

## European Rule of Law Mechanism: input from the Netherlands for the 2026 Rule of Law Report

### (1) Information on developments and measures taken to implement each of the recommendations addressed to your Member State in the 2025 Rule of Law Report

*In the below box, please describe relevant developments and the measures taken with a view to implement the recommendations, following the order of the recommendations as they were addressed to your Member State in the 2025 Rule of Law Report.*

The Dutch government continues its efforts to address shortages in human resources and challenging working conditions in the justice system. The judiciary is also working on the recommendations of the 'Work Pressure Exploration report'. These efforts are reflected in the developments on training and the financial resources below.

#### **Recommendation 2: Establish stricter transparency rules on lobbying for members of the Government and Parliament.**

An important aspect of integrity and transparency is dealing with interest representation. In the Netherlands, we do not use a transparency register. We currently focus on the publication of the agendas of ministers (provide insight into who speaks with ministers and to what extent) and lobby paragraphs in legislative processes (indicate the influence of certain organizations on legislation). Last year, steps have been taken to improve these existing instruments. The improvements are on better coordination, clear process agreements and quality of the required information that is needed for making the instruments effective.

In addition, a stakeholder process was conducted with stakeholders regarding possible requirements that could be imposed on a lobby register, should this be decided at any time.

#### **Recommendation 3: Take forward the planned reform of public service media to enhance its governance and its ability to uphold journalistic standards, taking into account European standards on public service media.**

##### *Plans regarding the budget of NPO*

In May 2024 the government announced it would lower the funding available for the national public broadcaster with €100 million euros.<sup>1</sup> Together with other cost-cutting measures implemented by this government the total amount of funding was lowered with a total sum of €156,7 million starting in 2027. This means the total amount of public funds available in 2027 is lowered from €830 million to €670 million. At the same time the advertising limits are slightly being expanded, which means the total expected revenues from advertising will increase from €153 million in 2025 to €165 million in 2027. This means that NPO has to make cuts for a total amount of €140 million.<sup>2</sup> NPO is in the process of announcing plans for the ways in which it will cut expenditure.

##### *Revision national public media*

The Policy incentives regarding the Dutch national public broadcasters were announced during the first quarter in 2025.<sup>3</sup> These incentives include measures to

<sup>1</sup> [Hoofdlijnenakkoord tussen de fracties van PVV, VVD, NSC en BBB, 16 mei 2024.](#)

<sup>2</sup> *Kamerstukken II, 2024-25, 32827, nr. J.*

<sup>3</sup> *Kamerstukken II, 2024-25, 32827, nr. 333.*

strengthen the governance and its ability to uphold journalistic standards. Since that time the government is preparing legislation in which these incentives will be implemented. Additional information regarding the way in which the government wants the individual national public broadcasters to unite in four or five separate entities has been published in May and October of 2025.<sup>4</sup> Legislation is being prepared in close communication with relevant stakeholders. Partly due to political developments, the intention is to introduce legislation on this topic to the Dutch Parliament at the beginning of 2027. The further aim is for the bill to enter into force on the first of January 2028, after which the new system for national public broadcasters is planned to start on 1 January 2029.

#### *Revision local public media*

In October 2024, the Dutch government outlined [a reform plan](#) for the Dutch local public broadcasters, aimed at strengthening their role as a local guardian of democracy<sup>5</sup>. Many local broadcasters face financial fragility, with some in unsustainable positions according to the Dutch Media Authority (Commissariaat voor de Media). The reforms aim for:

- Transferring the funding of local public broadcasters from the Municipal Fund to the national government;
- Increased professionalism through an additional annual investment of €18 million;
- Greater resilience through scaling up operations
- Improved coordination by assigning a coordinating role to the Dutch Local Public Broadcasting Foundation (NLPO).

A public internet consultation on the bill took place between 23 December 2024 and 23 February 2025. Implementation tests were also carried out by the NLPO and the Dutch Media Authority. On 19 November 2025, the Advisory Division of the Dutch Council of State published its advice on the bill. The aim is to submit the bill to the House of Representatives in the first quarter of 2026. The further aim is for the bill to enter into force on 1 July 2026, after which the new system for local broadcasters is planned to start on 1 January 2028.

