting standards.

12 December 2022 (BNR Nieuwsradio): [‘Veel Kamerleden melden bijverdiensten niet, mogelijk te veel salaris’](#)

If MP’s profit from an ancillary source of income above certain thresholds, their compensation for their work as MP gets cut. To be able to do this, (ex-)MP’s need to provide information on their financial situation on a yearly basis. BNR investigated this practice and found that 90 MP’s failed to provide the needed information on time. Of which three were party leaders.

15 July 2022 (Het Parool): [‘Cadeau gegeven Grote Bosatlas toont: geschenkenregister Tweede Kamer is niet op orde’](#)

MP’s are obliged to report gifts they receive above a value of € 50. To test this, Parool investigated how many MPs had reported receiving ‘the big forest atlas’ (worth €69,99), that the publishing house had sent to all 150 MP’s. The results: 41 MP’s didn’t register the atlas as a gift.

12 November 2020 (Zembla): [‘Complete lijst Kamerleden die in de fout gingen met melden nevenfuncties’](#)

Zembla, in line with the abovementioned article, investigated to what degree MP’s comply with the integrity regulations that apply to them. They found that 21 MP’s failed to register a secondary function, 8 MPs failed to report their income from a secondary function, and 4 MP’s rented out real estate without reporting on it.

November 2020 (Transparency International Nederland): [‘Integriteit onder nieuw toezicht’](#)

This report highlights the first results from the data collected for the ‘Integrity Watch’ platform. The main takeaways were that 83% of MP’s had a secondary function (of which 20% was paid), relevant information on secondary functions was often missing, and reporting on received gifts and paid-for-travels was, at least, sub-par. The main recommendation at that time was: instate a watchdog that oversees the integrity code with a sufficient mandate, and the resources to back it up, that can independently investigate and sanction breaches.