



## **REGISTRATION REGULATIONS**

Adopted by the Board. Version of 1 March 2022

## REGISTRATION REGULATIONS

The Stichting Normering Flexwonen – SNF (Foundation for Flexible Housing Standards) keeps a register of undertakings certified according to the standards laid down in the SNF-schema voor huisvesting van arbeidsmigranten (migrant workers' housing scheme). The Foundation contracts inspection bodies to determine whether undertakings comply with the requirements of those standards.

### PART A: GENERAL

#### Article 1 | Definitions

In these regulations, the following terms have the meanings given below:

- a) the Foundation: Stichting Normering Flexwonen, established in Tilburg;
- b) the articles of association: the Foundation's articles of association;
- c) the Board: the Board of the Stichting Normering Flexwonen;
- d) inspection body: an inspection body with which the Foundation has entered into an agreement;
- e) register: the register of undertakings certified under these regulations, known as the Register Normering Flexwonen (Flexible Housing Standards Register);
- f) inspection: a check carried out by an inspection body to determine whether an undertaking complies with the requirements of the SNF's migrant workers' housing scheme;
- g) inspection report: a report in which the inspection body records the findings of its inspection and the grounds on which they are based;
- h) candidate undertaking: an undertaking that has requested an inspection under the SNF scheme, but has not yet been inspected;
- i) approved undertaking: an undertaking that complies with the requirements for registration in the Foundation's register and bears the SNF label;
- j) major deficiency: a deviation from the requirements of the standard that, because of its nature, precludes an undertaking from being or remaining registered;
- k) SNF label: the seal of approval issued by the Foundation to approved undertakings;
- l) site register: a database, accessible via a dedicated website, in which candidate and approved undertakings regularly enter or update the sites they use;
- m) responsible party: the undertaking with primary responsibility for arranging an inspection at a site;
- n) other stakeholder: an undertaking that has a site on the site list but is not responsible for arranging for its inspection because another approved undertaking is the responsible party for that site.

## **Article 2 | Object**

1. The object of the Foundation is to establish self-regulation for the housing of migrant workers. The object of the migrant workers' housing standard and the associated register is to provide parties wishing to house migrant workers, municipal authorities and migrant workers themselves with an overview of undertakings that are regularly inspected for compliance with the SNF's migrant workers' housing scheme.
2. The Foundation endeavours to achieve this object by:
  - a) entering into agreements with inspection bodies;
  - b) standardising inspections and arranging for them to be carried out by inspection bodies;
  - c) keeping a register of approved undertakings;
  - d) promoting awareness of the SNF mark and the register.

## **Article 3 | Scope**

1. These regulations apply to all applicants, candidate undertakings and approved undertakings under these regulations, and to all inspection bodies with which the Foundation has entered into an agreement.
2. The provisions of these regulations apply in full to all agreements between a candidate or approved undertaking and an inspection body.

## **PART B: INSPECTION BODIES**

### **Article 4 | Inspection bodies**

1. For the performance of its task, the Foundation shall enter into agreements with inspection bodies that comply with the requirements laid down in the regulations for inspection bodies.
2. The Foundation shall determine the number of inspection bodies with which it wishes to enter into an agreement in such a way as to provide undertakings with freedom of choice and maintain the quality of the inspections carried out by the inspection bodies.
3. The agreement may contain additional provisions that the Foundation considers necessary for the proper implementation of the regulations. Such additional provisions shall not conflict with these regulations.

### **Article 5 | Rights and obligations of inspection bodies**

The rights and obligations of inspection bodies and the conditions under which they may carry out inspections for the SNF mark are laid down in the regulations for inspection bodies.

## **Article 6 | Suspension of an agreement**

1. The Foundation may suspend or terminate an agreement with an inspection body under the regulations for inspection bodies.
2. Where an agreement with an inspection body is terminated or suspended, the rights arising from the regulations and the agreement may no longer be exercised.