#### **Recommendation 4: Take forward the proposal of the State Commission on Rule of Law to strengthen a rule of law culture, including by setting up a structured dialogue between the state powers based on a 'rule of law agenda'.**

In the 2025 Rule of Law Report the European Commission recommended to take forward the proposal of the State Commission on Rule of Law to strengthen a rule of law culture, including by setting up a structured dialogue between the state powers based on a 'rule of law agenda'. The government's response to the report of the State Commission was published on the 4<sup>th</sup> of July 2025.<sup>6</sup> In its response the government announced it will take several – more specific – measures based on the report of the State Commission, that will strengthen the rule of law along three key aspects: ensuring that its own actions are taken in accordance with the principles of the rule of law, simplifying policy making, legislation and implementation, and improving the effective legal protection of citizens. In essence, all measures the government will take aim to promote and foster a culture in which the rule of law is more central in policy and decision making processes. In that regard, for example we fully encourage and

<sup>4</sup> *Kamerstukken II*, 2024-25, 32827, nr. 369, nr. 373.

<sup>5</sup> *Kamerstukken II*, 2024-2025, nr. 32827, nr. 326.

<sup>6</sup> *Kamerstukken II* 2024-25, 29 279, nr. 981.

support the idea of setting up a dialogue between the state powers. So far, the first dialogue meeting between representatives of the state powers took place in 2025.

## **(2) Information on:**

### **a. developments that are relevant for updating and following up on the assessment of the topics covered in the respective country chapter of the 2025 Report, including possible clarifications**

- *In the boxes below, describe developments (updates or feedback) related to the topics covered in your country chapter of the 2025 Report (if not already covered under point (1)). You are invited to follow the order of topics as presented in the country chapter and insert direct references to the country chapter text, if convenient; and*

### **b. any other new developments not already covered under points (1) and (2)a. that you consider relevant**

- *The list of topics provided **in the Annex** can provide guidance for this input.*

## **I. Justice Systems**

### **A. Independence**

- *Appointment and selection of judges<sup>7</sup>, prosecutors and court presidents (incl. judicial review)*

Regarding the appointment and selection of judges and court presidents, no substantial changes have occurred in 2025. For the concrete steps that have been taken following the Minister of Justice's letter to Parliament of 20 June 2025 concerning the procedure for appointing members of the Council for the Judiciary and court management boards, see the answer further below under 'Resources of the judiciary (human/financial/material)'.

- *Irremovability of judges; including transfers (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)*

With regard to the dismissal and retirement regime of judges (incl. judicial review): The law for a temporary provision for judges and counselors who reach the statutory dismissal age of 70 to remain employable as deputy judges or deputy counsel until the age of 73 has been evaluated in 2025. At the beginning of 2026 Parliament will be informed of the outcome of this evaluation. Based on the outcome de ministry of Justice and Security, together with de Council for the Judiciary, will explore if certain elements can be made permanent.<sup>8</sup>

- *Allocation of cases in courts*

As mentioned in last year's questionnaire the Minister for Legal Protection has informed Parliament in July 2025 about the evaluation of the application of case allocation code.<sup>9</sup> The initial findings show that, in general, the allocation of cases is carried out in accordance with the code and the case allocation regulations. Making further improvements will be a focus of the Judiciary.

<sup>7</sup> The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts.

<sup>8</sup> Tijdelijke voorziening benoemen rechters-plaatsvervangers na wettelijke ontslagleeftijd van zeventig jaar (36.358) - Eerste Kamer der Staten-Generaal.

<sup>9</sup> Kamerstukken II 2024-25, 36 243, nr. 28.

Furthermore, an amendment<sup>10</sup> was adopted during the parliamentary debate on the bill concerning the prohibition of simultaneously holding the offices of judge and holding the office of Parliament and European Parliament.<sup>11</sup> With the adopted amendment, Article 20 of the Judicial Organisation Act – in addition to the legal basis for court administrations to provide further rules for the allocation of cases – will legally enshrine that cases are allocated to judges on the basis of objective, transparent and verifiable criteria, as also stipulated in the Case Allocation Code. This bill is pending in Parliament.

