

Orange Knowledge Programme Reminder Procedure

Version November 2017

Dutch institutions are granted subsidies to finance Orange Knowledge Programme individual scholarships. These grant awards are subject to the Orange Knowledge programme Grant Conditions. Failing to meet the Grant Conditions can have serious consequences for the amount of the awarded subsidy. Reporting is one of the obligations. Dutch institutions must submit the complete intermediate and final reports before the applicable reporting deadlines in Atlas as stated in the Grant Conditions. Nuffic will apply the following reminder procedure as of November 2017 if the Dutch institutions fail to meet the reporting obligations.

Step 1: Formal Reminder

If the Dutch institution fails to submit the complete report before the applicable reporting deadline, Nuffic will send a formal reminder by email to the Orange Knowledge Programme contact person of the Dutch institution. This reminder states that the Dutch institution must submit the complete report within two weeks after receiving the email and announces the further steps of the reminder procedure.

Step 2: First Notice

If Nuffic does not receive the complete report before the deadline stated in the formal reminder, Nuffic will send a first notice to the Orange Knowledge Programme contact person by email. The Dutch institution must submit the complete report within three weeks after the letter date stated on the first notice.

Step 3: Final Notice

If the Dutch institution again fails to observe the deadline mentioned in the first notice, Nuffic will send a final notice to the Executive Board (College van Bestuur) by email. The Dutch institution has the opportunity to submit the complete report within three weeks after the letter date stated on the final notice. The Orange Knowledge Programme contact person will receive a copy of this letter by email.

Step 4: Settlement of the grant/ subsidy decision

Following section 4:46¹ of the General Administrative Law Act (Algemene Wet Bestuursrecht) Nuffic will decide to settle the grant at a lower amount or at zero.

¹ Article 4:46 General Administrative Law Act

1. If an administrative decision to grant a subsidy has been made, the administrative authority shall fix the subsidy in accordance with the administrative decision granting the subsidy.
2. The subsidy may be fixed at a lower amount if:
 - (a) the activities for which subsidy has been granted have not taken place or have not taken place in their entirety;
 - (b) the subsidy recipient has not complied with the obligations attached to the subsidy;
 - (c) the subsidy recipient has provided incorrect or incomplete information and the provision of correct and complete information would have led to a different administrative decision on the application for the granting of subsidy, or
 - (d) the granting of the subsidy was otherwise incorrect and the subsidy recipient knew or should have known this.
3. In so far as the amount of the subsidy is dependent on the actual costs of the activities for which subsidy has been granted, costs which cannot reasonably be regarded as necessary shall not be taken into account in fixing the subsidy.

Nuffic will send this decision to the Executive Board by email with a copy to the Orange Knowledge Programme contact person. The Dutch institution must reimburse all excess payments within 6 weeks on the basis on an invoice that Nuffic will send².

Retention of Orange Knowledge programme administration

Article 4:69³ of the General Administrative Law Act (Algemene Wet Bestuursrecht) indicates that subsidy administration should be retained during 7 years after the subsidy has been settled and the file has been closed. It is the responsibility of the Dutch institutions to fulfill the obligations following from the General Administrative Law Act.

² Amounts of subsidy and advances that have been paid without being owed may be recovered in so far as five years have not expired since the date on which the subsidy was fixed or the act as referred to in article 4:49, subsection 1 (c), took place.

³ Article 4:69 General Administrative Law Act

1. The subsidy recipient shall keep such accounting records that it is possible to determine from them at any time the rights and obligations that may be important to the fixing of the subsidy and the payment and receipts.
2. The accounts and the papers pertaining thereto shall be kept for seven years.