## **PART C: APPLICATIONS**

### **Article 7 | Submission of an application**

1. Applicants for registration in the register must be undertakings that:
  - either deduct from, or set off against, an employee's salary a sum to cover the cost of this employee's accommodation; or
  - have entered into an agreement with the employee on the use or rental of accommodation; or
  - operate a business that provides housing for migrant workers in the Netherlands.
2. Applications must be made using the application form provided by the Foundation.
3. An application for registration and inspection must be submitted to the Foundation. The application must state the name of the inspection body with which the undertaking has entered into an inspection agreement or intends to do so.
4. The application must contain at least the following information:
  - a) legal name of the undertaking;
  - b) address of the undertaking;
  - c) Chamber of Commerce registration number; private individuals who cannot register with the Chamber of Commerce must provide the evidence described in paragraph 7 of this Article;
  - d) legal form;
  - e) SBI code(s) of the undertaking;
  - f) VAT number;
  - g) names of the directors;
  - h) name of the contact person;
  - i) sector;
  - j) number of sites at the time of application;
  - k) information on good employment practices.

Undertakings that provide housing for any of their employees must demonstrate good employment practices. How they do so depends on the collective agreement that covers them:

- Temporary employment agencies must be registered with the Stichting Normering Arbeid – SNA (Labour Standards Foundation); they are checked on the basis of their Chamber of Commerce registration number.
- Agricultural undertakings that are covered by the collective agreement for open cultivation or the collective agreement for greenhouse cultivation must submit the declaration of good employment practices under those collective agreements if they provide housing for any of their employees. They need only submit a 'do not house own employees' (geen huisvester van eigen werknemers) declaration if they do not house any of their employees.
- Undertakings operating in the mushroom sector can demonstrate good employment practices by providing a Fair Produce certificate or evidence of an application for this certificate.
- Other undertakings must submit an auditor's declaration (if they provide housing for any for their employees) or a 'do not house own employees' declaration (if they do not provide housing for any of their employees).

The undertaking bears full responsibility for ensuring that the information supplied to the Foundation and the inspection body is accurate, complete and up to date.

5. The form must be dated and signed by the applicant and accompanied by a recent excerpt (no more than 3 months old) from the Commercial Register held by the Chamber of Commerce.
6. Private individuals who have no more than one site for letting to migrant workers cannot always register with the Chamber of Commerce. Those individuals may apply with an excerpt from Kadaster (Netherlands Cadastre, Land Registry and Mapping Agency) showing that they have only one property available to let.
7. By submitting the application, applicants declare that they are familiar with the content of these regulations.

### **Article 8 | Conditions for acceptance**

1. The Foundation shall consider an application if it is complete. If an application is incomplete, the Foundation shall request additional information. If that information is not provided within 4 weeks, the application shall be rejected.
2. The Foundation may ask additional questions before considering the application. These questions must be answered within 4 weeks. If they are not answered within 4 weeks, the application shall be rejected. The undertaking

bears full responsibility for ensuring that the information supplied to the Foundation and the inspection body is accurate, complete and up to date.

3. The Foundation may reject an application in the instances listed below:
  - a) It is clear from the outset that the situation is one of those referred to in Article 16.
  - b) The undertaking is still in the middle of an inspection process that has identified deficiencies and an objection has not yet been lodged and/or an appeal settled, or (if the objection and/or appeal has been rejected) the deficiencies have clearly not been rectified.
  - c) The registration of an undertaking has been cancelled under Article 16 and the waiting period of up to 1 year imposed by the Board under Article 16(3) has not yet expired.
  - d) The undertaking has not responded truthfully to one or more questions on the application form or during the application process.
  - e) There are other legitimate reasons why the Foundation cannot reasonably be required to consider the application.

Legitimate reasons include, but are not limited to, the undertaking or one or more of its directors (or de facto directors) being found to have a history involving one of the following:

- i. fraudulent conduct in the broadest sense, with a direct or indirect link to the requirements for the SNF mark, or fraudulent conduct that is potentially damaging to the SNF mark;
    - ii. the imposition of one or more fines by Inspectie SZW (the Social Affairs and Employment Inspectorate) for housing-related matters;
    - iii. deficiencies in previous inspections for the SNF mark that led to the termination of the registration and indicate a pattern of disregarding or circumventing the standards;
    - iv. termination of the registration for the SNF mark under Article 16(1)(e) of these regulations;
    - v. disqualification of one or more directors;
    - vi. rejection of a previous application for the SNF mark.
4. If one of the directors of an undertaking is involved in an ongoing liquidation or bankruptcy application or the resolution of a bankruptcy, the Foundation may suspend its application until the bankruptcy or liquidation is complete.