- *Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)*

During the parliamentary debate of the above mentioned Act, an amendment was adopted stipulating that the majority of members of the Council for the Judiciary must be judicial officers responsible for administering justice (i.e. judges). Once the bill has been passed, this stipulation will be included in the Judicial Organisation Act. At present the Council for the Judiciary consists of five members, the majority of which are judges.

In March 2024, another motion was passed in the House of Representatives to amend the Judicial Organisation Act, aiming to minimize the minister of Justice and Security's role in the appointment procedure for members of the Council for the Judiciary. No legislative proposal has been submitted yet, see also further below under 'Significant developments capable of affecting the perception that the general public has of the independence of the judiciary'.

- *Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)*

No substantial changes have occurred in 2025, other than the above mentioned developments regarding the bill concerning the prohibition of simultaneously holding of the offices of judge and holding the office of Parliament and European Parliament. This bill is pending in Parliament.

- *Independence/autonomy of the prosecution service*

The member-initiated bill abolishing the special instruction power of the Public Prosecution Service (PPS) was adopted by the House of Representatives at the end of 2025. The bill still needs to be considered by the Senate. If the special instruction power is abolished, the Minister of Justice and Security will no longer be able to issue instructions to initiate an investigation, to prosecute, to refrain from prosecution, or to prescribe how the PPS should exercise its powers in a specific criminal case. The Minister would therefore no longer have this authority and, in line with the constitutional principle of "no responsibility without authority," would also no longer be politically responsible or accountable. In practice, moreover, the special instruction power has rarely been used to date.

The Cabinet advised against the member-initiated bill. In the Cabinet's view, there is

<sup>10</sup> Amendement van de leden Sneller en Van Nispen over een wettelijke regeling voor een code zaakstoedeling (36 243-10).

<sup>11</sup> *Kamerstukken II 2022-23, 36 243, nr. 2.*

insufficient justification for such a far-reaching change to the relationship between the PPS and the Minister. The change is significant because adoption of the bill would mean that the Minister would no longer be responsible for investigation and prosecution in individual cases. As a result, democratic oversight of the Public Prosecution Service—which plays a central role at every stage of the criminal justice process—would be lost. This would create a vacuum in the supervision of the exercise of prosecutorial powers in situations where no judicial review or other form of oversight is available. Under the current legal framework and practice, a balance has been achieved between ministerial responsibility on the one hand and the PPS's de facto independent functioning on the other. The bill would seriously disrupt this balance. The PPS itself is firmly opposed to the proposal and has described it as an irresponsible step into the unknown.

- *Independence of the Bar (chamber/association of lawyers) and of lawyers*

The Ministry of Justice and Security is still working on the strengthening of the supervision of lawyers by the establishment of a single national supervisor ('Onafhankelijke Toezichthouder Advocatuur') who will be responsible for the supervision of all lawyers in the Netherlands. The consultation period of the necessary legislation will start in 2026.

- *Significant developments capable of affecting the perception that the general public has of the independence of the judiciary*

In July 2025, the Ministry of Justice and Security has informed Parliament of the cabinet response to the recommendations of the Venice Commission regarding the independence of the judiciary. Currently the Ministry of Justice and Security, in consultation with the Council for the Judiciary, is working on the follow up to the recommendations of the Venice Commission regarding the appointment of members of the Council for the Judiciary and the members of the court administration. This also includes the evaluation of the appointment procedures for members of the Council for the Judiciary and for members of the court administration. The Ministry of Justice and Security will inform Parliament in 2026. This letter will also address several other issues relating to the independence of the judiciary, including the enshrinement of the Council for the Judiciary in the Constitution and an independent budget for the judiciary.

## **B. Quality of Justice<sup>12</sup>**

- *Accessibility of courts (e.g. court/legal fees, legal aid, language)*

With regard to legal fees: On 1 July 2025, the Collective act for Justice and Security and Asylum and Migration (Verzamelwet Justitie en Veiligheid en Asiel en Migratie 2025) came into force. This act enacts a number of changes to the system of court fees in order to improve accessibility to courts. For administrative cases, this act amends the General Administrative Law Act (Algemene wet bestuursrecht) in order to codify the

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<sup>12</sup> Under this topic, Member States are not required to give statistical information but should provide input on the type of information outlined under section 2.

authority of administrative courts to waive court fees for litigants who are unable to pay them. For civil law, this act amends the Dutch court fees (civil cases) Act ('Wet griffierechten burgerlijke zaken') in order to lower the court fees for cases where the court is asked to approve a settlement with a sufficient part of the creditors and debtors that will then apply to all creditors and shareholders involved in order to prevent insolvency of a company (cases under the so called Wet Homologatie Onderhands Akkoord, the Act on Court Approval of a Private Composition).

