



Year 2016

3

Decree of 23 December 2015, containing provisions for an experiment with a view to improving the accessibility and efficiency of higher education through the introduction of PhD training (*Besluit experiment promotieonderwijs*; Decree on PhD training programme experiment)

We Willem-Alexander, by the grace of God, King of the Netherlands, Prince of Orange-Nassau, etc. etc. etc.

On the recommendation issued by the Minister of Education, Culture and Science, of 1 July 2015, no. WJZ/ 777029 (10335), Legislation and Legal Affairs Department, also on behalf of the Minister of Economic Affairs;

Having regard to Articles 1.7a 1 and 2 of the Higher Education and Research Act;

Having consulted the Advisory Department of the Council of State (opinion of 19 October 2015, no. W05.15.0211/I);

Having seen the more detailed report by the Minister of Education, Culture and Science of 21 December 2015, no. WJZ/ 842867(10335), Legislation and Legal Affairs Department, issued in agreement with the Minister of Economic Affairs;

Have approved and agreed the following:

CHAPTER 1. GENERAL INFORMATION

Article 1. Definitions

In this Decree the following terms are defined as follows:

a. *Act*: *Wet op het hoger onderwijs en wetenschappelijk onderzoek*; Higher Education and Research Act

b. *Minister*: the Minister of Education, Culture and Science, and, in the case of universities with degree programmes in agriculture and the natural environment, the Minister of Economic Affairs;

c. *PhD training programme*: education, in the context of this experiment, that does not take the form of a degree programme and is geared to the acquisition of research skills and generic skills by PhD students in order to benefit their PhD studies and improve their position in the labour market.

d. *university*: university, ideological university or the Open University, within the meaning of Article 1.2a of the Act;

e. *institutional board*: the executive board of a university

f. *dean*: dean, within the meaning of Article 9.12.1 of the Act

g. *PhD training-programme student*: A PhD student who begins a PhD programme after this Decree has entered into force and who has been admitted to the PhD training programme.

h. *Graduation Fund*: graduation fund within the meaning of Section 2a of Title 3 of Chapter 7 of the Act

i. *educational field*: one of the fields of study (education, agriculture and the natural environment, technology, law, language and culture, engineering and technology, and health care) specified in Article 6.13.1 of the Act.

Article 2. Aim of the experiment

The aim of the experiment is to investigate whether, by introducing a new PhD programme as the third cycle in the Bachelor's-Master's system as defined in the Bologna Declaration, the number of university PhD graduates will increase, whether opportunities for PhD students to submit and carry out their own research proposals will improve and whether the position of PhD graduates in the labour market will improve, thereby advancing the knowledge society.

Article 3. Deviations from the Act

This Decree deviates from Articles 7.3, 7.45a, 7.51, 7.51c, 7.51f, 7.51g, 9.38 and 11.13 of the Act.

Article 4. Duration of the experiment

The experiment will begin on 1 September 2016 and end on 31 August 2024.

Article 5. Content and scope of the experiment

1. On request, the Minister may grant a university permission to provide PhD training programmes and provide financial support to PhD training-programme students through the Graduation Fund.

2. Universities can participate in the experiment on condition that the number of PhD training-programme students to whom this Decree applies does not exceed 2,000

Article 6. Application to participate in the experiment

1. The institutional boards of universities that wish to participate in the experiment may submit applications until 15 March 2016.

2. The Minister may decide to specify a second and third application period.

3. The application must provide information on

a. the educational and discipline-related fields to which the PhD training programme will relate

b. the intended number of PhD training-programme students who may participate in the university's PhD training programme

c. the difference between the experimental PhD training programme and any existing PhD programmes at the university

d. how the implementation of the experiment will be monitored for the purposes of the annual report and the final report as referred to in Article 12.1 c and f.

4. The institutional board must also submit the following with the application:

a. the regulations for the PhD training programme and the regulations for the financial support of PhD training-programme students, and

b. a statement of approval of the regulations by the consultative bodies, within the meaning of Article 11.

Article 7. Decision on the application

1. The Minister will make a decision no later than six weeks after the application deadline.
2. The Minister will grant permission for participation in the experiment if the regulations for the PhD training programme and for financial support meet the conditions set out in Article 9.

Article 8. Rights and obligations relating to the intake and outflow of PhD training-programme students

1. In the decision whereby permission to participate in the experiment is granted, the Minister will specify the maximum number of PhD students that may be admitted to the PhD training programme at the university. This number may be less than the number stated in the institutional board's application within the meaning of Article 6.3.
2. The majority of the PhD training-programme students to be admitted to a university must begin the PhD training programme in 2018 at the latest.
3. In the event that the experiment ends prematurely or otherwise, the universities will give the PhD training-programme students who have not yet graduated the opportunity to complete the PhD programme as employees of the university.