## **PART D: INSPECTIONS**

### **Article 9 | Conditions for inspections**

1. An inspection shall not be carried out until the undertaking has applied to the Foundation, the Foundation has accepted the application, and the inspection body has been informed of this.
2. The undertaking must have entered into an inspection agreement with an inspection body.

#### **Change of inspection body**

3. The undertaking shall notify the Foundation if the inspection body changes or is succeeded by another inspection body.
4. The following provisions apply to approved and candidate undertakings wishing to change their inspection body:
  - a. Article 9(1) of these regulations;
  - b. any disagreement regarding an inspection result must at least have been addressed through the objection procedure;
  - c. the previous administrative inspection must have been completed in full and evidence must be provided that the registration with the Foundation continued on the basis of the inspection report;
  - d. the undertaking must have no suspended sites when the inspection body changes;
  - e. an inspection shall not take place until the new inspection body has received the inspection reports for the previous 2 years. The Foundation shall provide, or give access to, the reports within 2 weeks of the notification referred to in paragraph 3 of this article;
  - f. an undertaking that has failed a previous inspection and has allowed its application to lapse may re-apply from 1 year after confirmation of the first application. The Foundation shall inform the chosen inspection body of the previous application.
5. If an inspection body changes or is succeeded by another inspection body, the previous inspection body must provide the new inspection body with any additional information about the undertaking requested by the new inspection body.

#### **Conditions for inspections**

6. The undertaking shall provide the inspection body with all the information necessary to assess whether it complies with the requirements set out in the SNF's migrant workers' housing scheme. The undertaking bears full responsibility for ensuring that the information supplied to the Foundation and

the inspection body is accurate, complete and up to date. The inspection body may take copies of relevant information for the inspection file.

7. The undertaking must have updated the site register by the first day of each month and 1 week before the administrative inspection. The inspection body must have access to its own clients' information in the site register.
8. The undertaking shall give the inspection body its full cooperation during inspections. Only occupied sites may be inspected.
9. The undertaking shall do everything necessary and appropriate to ensure the proper implementation of these regulations and is required to comply with them.
10. The inspection body shall schedule appointments for administrative inspections to ensure that they can be carried out well before the final inspection deadline. The undertaking may postpone an inspection by up to 3 weeks, provided that it requests the postponement at least 1 week (7 days) before the inspection is due to be carried out; it may do so on one occasion only. The regular inspection shall take place no more than 2 months before the final inspection date.
11. The Foundation may be requested to bring forward the date of the administrative inspection if the undertaking so wishes. Reasons must be given for such a request. Inspection dates cannot be moved for the purpose of conducting them in a quieter period. The final dates for the next regular inspections are calculated on the basis of the new inspection date. The Foundation may refuse such a request.
12. The inspection body shall schedule appointments for site inspections to ensure that site inspections for which the undertaking is the responsible party can be carried out within the deadline set by the Foundation. New sites must be inspected within 6 weeks, except for hotels, guest houses, B&Bs and holiday homes habitually used for recreational purposes and that the undertaking uses for less than 4 weeks.
13. The undertaking shall bear the costs of inspections by an inspection body, including specific additional inspections to be carried out on behalf of the Foundation. The Foundation shall charge undertakings for any additional specific inspections carried out on its behalf. If no major deficiencies are identified during a specific additional inspection carried out on the Foundation's behalf, the Foundation may bear the inspection costs.

#### **Legal form – points to bear in mind**

14. If an approved undertaking merges with a non-approved undertaking, or if one undertaking acquires another and only one of the undertakings is approved, the approved undertaking must arrange for a new administrative inspection to



- be carried out immediately, and all sites for which the non-approved undertaking is the responsible party must be inspected within 6 weeks.
15. The Foundation and the inspection body must always be notified if an approved undertaking changes its legal form or is converted into a new entity. The old registration shall be terminated by any change of legal form or conversion, except a change of name under the same Chamber of Commerce registration number, and the undertaking must submit a new application to the Foundation. If an undertaking is found to have changed its legal form or to have been converted into a new entity at the start of an inspection, the inspection may still be carried out provided that the undertaking sends details of the changes to the Foundation and the inspection body within 2 working days, using the notification form provided for this purpose. If an undertaking is converted into a new entity, it must enter into a new inspection agreement with the inspection body. The undertaking is responsible for ensuring that inspections by the inspection body are planned and conducted on time. The Foundation shall state the deadline by which the results of the next inspection must be available to maintain registration in the register.
  16. An undertaking included in the register must arrange for all of the units, companies and entities of which it is formed, and with which it presents itself as an approved undertaking, to be inspected for compliance with the requirements of the SNF's migrant workers' housing scheme.