With regard to legal aid: In 2025 the Ministry, together with the Dutch Bar Association, Legal Aid Board and 'Vereniging Sociale Advocatuur Nederland' (VSAN), has been working on a vision for the future of legal aid lawyers. This project has resulted in the following vision: The system of subsidized legal aid is attractive, offers good conditions, and is future-oriented. There is a stable supply of skilled, people-oriented lawyers, and with this, we contribute to strengthening access to justice.<sup>13</sup>

In the first half of 2026 the Ministry of Justice and Security will set strategic and operational objectives along the four foundations of this vision (alternative business structures, efficient and effective business operations, education and image) and will take concrete measures in order to realise this vision.

The aforementioned vision is aimed at making the system future-proof. For this, a fair wage for legal aid lawyers is preconditional. In 2022 the fees in the legal aid system have been reassessed according the recommendations of the Van der Meer committee.<sup>14</sup> On 3 March 2025, the Van der Meer II Committee presented its advisory report containing several recommendations to improve the legal aid sector.<sup>15</sup>

The Minister for Legal Protection announced on 26 June 2025 that several of these recommendations will be implemented in order to improve the fees of legal aid lawyers. For this purpose, a structural amount of 30 million euros will be made available from 2027 onwards. Given the urgency of the issues in the legal aid sector, earlier action is required. Accordingly, funds will be made available within the legal aid budget for 2026, so that the Committee's recommendations can be implemented sooner. The necessary legislative changes will enter into force on 1 February 2026.

With regard to "Resolution judge": In 2025, the General Administrative Measure came into effect for the initiative 'the resolution judge' ('de Regelrechter'). The resolution judge is an accessible and solution-oriented alternative procedure within civil law. It allows the claimant in small monetary claims (up to €5,000) or wage claims to opt for an accessible procedure without requiring the consent of the other party. The defendant is obliged to participate in the procedure. The procedure is already being used extensively; by mid-November 2025, approximately 400 cases had been filed. This experiment will continue until 2027 at the courts in The Hague, Rotterdam, Overijssel, and Zeeland-West-Brabant. The experiment will be continuously evaluated throughout these three years.

- *Resources of the judiciary (human/financial/material<sup>16</sup>),*

<sup>13</sup> *Kamerstukken II 2024-2025*, 31 753, nr. 294 and 312 and 11 December 2025, 2025D51534.

<sup>14</sup> *Kamerstukken II 2017-2018*, 31753, nr. 142.

<sup>15</sup> *Kamerstukken II 2024-2025*, 31 753, nr. 293.

<sup>16</sup> Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.

*remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year)*

The Judiciary Financing Decree 2005 stipulates that judiciary prices are fixed for a three-year period and are included in the budget of the Ministry of Justice and Security (JenV). The current prices are valid until 2025. In 2025, the Minister for Legal Protection and the Council for the Judiciary made new price agreements for the period 2026–2028. This will structurally increase the total budget of the judiciary to over €50 million starting in 2026. This involves a higher contribution to the Council for the Judiciary, which aims to ensure that the judiciary is well equipped - financially, in terms of IT, accommodation, and personnel - to adequately perform its tasks. The Ministry of Justice and Security provides a contribution to the Council for the Judiciary, which then distributes this to the courts and services.

Within the judiciary, there are the positions of deputy judge and deputy counsellor. Some of these deputies work on an on-call basis and receive a fixed fee for attending a hearing. Both the Council for the Judiciary and the Dutch trade union for judges and public prosecutors (NVvR) are pleading for an increase in this fixed fee. Investigations are currently underway to determine how to arrive at an adequate statutory fee that better reflects the effort involved.

The Public Prosecution Service is currently confronted with challenges related to the obsolescence of parts of its ICT systems. With a view to achieving sustainable improvements, the management of the PPS is in the process of identifying and substantiating the investments that may be required in the coming years. The Minister intends to engage in further discussions with the PPS on this matter. At this stage, it is not yet possible to draw conclusions regarding potential approaches or solutions.

