

# Regulations on Gifts 2021

## Erasmus University Rotterdam

The University Council has advised on these Regulations on **8 November 2021**.

These Regulations were adopted on **25 November 2021** by the **Executive Board**, following agreement with **EUROPA** on 25 November 2021.

These Regulations enter into force on **1 December 2021**.

## Content

|  |   |
|--|---|
| Chapter I - General.....                                       | 3 |
| Article 1.1 - Definitions.....                                 | 3 |
| Chapter II – Principles .....                                  | 3 |
| Article 2.1 - Objective .....                                  | 3 |
| Article 2.2 - Gifts .....                                      | 3 |
| Article 2.3 - Scope.....                                       | 4 |
| Chapter III – Permitted Gifts .....                            | 4 |
| Article 3.1 - Acceptance of Gifts with consent.....            | 4 |
| Article 3.2 - Acceptance of Gifts without Written Consent..... | 4 |
| Article 3.3 - Deviations .....                                 | 4 |
| Chapter IV – Non-permitted Gifts .....                         | 5 |
| Article 4.1 – Non-permitted gifts.....                         | 5 |
| Chapter V – Conduct and appropriate measures .....             | 5 |
| Article 5.1 – Conduct.....                                     | 5 |
| Article 5.2 – Appropriate measures.....                        | 5 |
| Chapter VI – Final and transitional provisions.....            | 5 |
| Article 6.1 - Interpretation.....                              | 5 |
| Article 6.2 - Management of Regulations.....                   | 5 |
| Article 6.3 - Translation.....                                 | 5 |
| Article 6.4 - Publication.....                                 | 5 |
| Article 6.5 - Entry into force.....                            | 6 |
| Article 6.6 - Official title .....                             | 6 |
| Article 6.7 - Applicable law.....                              | 6 |

## Chapter I - General

### Article 1.1 - Definitions

1. The following definitions apply in these Regulations:
  - *Awb*: General Administrative Law Act (Algemene wet bestuursrecht);
  - *Board*: The Executive Board of the EUR;
  - *BW*: Dutch Civil Code (Burgerlijk Wetboek);
  - *cao NU*: Collective Labour Agreement Dutch Universities (cao Nederlandse Universiteiten);
  - *Employee*: The person who has an employment contract with the Employer;
  - *Employer*: The EUR, legally represented by the President of the Board;
  - *EUR*: Erasmus Universiteit Rotterdam;
  - *EUROPA*: Erasmus Universiteit Rotterdam Overleg Personeel Aangelegenheden, the local trade union delegation;
  - *Gift*: A present that can be measured in value that you receive from another person/ Provider;
  - *Line manager*: the person who, on behalf of the Board, is directly in charge of the Employee;
  - *Provider*: The natural or legal person who offers/ makes available/ provides a Gift to Employee;
  - *Regulations*: Regulations on Gifts EUR;
  - *Senior line manager*: The person who, on behalf of the Board, stands in line above the Employee's Line manager;
  - *WhW*: the Higher Education and Research Act (Wet op het Hoger Onderwijs), abbreviated to 'WHW';
  - *Written / in Writing*: Written or conducted by electronic means, as meant in Article 6:227a of the Dutch Civil Code;
2. The terms used in these Regulations have the same meaning as in the law (e.g. General Administrative Law Act, Civil Code, Higher Education Act) if the terms also occur in the law and are not defined.
3. Where in these Regulations terms are expressed in singular, this can also be used in plural and vice versa.

## Chapter II – Principles

### Article 2.1 - Objective

For the EUR, integrity and the realisation of an integer working environment are of great importance. Accepting donations can lead to conflicts of interest in various ways, which can negatively affect independence in, for example, assessment situations or the careful use of public funds. These Regulations, in addition to Article 1.15 of the CAO-NU, provide frameworks for the acceptance of donations in order to prevent conflicts of interest.

### Article 2.2 - Gifts

In the context of these Regulations, a Gift is understood to mean, in any case but not exclusively:

- o a reward,
- o a promise;
- o a (business) gift, whether or not digital;
- o a service;
- o a benefit;
- o a voucher;
- o a gift voucher;
- o an invitation to participate in and/or access to an event, such as a performance, congress, dinner, party, concert or (sports) competition.