Article 9. Rights and obligations relating to the design of the PhD training programme and financial support

1. The institutional board will draw up regulations for PhD training programmes. These regulations must include, at the very least:
 - a. the admission requirements for the PhD training programme
 - b. the design of the PhD training programme, including preparation for the labour market
 - c. modes of assessment in the PhD training programme
 - d. criteria for terminating a PhD training-programme student's participation in the PhD training programme.
2. The tuition fees payable by PhD training-programme students to the institutional board will be equal to the full statutory tuition fees within the meaning of Article 7.45.1 of the Act. Article 7.48.1 of the Act also applies. The institutional board may waive part or all of the tuition fees.
3. The institutional board must make provision for financial support for PhD training-programme students through the Graduation Fund. The institutional board will draw up regulations for that purpose, including, at the very least, regulations relating to the application for, duration and amount of the financial support. The regulations must specify the circumstances in which part of all of the tuition fees will be waived. Article 7.51i of the Act also applies. Steps must also be taken to ensure that the provision of this financial support does not have any negative effects on the provision of support to regular students through the Graduation Fund.
4. Financial support from the Graduation Fund must not be provided to PhD training-programme students who, while following the PhD training programme, are also following a degree programme for which they are entitled to student finance under the Student Finance Act 2000 (*Wet op de studiefinanciering 2000*).
5. The special circumstances specified in Articles 7.51.1 and 7.51.2 of the Act also apply to PhD training-programme students who have incurred a study delay or are expected to do so.

Article 10. The rights of PhD training-programme students

The following also apply to PhD training-programme students:

- a. Article 7.34.1 c to e of the Act
- b. Chapter 7, Title 4 of the Act, and
- c. Titles 2 and 3 of Chapter 9 and Article 11.13 of the Act, insofar as they relate to consultative participation and for the purposes of which the PhD student is regarded as a student who is registered for a degree programme.

Article 11. Consultative participation

1. The institutional board must obtain the prior consent of the faculty council, within the meaning of Article 9.37 of the Act, for all decisions to be taken with regard to the adoption of the regulations within the meaning of Article 9.1.

2. For every decision it takes with regard to the adoption of the regulations within the meaning of Articles 9.1 and 9.3, the institutional board must obtain the prior consent of the university council or, if the executive board has decided that the Works Council Act (*Wet op de ondernemingsraden*) applies with the exception of Chapter VII B, the prior consent of the joint meeting of the works council or body appointed by the institutional board for students of the Open University pursuant to consultative participation regulations.

Article 12. Other obligations of the participating university

1. The universities also have the following obligations with regard to the permission within the meaning of Article 5:

- a. to provide information in good time to PhD training-programme students and prospective PhD training-programme students regarding participation in and the structure of the experiment, in order that the students are able to form a well-informed opinion about the consequences of the experiment
 - b. to submit an annual report on the experiment, in the report within the meaning of Article 2.9 of the Act, including the total number of PhD training-programme students at the university and the total number of PhD students who started and withdrew from PhD training programmes
 - c. to provide the information required for the evaluation for the first annual report, including at least:
 1. the total number of PhD students at the university on 1 January 2016, divided into PhD students with employee status and international scholarship PhD students.
 2. the number of PhD graduates in each educational field who completed a PhD programme between 1 January 2010 and 1 January 2016
 - d. to provide, at the request of the Minister, further information about participation in the experiment
 - e. to cooperate in the monitoring and evaluation of the experiment
 - f. to provide the Minister with a final report on participation in the experiment by 1 January 2021 at the latest, including, at least, the information referred to in Articles 13.2 and 13.3.
2. The Minister may specify other obligations for individual universities.

Article 13. Evaluation

1. The Minister will evaluate the experiment at the end of 2021, partly on the basis of the annual reports, the final report and other information, within the meaning of Article 12.

2. For the purpose of the evaluation the Minister will investigate the following, at the very least:

a. whether the university awarded more PhD degrees compared to the period 2010-2016 and, if so, whether this differs for each educational field

b. whether the number of PhD graduates and the number of PhD students has changed since 1 January 2016 in terms of category, country of origin and educational field

c. whether the quality of the theses written by students who have followed the PhD training programme differs from the quality of theses written by other PhD students.

d. the extent to which PhD training programmes have influenced the number of PhD graduates

e. whether PhD training programmes have had an effect on the allocation of teaching duties at the universities, and

f. the effect of the experiment on the functioning of the Graduation Fund.

3. During the evaluation, the views of PhD boards, PhD supervisors, lecturers, PhD training-programme students, other PhD students, the consultative participation bodies within the meaning of Article 11, and interest groups will be taken into consideration, paying particular attention to the following:

a. the views of PhD training-programme students/graduates regarding the opportunity to choose their own research topic

b. the views of PhD training-programme graduates, PhD students with employee status and the universities with regard to the fit with the labour market, and

c. the experience of the different categories of PhD graduates with regard to their status within the university and their financial position.

4. The Minister will carry out an interim evaluation two years after this Decree has entered into force.

Article 14. Enforcement and termination

1. The Minister may withdraw the permission granted within the meaning of Article 5.1 if the university fails to comply with the provisions of this Decree or the decision.

2. The Minister may decide that the experiment will be fully or partially terminated if it has serious negative effects on the research climate at one or more universities.

Article 15. Official title

This Decree may be cited as: *Besluit experiment promotieonderwijs* (Decree on PhD training programme experiment).

Article 16. Date of commencement

This Decree will enter into force on the day after the date of issue of the Bulletin of Acts and Decrees in which it is published, and will expire on 1 September 2024.

The opinion of the Advisory Department of the Council of State and the related documents will be published in the Government Gazette.

We order and command that this Decree together with the relevant explanatory memorandum shall be published in the Bulletin of Acts and Decrees.

Wassenaar, 23 December 2015

Willem-Alexander

The Minister of Education, Culture and Science,
M. Bussemaker

Issued on the *eighth* of January 2016

The Minister of Security and Justice,
G.A. van der Steur