- *Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)*

With regard to judges: In 2024, the judicial training was evaluated, and the recommendations are scheduled for implementation in 2026.

- *Digitalisation (e.g. use of digital technology, including electronic communication and AI tools, within the justice system and with court users, procedural rules, access to judgments online<sup>17</sup>)*

In 2025, the Judiciary continued the project for digitalization of legal proceedings. The project was extended to civil law case flows.

The project of the Council for the Judiciary to increase the number of published judgments, has also proceeded. However, in 2025 the AI-tool for pseudonymisation has not yet performed adequately to be adopted by the courts.

Since late 2023, a pilot project for Online (Supported) Dispute Resolution has aimed to empower citizens to resolve disputes and provide court assistance when needed. The website 'www.voorrecht-rechtspraak.nl' offers litigants information on their rights, obligations, and solutions, along with tips for constructive dialogue. If unsuccessful, guidance from trained court staff or mediators is available, with the option to bring

<sup>17</sup> Factual information presented in Commission Staff Working Document of 2 December 2020, SWD(2020) 540 final, accompanying the Communication on Digitalisation of justice in the European Union, COM(2020) 710 final and Figures 40 to 48 of the 2025 EU Justice Scoreboard, does not need to be repeated.

cases before a judge. By 2025, support is offered by three courts, with plans to expand further. This ODR-project has been developed with a start-up grant from the Ministry of Justice and Security. It will be continued and further expanded under the auspices of the Council for the Judiciary.

- *Use of assessment tools and standards (e.g. ICT systems, including AI-based systems, for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)*

In 2025, the courts have not been using assessment tools.

A management information system with dashboards has been developed and implemented for the courts, containing case management information. Processing times are monitored for various types of court case flows, related to standards formulated within the organization based on information from domain experts. This is important for scheduling hearings, determining which cases will be heard, and for roster planning.

The Judiciary has adopted its own AI tool for supporting administrative tasks: "Rechtspraak GPT". It will only be used for assistance with administrative tasks.

- *Geographical distribution and number of courts/jurisdictions ("judicial map") and their specialisation, in particular specific courts or chambers within courts to deal with fraud and corruption cases.*

In 2025 an extra-secure court was established on the premises of the penitentiary institution in Vught. This court will hold court sessions involving defendants who pose an extremely high flight and security risk. Furthermore, the town of Heerlen was designated as a temporary seat of the court for three years. This court handles cases related to vulnerable neighbourhoods within the geographical competence of the court.

### **C. Efficiency of the justice system<sup>18</sup>**

Since 2020 the judiciary has implemented a program 'Timely Justice' in which the courts work together to reduce backlogs and significantly and structurally improve the lengths of proceedings. As part of this program work processes are being reviewed and improvements and accelerations are being implemented. Planning and scheduling are also being further professionalized and management information is being organized in such a way as to provide greater insight into existing caseload and actual turnaround times. In order to catch up on the existing backlogs, the courts and tribunals can call on the assistance of the National Walk-in Chamber, which can handle certain types of cases, in all areas of law, centrally. This program will end in late 2025. For each area of law, an assessment has been made of which forms of national cooperation have proven successful and which elements of the program can be valuable for the future. For example, it was recently decided to continue on a provisional basis, the criminal law Walk-in Chamber, which focuses on traffic violations, to prevent the accumulation of new backlogs. The program also devoted considerable attention to improve "scheduling and planning" with the aim of increasing

<sup>18</sup> Under this topic, Member States are not required to give statistical information but should provide input on the type of information outlined under section 2.

predictability for litigants and making better use of available capacity. All courts have therefore started working with dashboards containing detailed information about turnaround times and workloads per case flow. This working method will also be continued. The evaluation of the Timely Justice program will be completed in 2026.