### Article 2.3 – Scope

These Regulations apply to Employees.

## Chapter III – Permitted Gifts

### Article 3.1 – Acceptance of Gifts with consent

1. As a rule, an Employee may only accept a Gift with the prior consent of the (Senior) Line manager.
2. The consent, as referred to in paragraph 1, must be given in writing by the (Senior) Line manager.

### Article 3.2 – Acceptance of Gifts without Written Consent

1. A Gift may be accepted by the Employee without the prior Written consent of the (Senior) Line manager, if the following conditions are fulfilled:
  - a. the Gift represents a value of up to and including € 50 per calendar year per Provider;
  - b. Employee is not in an evaluation or negotiation situation or in (the preparation of) a tender procedure with the Provider at the time of receiving the Gift;
  - c. the independence and impartiality of Employee will be sufficiently guaranteed;
  - d. the receipt of a Gift is in no way connected to any consideration, whether in advance, now or in the future, and;
  - e. The Employee will report the receipt of a Gift to the (Senior) Line manager in Writing.
2. If the Employee is in doubt as to whether a Gift meets the conditions of article 3.2 paragraph 1, the Employee will ask the (Senior) Line manager for permission in Writing.
3. In derogation from article 3.2 paragraph 1, a Gift with a value of up to and including € 20 per Provider may be accepted without Written consent from the (Senior) Line manager and/or Written notification to the (Senior) Line manager.
4. In derogation from article 3.2 paragraph 1, a Gift given to Employee as a prize or award for work done by Employee or special achievements of Employee related to work and/or a prize from a lottery connected to work related activities may be accepted without Written consent from the (Senior) Line manager and/or Written notification to the (Senior) Line manager.

### Article 3.3 – Deviations

1. If a Gift does not meet all the conditions of article 3.2 paragraph 1, it is not to be accepted, unless prior Written consent has been given by the (Senior) Line manager of

- the Employee. The (Senior) Line manager will, after receiving a Written request to that effect from the Employee, assess whether there is reason to deviate from article 3.1, subject to the additional conditions that a Gift must be functional, purposeful, and proportionate. If these conditions are met, the (Senior) Line manager may grant the Employee Written consent to accept the Gift.
2. The (Senior) Line manager will decide on a request for Written consent to accept a Gift, as referred to in article 3.2 paragraph 2 or article 3.3 paragraph 1, within two weeks of receiving the Written request, with a maximum of 4 weeks in case of special circumstances
  3. In the context of international relations, a Gift, which does not meet all the conditions of article 3.2(1), may be accepted on behalf of the EUR. This Gift is to be delivered to the Board.

## Chapter IV – Non-permitted Gifts

### Article 4.1 – Non-permitted gifts

It is not permitted to accept cash, digital/virtual money, bitcoins, tokens, etc. and/or funds via giro/electronic/digital transfer.

## Chapter V – Conduct and appropriate measures

### Article 5.1 – Conduct

Both the Employer and the Employee are expected to act as a good employer and good employee, as laid down in Article 1.8 of the CAO-NU and Article 7:611 of the Dutch Civil Code.

### Article 5.2 – Appropriate measures

If actions are not in accordance with the framework of these Regulations, the Employer will take appropriate measures.

## Chapter VI – Final and transitional provisions

### Article 6.1 - Interpretation

In cases related to the subject matter of these Regulations which are not provided for in these Regulations, or where these Regulations give rise to more than one interpretation, the President of the Board shall decide on behalf of EUR.

### Article 6.2 - Management of Regulations

These Regulations are administered by: Human Resources.

### Article 6.3 - Translation

If a conflict arises between the translation and the Dutch version, the Dutch version shall prevail.

### Article 6.4 - Publication

The Board will publish these Regulations on the EUR website.

### **Article 6.5 - Entry into force**

1. These Regulations shall enter into force on 1 December 2021.
2. These Regulations are adopted by the Board on 25 November 2021 after consulting the University Council on 8 November 2021 and agreement with EUROPA on 1 November 2021.

### **Article 6.6 - Official title**

These Regulations shall be cited as: Regulations on Gifts.

### **Article 6.7 - Applicable law**

These Regulations shall be exclusively governed by Dutch law.