

Please note this is an unauthorised translation of the original Dutch text "*Werkwijze RC en ECR in verband met het feitenonderzoek*". In case of divergence in the translated version, the original Dutch text prevails.

RC and ECR Procedure Relating to the Investigation into the Facts

Principles underlying research for the purposes of the restitution procedure

- The RC and the ECR are independent of each other and operate as such.
- After the request has been received, the RC and the ECR may contact one another at any moment during the procedure and share information, while each retains its own responsibilities.
- The RC and the ECR are transparent in their communication with the parties about this information sharing and any decisions resulting from it.
- The ECR gives due regard to the 2018 Netherlands Code of Conduct for Research Integrity and the supplementary guidelines of the KNAW (Royal Netherlands Academy of Arts and Sciences) when conducting the investigation on behalf of the RC.

Start of restitution procedure

- At the beginning of the procedure the RC will tell the parties as well and as comprehensively as possible about the procedure, the steps in it and the division of tasks between the RC and the ECR.

Identification of issues to be investigated by the ECR

- The RC sends the ECR the standard issues to be investigated for the purposes of structuring the overview of the facts.
- The RC consults the ECR about other issues beforehand. The reason for this is that specific issues can have a significant impact on the scope of the ECR investigation.

Current investigations

- The ECR may ask the RC to discuss dilemmas in current investigations with the RC in a meeting.
- The ECR will account for the choices that it makes concerning the dilemmas discussed with the RC in the overview of the facts.

Completion of draft overview of the facts by the ECR

- The ECR sends the draft overview of the facts to the parties for comment (factual corrections and additions). After the ECR receives the responses, it sends them together with the draft, including any amendments, to the RC.
- The RC invites the ECR to a meeting to discuss the draft overview of the facts, including any amendments, and the responses received.
- As it does after all previous steps, the ECR accounts for steps resulting from the discussion in its final overview of the facts.
- The ECR sends the final overview of the facts to the RC.

Completion of final overview of the facts by the ECR

- The RC sends the final overview of the facts it has received to the parties for reactions.
- The RC only invites the ECR to a meeting if the responses to the final overview of the facts it receives from the parties give reason.
- The RC sends any further questions it may have to the ECR and the replies to them from the ECR to the parties for their information.

Hearing

- The RC invites the ECR to attend a hearing in its capacity as an expert.

Focal point and communication

- The RC is the focal point for questions relating to the pending application at the start of and during the investigation.
- The ECR only contacts the parties directly if that is necessary in the context of / for the purposes of the investigation.
- The ECR notifies the RC if parties are not prepared during current investigations to supply to the ECR certain documents requested by the ECR. This may give the RC reason to contact parties.

Finally

- The RC may decide to depart from this procedure in exceptional cases.
- The RC communicates with the ECR and the parties about this.

Adopted in the RC meeting of 12 July 2021