## **II. Anti-Corruption Framework**

### **A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)**

- *List any changes as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention, detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical/specialised resources as relevant), including the cooperation among domestic and with foreign authorities. Indicate any relevant measures taken to effectively and timely cooperate with OLAF and EPPO.*

The Council of State has recently (22 December 2025) published its advices on both the legislative proposals regarding the adjustment of the procedures regarding prosecution and trial of ministers, state secretaries and members of parliament for offences committed while in office.<sup>19</sup>

The prosecution and adjudication of these offences is partly regulated in the Constitution and partly in ordinary legislation. As an amendment to the Constitution requires two readings in both houses of Parliament and therefore takes a lot of time, while a revision of the current regulations is desirable in the short term, the authorities decided working along two 'tracks'. Track I contains proposals for changes to the investigation, prosecution and trial of offences committed while in office within the framework of the current Constitution. The General Prosecutor at the Supreme Court (procureur-generaal bij de Hoge Raad, hereinafter PGHR) will be entrusted with the investigation of offences committed while in office by members of parliament and members of government and with the possibility to proceed with investigations ex officio. The PGHR is an independent body and has a constitutionally guaranteed appointment for life (Article 117 of the Constitution). Based on current legislation, he is only involved if it is instructed by the government or the House of Representatives. Track II contains proposals for amendments to the Constitution and entails that the PGHR (instead of the government or the House of Representatives) is to be entrusted with the authority to order prosecution in the event of offences committed while in office and that the trial takes place in three instances, as in normal criminal proceedings.

To further answer this question, data was obtained on the number of final judgements regarding corruption offenses articles 177, 178, 328ter and 363 of the Dutch Criminal Code. The figures presented here are preliminary data for 2025. For reasons of confidentiality, these figures have been to the nearest number of five up to prevent the cases from being traceable to the individual offenders.

In the first instance, we have had 15 corruption cases in 2025 (until 1st of December) where the rulings are final (source PSK, 05-01-2026). In the second instance, 5

<sup>19</sup> [Adviezen over vervolging en berechting Kamerleden en bewindspersonen wegens ambtsdelicten - Raad van State.](#)

corruption cases have been brought to trial in 2025 and in which a final verdict was obtained (source InfoRM, 06-01-2024).

These figures relate to preparation, attempt or completed offences. In addition, these may also relate to participation in co-perpetration, complicity, incitement, or commission of the offence. These figures are indicative, because the data for 2025 is not yet finalized. They provide the best possible representation based on the information currently available from the management information systems available to the Judiciary.

#### National anti-corruption policy

Combating corruption is a priority for the Dutch government. The coalition agreement of September 2024 includes a commitment to develop a government-wide anti-corruption policy.<sup>20</sup> The outline of this strengthened, coordinated policy was presented to the Parliament in June 2025.<sup>21</sup> The policy is designed along the lines of four pillars. The first pillar is to ensure an overall risk-based approach to the fight against corruption. As a result, the strategy will be further developed in line with the outcomes of two major corruption evaluations: the first National Risk Assessment Corruption and the Thematic Study on Corruption and Criminal Infiltration (both will be concluded at the beginning of 2026). Additionally, the strategy focusses on strengthening the resilience of key government processes and -systems (pillar two), increasing awareness and strengthening resilience in the private sector (pillar three), and effective intervention through law enforcement (pillar four). Actions taken in light of the anti-corruption policy are discussed below.

#### FIOD / ACC

Regarding the statement in the 2025 Rule of Law report that '[t]he investigation and prosecution of domestic corruption offences continue to function properly, including in high-level cases, without specific obstacles signaled by the investigators and prosecutors', the FIOD/ACC remarks that since last year they encounter specific delays in bribery investigations. This is partially due to the Landeck decision investigation (2025, see below more on this subject in relation to recommendation 5a of the OECD Working Group on Bribery) which can cause delays in the investigations due to the obligated involvement of investigative judges (and the limited capacity thereof) in the assessment of material potentially subject to legal privilege. This new obligation costs time and requires extra capacity. Additionally, they note that in foreign bribery investigations, the process of mutual legal assistance and the sometimes slow execution of MLA requests can be a complicating and delaying factor.

The legal framework on sanctions for corruption was amended as per 15 May 2025.

<sup>20</sup> PVV, VVD, NSC en BBB, 'Regeerprogramma: Uitwerking van het hoofdlijnenakkoord door het kabinet', 13 september 2024 (Regeerprogramma (overheid.nl)), p.99; Regeerprogramma kabinet-Schoof | Publicatie | Rijksoverheid.nl.

