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THE TOP TEN BOTHERSOME RULES FOR BUSINESSES IN THE NETHERLANDS

AN EURO-AMERICAN LAWYERS GROUP BRIEFING ARTICLE

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The Ministry of Economic Affairs has published a Top 10 of bothersome rules for businesses. The cabinet seeks by means of this Top 10 to chart the bottlenecks which businesses experience as most bothersome in practice and which according to them should be dealt with first. The Ministry had requested this Top 10 after complaints of businesses that the government initiatives for dealing with the pressure caused by regulations are too abstract and fragmented and do not sufficiently align with daily business practice. It is the first of two reports with recommendations to the cabinet.

The report is particularly aimed at determining the most bothersome compliance costs. Compliance costs are the additional costs that companies have to make to comply with the requirements laid down in legislation and regulations (standards, rules, procedures, etc.) with regard to the conduct of people and circumstances (buildings, production processes or products/services) in companies with an eye on safeguarding public goals. With an eye on reducing these bothersome compliance costs, a number of recommendations have been made in the Top 10. These are recommendations to, *inter alia*:

Limit changes in rules by introducing national change dates for adjusting regulations. One example is the frequent change of salary tables, causing businesses to incur a variety of costs to adjust the company administration. This is also fleshed out in the Domain Report;

Critically review the usefulness of and need for information obligations such as that of the CBS. The Domain Report fleshes out various information obligations of fiscal and financial regulations;

Critically review the usefulness of and need for frequent (sometimes double) tests and inspections;

Prevent capricious and contradictory enforcement by various inspections by better alignment and more centralisation of powers. This also applies for divergent local requirements, particularly of environmental and building regulations (fire safety requirements) and the list of local taxes and fees which are often not substantiated; more alignment is also necessary for the wide range of



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EALG BRIEFING
OCTOBER 2005
PAGE 2 OF 2*

requirements for stocking shops (access times and vehicle requirements). This costs retailers € 425 a year;

To critically determine whether a large number of Occupational Health and Safety requirements are justifiably so stringent and costly for businesses. Examples are the chair required by Occupational Health and Safety (€ 500) and the compulsory safety belts for forklift trucks; Exclude mobile employees (drivers) from the Working Hours Act, which as of 2006 will apply in addition to the driving and rest time regulations and would make it impossible to draw up driver schedules.

And, finally, to implement the European regulations relating to notification of industrial and hazardous waste less strictly. Now even schools and associations have to give notice that they collect old newspapers!

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