

Act of 1 December 2011 for the amendment of the ‘Water Act’ and the ‘Infrastructure Fund Act’ regarding the protection against flooding and management of fresh water supply in relation to expected climate changes (Delta Act water safety and fresh water supply)

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

(Preamble)

Article 1

The Water Act is amended as follows:

A

(Additions of definitions)

B

After article 3.6 a section shall be added as follows:

Section 1a. The Delta Commissioner

Article 3.6a

1. There shall be a government commissioner for the delta program under the direct responsibility of the Minister. He will have the title “delta commissioner”.
2. The delta commissioner will be appointed by royal decree, in agreement with the sentiment of the council of ministers. Accordingly, he may be suspended and dismissed by royal decree.
3. The delta commissioner will be appointed for a period of at most seven years and may be re-appointed once.
4. A ministerial regulation may set further rules concerning:
 - a. Appointment, suspension, temporary incapacity to perform duties, dismissal;
 - b. Responsibility in case of illness;
 - c. Other matters, concerning the delta commissioner’s legal position, which require regulation.

Article 3.6b

The delta commissioner promotes the realization and implementation of the delta program. To this end, he:

- presents a yearly proposal for the delta program to the council of ministers;
- promotes consultation with relevant authorities, companies and civil organizations;
- safeguards the progress of the implementation of the delta program and reports and advises the council of ministers on this progress.

Article 3.6c

At his request, the delta commissioner will acquire all information from the Ministers necessary for the realization and implementation of the delta program.

Article 3.6d

1. For the implementation of article 3.6b the delta commissioner will convene regularly with relevant authorities at the provincial, water board and municipal levels.
2. Other relevant authorities may also be invited to these meetings.
3. In these meetings at least the following be discussed: the progress of the implementation of the delta program and proposals for measures and provisions in the framework of the delta program.

Article 3.6e

The delta commissioner shall not perform any duties in the fields of water management, nature, environment or spatial quality in any other public-administrative function or in the private sector.

Ba

After article 3.13, an article will be inserted as follows:

Article 3.14

1. The Minister shall ensure a balanced distribution among water boards of costs concerning high water protection.
2. The Minister shall inform both Chambers of the Estates-General (the Upper and Lower Houses of the Dutch Parliament) of any intended changes in the distribution of costs as mentioned under paragraph 1.

C

(addition to earlier Water Act)

D

After article 4.8 a chapter will be added, as follows:

Chapter 4A Delta Program

Article 4.9

1. There shall be a delta program.
2. The delta program contains, with regard to the challenges in the field of security and fresh water supplies:
 - a. Measures and provisions of national importance for the prevention and, if necessary, mitigation of floods and water shortage;
 - b. Measures and provisions for the protection or improvement of the chemical and ecological quality of water systems, in as far as these are part of the aforementioned challenges.
3. The delta program may also contain ambitions with regard to other policy fields, provided that these do not compromise the challenges as mentioned under paragraph 2.
4. Studies in the interest of the measures and provisions as mentioned under paragraphs 2 and 3 may also be part of the delta program.
5. In the delta program there shall be, as far as possible, yearly indications for the following six years, in as much detail as possible, of the measures and provisions that shall be implemented in that period and which means will be provided for:
 - a. Challenges as described in paragraph 2, subsection a or subsection b, where a distinction shall be made between maintenance and management on the one hand, and construction on the other hand;
 - b. Ambitions as described in paragraph 3, accompanied by an indication of these ambitions shall be financed;
 - c. Studies as described in paragraph 4.

In addition, there shall be an indication of the measures or kinds of measures that are envisioned for the following twelve years and which means shall be available for these in case of unchanged policies.

6. The delta program shall make visible in which ways it thus contributes to the achievement of the goals of the national water policy plan in the field of water safety and fresh water provision.
7. The delta program shall indicate how it took into account the proposal and the advice as mentioned in article 3.6b.

Article 4.10

1. The Minister shall submit annually the delta program to both Chambers of the Estates-General, together with the budget of the delta fund.
2. The Minister will inform both Chambers of the Estates-General in writing of the conclusions he attaches to the deliberations in the Estates-General about the delta program for the implementation of that program.
3. These conclusions will be marked as part of the delta program.

Da

(Changes to existing articles)

Db

(Minor corrections)

E

After article 7.22 a section shall be inserted as follows:

Section 4a. The delta fund

Article 7.22a

1. There shall be a delta fund.
2. The delta fund has as its goal the financing of:
 - a. Measures and provisions with regard to the challenges in the areas of water security and fresh water provision, as mentioned in article 4.9 (2);
 - b. The collection, processing and distribution of data relevant to subsection a and the conduct of studies relevant to subsection a.

Article 7.22b

1. The delta fund is a budget fund as described in article 9 (1) of the Comptability Act 2001.
2. The Minister shall manage the delta fund.

Article 7.22c

1. The income of the delta fund shall be:
 - a. A fee charged to the budget of the Ministry of Infrastructure;
 - b. Fees charged to other national budgets;
 - c. Fees charged to third parties;
 - d. Other income in relation to the achievement of the goals of the delta fund.
2. In any year, the remaining balance of the preceding year shall be transferred to the budget of the delta fund.

Article 7.22d

1. The delta fund will be charged with expenses in relation to the challenges as mentioned in article 4.9 (2), with the purpose of:
 - a. Construction, improvement, management, maintenance and operation of water infrastructure that is or will be managed by the national Government , with the aim of prevention and, where necessary, mitigation of floods and water shortages;

- b. Measures and provisions with the aim of protecting or improving the chemical or ecological quality of water systems, in as far as these are part of the challenges meant in article 4.99 (2)(a), and;
 - c. The collection, processing and distribution of the data relevant to subsections a and b;
 - d. Studies relevant to subsections a and b.
- 2. The Minister can extend subsidies from the delta fund, in relation to the challenges as mentioned in article 4.9 (2), to the benefit of:
 - a. Construction, improvement, management, maintenance and operation of water infrastructure that is or will be managed by the national Government , with the aim of prevention and, where necessary, mitigation of floods and water shortages;
 - b. Measures and provisions with the aim of protecting or improving the chemical or ecological quality of water systems, in as far as these are part of the challenges meant in article 4.9(2)(a), and;
 - c. Studies relevant to subsections a and b.
- 3. Subsidies extended through the delta fund are subject to articles 3 to 6 of the Frame Act Subsidies Infrastructure.
- 4. Subsidies as mentioned in paragraph 2 which are charged to a budget that has not yet been determined, are extended under the condition as mentioned in article 4:34(1) of the General Act State Law.
- 5. To the delta fund expenses may additionally be charged for the benefit of measures and provisions as mentioned in article 7.22a(2)(a), as well as for the benefit of the collection, processing and distribution of data and the conduct of studies as mentioned in article 7.22a(2)(b), with regard to sections of the basin districts Eems, Maas (Meuse), Rijn (Rhine) and Schelde (Scheldt).
- 6. Expenses for the purpose of the office supporting the activities of the delta commissioner, accommodation costs of the office and other expenses related to the exercise of the delta commissioner's function will also be charged to the delta fund.
- 7. Other expenses in framework of the achievement of the delta fund's goals shall also be charged to the fund.
- 8. The negative balance of a previous year will be charged to the delta fund's budget in any year.

(amendments to infrastructure acts)

(closing formalities)