

Annex 3 - Changes to administrative relations on implementation of section 13 of the Act

Island Council (IC)	Executive Council (EC)	Government Commissioner (GC)
<ul style="list-style-type: none"> The IC has regained the power to appoint and dismiss commissioners. 	<ul style="list-style-type: none"> The EC shall again conduct the SME's day-to-day management. The EC has regained responsibility for carrying out autonomous and co-government tasks, including monitoring compliance with laws and regulations and enforcement in case of violations of the EC's statutory tasks and powers. The above does not include the following tasks and powers: <ul style="list-style-type: none"> The tasks and powers of the IC and EC that relate to setting rules about the clerk's office and further civil service organisation and decisions on appointment, suspension and dismissal of officials and the tasks and powers exercised by the IC and EC under the BES Special Municipalities Finance Act (Wet financiën openbare lichamen Bonaire, Sint Eustatius en Saba). <p>The implementation of Phases 2.1 and 2.2, respectively will also allocate these tasks and powers back to the EC.</p>	<ul style="list-style-type: none"> The GC continues to take the place of the governor and, in that capacity, is charged with (1) the tasks and powers assigned to the governor under the BES Special Municipalities Act (Wet openbare lichamen Bonaire Sint Eustatius en Saba), and (2) the autonomous and co-government tasks assigned to the governor in the regular situation. The GC continues to substitute for the IC and EC with regard to the tasks and powers exercised by the IC and EC relating to the clerk's office and civil service organisation. The GC continues to substitute for the IC and EC with regard to the tasks and powers exercised by the IC and EC under the BES Special Municipalities Finance Act. The GC (instead of the Kingdom Representative) maintains supervision by approving decisions of regulations adopted by the IC. The GC may only withhold approval as referred to above if said decisions are contrary to law or on the grounds specified in the relevant articles of the BES Special Municipalities Act. The GC provides additional supervision by approving all decisions of the EC, except those mentioned in sections 5(2), 7 and 8 of the Act. The GC may only withhold approval as referred to above if said decisions are contrary to law or, in the GC's opinion, implementation of the decision in question: <ul style="list-style-type: none"> has disproportionately adverse effects on SME residents in relation to its objectives; results in unreasonable administrative or financial burdens on SME; impedes the proper future functioning of the island administration. <p>If, on closer inspection, decisions that have entered into force prove nevertheless contrary to law or the</p>

		<p>public interest, the GC can refer them for annulment by applying section 223 of the BES Special Municipalities Act. If the EC does not or not properly perform the tasks arising from co-government legislation, the GC - in his tasks as governor - may also act in the place of the EC with application of section 231 of the BES Special Municipalities Act.</p>
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