### **Article 10 | Rights arising from the inspection result**

An undertaking identified by the administrative inspection and, where applicable, the site inspections as having no major deficiencies shall be eligible for registration if it also complies with the additional requirements set out in Part E of these regulations.

## **PART E: THE REGISTER**

### **Article 11 | Register**

1. Under its articles of association, the Foundation shall keep a register of approved undertakings.
2. An undertaking shall be eligible for registration or continued registration if it:
  - a. has applied on time;
  - b. has truthfully completed the site register on the first day of each month and 1 week before the administrative inspection;
  - c. complies with the requirements laid down in Article 9 of these regulations;
  - d. has not had any major deficiencies identified during an inspection, or evidence is provided that any major deficiencies have been rectified;

- e. has uploaded the declaration of good employment practices to the Informis site register well before the administrative inspection. This requirement does not apply to undertakings registered with the SNA. This registration shall be monitored continuously by the secretariat.
3. Registration may be refused in the situations referred to in Article 16(1)(b) and Article 16(2).

**Additional information, specific additional inspection, flying brigade**

4. The Foundation has the right to request complete files or ask additional questions about the inspection result for registration purposes. Undertakings shall not be registered or permitted to continue their registration until the additional questions have been answered satisfactorily and all of the requested documents have been supplied.
5. The Foundation has the right to request additional information if it is alerted specifically by a third party who has good reason to suspect that a particular approved undertaking is failing to comply with the standard; the undertaking must comply with this request within 2 working days.
6. To verify an alert from a third party who suspects an approved undertaking of failing to comply with the standard, the Foundation may instruct the undertaking to arrange for a specific additional inspection to be carried out by the inspection body within 48 hours under Article 13 of the regulations for inspection bodies.  
The Foundation shall inform the inspection body of the alert it has received and the site to be inspected. The site to be inspected shall not be disclosed to the undertaking until the time of inspection.
7. If, after a previous specific additional inspection that identified deficiencies, the Foundation is again alerted by third parties who suspect failure to comply with the standard, the Foundation may ask the inspection body to extend the specific additional inspection to one or more additional sites.
8. The Foundation has the right to instruct the inspection bodies to investigate matters relating to the SNF mark in general, in addition to compliance with the requirements of the standard for housing migrant workers, during their inspections. The undertaking is required to cooperate with this.
9. The Foundation may instruct the inspection bodies to carry out additional site inspections under the 'flying brigade' banner under Article 13(2) of the regulations for inspection bodies. The cost of these inspections shall be borne by the SNF. Deficiencies identified during these inspections shall be subject to the provisions set out in the standard and in these regulations.

### **Registration**

10. Inclusion in the register is not possible if an objection procedure is pending with the inspection body and/or an appeal procedure is pending before the Independent Board of Appeal.
11. An undertaking is registered on the basis of its legal name and its Chamber of Commerce registration number. The register shall contain at least the following information:
  - a) legal name of the undertaking;
  - b) address of the undertaking;
  - c) Chamber of Commerce registration number.
12. The Foundation shall also record the following information for internal use:
  - a) name and contact details of the contact person;
  - b) address and other details of the sites;
  - c) name of the inspection body;
  - d) date of the administrative inspection;
  - e) dates of site inspections;
  - f) result of the inspections;
  - g) deadlines for dealing with deficiencies.
13. Upon registration, each undertaking shall be entered in the register under a unique registration number.
14. Parts of an undertaking that are not included in the register must not present themselves as approved.
15. All undertakings included in the register are required to notify the Foundation immediately, in writing or electronically, of changes to the information described in paragraphs 11, 12(a), 12(b) and 12(c). The undertaking bears full responsibility for ensuring that the information supplied to the Foundation and the inspection body is accurate, complete and up to date.
16. The information in the register referred to in paragraph 11 is public and shall be made available on the internet.

### **Specific additional inspection at the undertaking's request**

17. The undertaking may instruct the inspection body to carry out an interim inspection at one or more sites of its choosing. The conditions described in the standard and the regulations apply to this inspection.

### **Specific additional inspection at the request of the competent authority**

18. The Foundation has the right, at the request of the competent authority, to assign an SNF inspector to an inspection carried out by the competent authority to inspect the SNF requirements in accordance with the standard. If deficiencies are identified, they shall be subject to the same rules as a specific

additional inspection. There shall be no advance notice of this inspection. The Foundation shall bear the cost of the inspection.

## **Article 12 | List of candidate undertakings**

1. Under its articles of association, the Foundation must keep a list of candidate undertakings.
2. The list shall include at least the following information about candidate undertakings:
  - a) legal name of the undertaking;
  - b) address of the undertaking;
  - c) Chamber of Commerce registration number;
  - d) name and contact details of the contact person;
  - e) name of the inspection body.
3. All undertakings applying to the SNF are required to notify the Foundation immediately, in writing or electronically, of any changes to the information described in paragraph 2.
4. An undertaking that has submitted an application, but is not yet registered, shall not state or suggest in any way that it is registered with the Foundation as an approved undertaking; the penalty for doing so is removal from the list.
5. An undertaking shall be removed from the list of candidate undertakings if the Foundation has not yet received all the reports of the administrative inspection and the site inspections of the sites for which the undertaking is the responsible party within 6 months of the date of the letter confirming the application.

## **Article 13 | Declaration of registration; use of the SNF mark logo**

An undertaking entered in the register is entitled to:

- a) a declaration of registration, which can be downloaded from the Foundation's website;
- b) use the SNF mark logo in accordance with the rules for the SNF mark logo.

## **Article 14 | Application fee and annual fee**

1. An undertaking must pay a fee to the Foundation when applying. Registered undertakings must also pay an annual fee to the Foundation. The amount of the application fee and the annual fee is determined by the board.
2. If the registration of an undertaking is suspended or cancelled, as referred to in Article 15 or 16 of these regulations, it must still pay the full fee for the current year.

## Article 15 | Suspension of registration

1. If the inspection body identifies one or more major deficiencies and they are not resolved within the time allowed under the migrant workers' housing scheme, the Foundation may suspend the undertaking's registration.
  - a) If the site list is found to be incomplete and an additional administrative inspection is not carried out within 3 weeks, the undertaking shall be suspended pending the inspection.
  - b) If the site list is found to be incomplete, the undertaking shall be suspended if all sites for which it is the responsible party and that have not been notified to the SNF have not been inspected within 6 weeks, or if major deficiencies are identified at those sites.
  - c) If the site list is incomplete and an additional administrative inspection is not carried out within 6 months, the undertaking shall be suspended pending that additional inspection.
  - d) If the undertaking does not comply with the requirements for good employment practices, it shall be suspended.
  - e) If the undertaking does not comply with the supervision and management requirements and does not demonstrate that this has been rectified within 6 weeks, it shall be suspended.
  - f) If major deficiencies at a site are not resolved within 6 weeks, the Foundation shall suspend the undertaking's registration.
2. The Foundation may also suspend the undertaking's registration if:
  - a) it fails to meet its financial obligations to the Foundation;
  - b) it fails to comply with the obligations laid down in Article 9 or Article 11(4), (5), (6), (7), (8) or (9) of these regulations;
  - c) the inspection body has not carried out the inspection in accordance with the requirements of the migrant worker's housing scheme or the regulations for inspection bodies and the procedural agreements, or the result of the inspection is inconclusive as referred to in Article 11(4) of these regulations;
  - d) one or more major deficiencies are identified during the specific additional inspection referred to in Article 11(6) of these regulations;
  - e) the SNF mark logo has been misused under the SNF mark regulations or the undertaking has not complied with Article 11(14);
  - f) the SNA registration of an undertaking in the temporary employment sector has been cancelled;  
other undertakings have been found not to comply with the requirements for good employment practices.<sup>1</sup>

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<sup>1</sup> If an undertaking has not obtained the Fair Produce mark within the 3-month period allowed, the self-declaration accepted at the time of the initial inspection for SNF shall expire.

- g) long-term deficiencies are identified at several of an undertaking's sites, giving the impression of poor compliance with the standard; the Foundation has yet to determine the details of this.
3. In the event of an infringement of Article 9(5), and in the situations referred to in Article 15(1) and (2), the Foundation may allow the undertaking a specified period of time (up to 2 weeks) to rectify the infringement before implementing the suspension referred to in paragraphs 1 and 2 of this Article.

## **Article 16 | Cancellation of registration**

1. The registration of an undertaking shall be cancelled:
  - a) if a new administrative inspection is not carried out in due time or the Foundation is not informed of the results of the inspection in due time;
  - b) if the grounds for suspension set out in Article 15(1)(a), (b), (c), (d), (e) and (f) and Article 15(2)(a), (b), (c), (d), (e) and (f) are not removed within 6 weeks, unless the SNF has expressly allowed a longer period for doing so;
  - c) at the written request of the undertaking;
  - d) if the undertaking is found not to have answered one or more questions truthfully on the application form or during the application process;
  - e) in the event of unlawful conduct in the broadest sense, with a direct or indirect link to the requirements for the SNF mark, or conduct that is or is potentially damaging to the SNF mark, such as fraud, potential criminal offences such as violence, intimidation and exploitation, and discrimination.
  - f) in the event of deficiencies in previous inspections for the SNF mark that led to the suspension or cancellation of the registration and indicate a pattern of disregarding or circumventing the standards;
  - g) in a situation that would have led to the rejection of an application under Article 8.
2. The Foundation may cancel (or suspend at the first instance) the registration of an undertaking if the undertaking is found to be committing such a serious or dangerous breach of the law governing the housing of migrant workers that the competent authority has taken immediate action by closing all or part of the site, or if the competent authority has identified situations in which the landlord is breaking the law. The breach shall be confirmed if no objection or appeal is lodged against the decision of the competent authority, or the advisory committee and/or the court has ruled on the breach at first instance in interim relief proceedings.
3. The Board may impose a waiting period of up to 1 year before an undertaking whose registration has been cancelled may re-apply for registration.

## **PART F: OTHER PROVISIONS**

### **Article 17 | Exclusion of liability**

The Foundation accepts no liability in respect of applicants, approved/candidate undertakings, inspection bodies and third parties for any damage resulting from or connected with the implementation of these regulations.

### **Article 18 | Confidentiality**

- 1 All persons and organisations involved in the implementation of these regulations are bound to maintain strict confidentiality with regard to any information submitted in confidence, or which they may reasonably believe to be confidential, when implementing the provisions of these regulations. The directors of the Foundation or members of the other bodies of the Foundation are bound by the same confidentiality obligation if and insofar as they have access to information of a confidential nature.
- 2 The Foundation is free to provide information to third parties on the basis of public registration in the Register Normering Flexwonen (Flexible Housing Standards Register) or the list of candidate undertakings.
- 3 The Foundation is free to report malicious behaviour by approved or candidate undertakings or situations involving acute, life-threatening danger or danger of fire at their sites to public authorities.

### **Article 19 | Payment; consequences of non-payment and late payment**

1. The undertaking is required to pay an invoice sent to it by the Foundation within 30 days of the date on which the invoice was sent. At the end of that period, the undertaking must pay interest of 1% per calendar month on the outstanding amount, without prior notice of default; part of a month shall be counted as a full month.
2. The undertaking shall bear the full cost of recovery, including full legal costs for settlement by the courts or out of court. The payment for out-of-court expenses is set at 20% of the principal sum owed, with a minimum of EUR 150.00: this payment shall always be charged to and payable by the undertaking, with no further evidence, when the Foundation seeks legal assistance or refers the debt for collection.
3. Late payment constitutes grounds for suspension and cancellation of the registration under Articles 15 and 16 of these regulations.

## **Article 20 | Disputes**

1. Disputes relating to the inspection and/or registration in the Foundation's register shall be settled in accordance with the Regulations of the Board of Appeal.
2. However, the Foundation is entitled to bring a dispute concerning the recovery of the sums owed by the undertaking before the competent civil courts. Breda District Court shall have jurisdiction in such cases, even if the undertaking elects to bring a dispute by the means referred to in paragraph 1 of this Article as part of the same proceedings.
3. The Regulations of the Board of Appeal drawn up by the Foundation form an integral part of these regulations.

## **Article 21 | Entry into force**

1. The board of the Foundation is authorised to amend these regulations.
2. These regulations shall enter into force upon adoption by the Board of the Foundation.