<sup>21</sup> <https://open.overheid.nl/documenten/1cb649ba-5ebe-43d0-8e37-e82067b3f369/file>.

Articles 177(5) Sr and 363(4) Sr were added to the corruption offences of public bribery, articles 178(5) Sr and 364(5) Sr were added to the criminal offences regarding bribery of judges and article 328ter(6) Sr was added to the corruption offence of private bribery. The added provision mandate a maximum penalty increase of one-third, if the bribery was committed on behalf of a foreign power.

#### The institutional capacity to fight against corruption

On 25 November 2025, the lower house of parliament adopted a bill to amend the Judicial Organisation Act (Wet Ro). Preparation for the Senate's consideration of the bill is now underway. The amendment adjusts the Minister of Justice and Security's powers to intervene in individual criminal cases handled by the Public Prosecution Service. It introduces four key changes: 1) Abolition of the Minister's special instruction power – the Minister will no longer be able to issue instructions concerning investigation, prosecution, non-prosecution, or dictate how the Public Prosecution Service must act in a specific criminal case. Formal ministerial intervention in individual criminal cases becomes impossible. 2) Limitation of the Board of Prosecutors-General's reporting duty – the Board will no longer be required to provide case-specific information to the Minister. 3) Removal of the pre-approval requirement – decisions that previously had to be submitted to the Minister first – such as the use of special investigative powers – are no longer subject to that step. 4) Guaranteeing prosecutorial independence – the Public Prosecution Service may exercise its duties and powers in any particular case without subordination to the Minister. Together, these reforms aim to reinforce the independence of the prosecution and limit political influence over individual criminal proceedings.

#### National Risk Assessment Corruption

As mentioned in previous input, in 2024 the research institute WODC (Wetenschappelijk Onderzoek- en Data Centrum; Research and Data Centre) started the first National Risk Assessment Corruption. The NRA will be concluded early 2026. The risk assessment, which is scheduled to take place every two years and which addresses the upcoming requirement of the Anti-Corruption Directive to undertake such risk-identifying measures, highlights the largest corruption risks faced by the Netherlands and suggests in which areas policy needs to be strengthened in order to adequately address the identified risks. The National Risk Assessment is expected to be finalized in the beginning of 2026.

#### Repression

On 1 November 2025, the Board of Prosecutors-General issued an instruction on a new procedure for handling complaints against officials who work for a body responsible for the administration of justice. Article 510 of the Dutch Code of Criminal Procedure provides that, when a judicial officer is potentially subject to prosecution or trial in the

district or jurisdiction where the case would ordinarily be heard, the Public Prosecution Service must ask the Supreme Court to assign another court to conduct the prosecution and trial. That reassignment also transfers the investigative responsibilities to the public prosecutor's office attached to the designated court. In practice, this requires an early-stage assessment – typically upon receipt of a complaint – to determine whether a referral under Article 510 is appropriate. The Board's instruction outlines the sub-questions that must be answered, offers guidance on the factors to consider, and specifies the subsequent steps to be taken. By following this framework, the prosecution can ensure a timely and compliant handling of such complaints, while preserving the integrity of the investigative process.

#### Thematic Study Corruption – SKC

In addition to the NRA, the research institute SKC (Strategisch Kenniscentrum Ondermijnende Criminaliteit) is conducting a Thematic Study on corruption and infiltration by organized crime in the Netherlands. This study aims to shed light on the ways in which criminals put pressure on government institutes and legitimate private businesses, and their employees, to gain access to information or influence procedures. The Thematic Study is expected to be finalized in the beginning of 2026.

#### EU

In December 2025, in the trilogues of the European Union Convention Against Corruption a preliminary agreement was reached. After the Directive is adopted in 2026, work on the implementation of the Directive will commence.

#### OECD Working Group on Bribery

As mentioned in previous reports, the Organisation for Economic Cooperation and Development's Working Group on Bribery in International Business Transactions (OECD WGB) reviewed the Dutch anti-corruption efforts in 2020. While the Netherlands was originally scheduled to report to the WGB on outstanding recommendations in December 2025, at the request of the WGB this has been postponed to March 2026.

In addition to developments reported during previous Rule of Law editions, in June 2025 the PPS published a new Directive on dealing with material that is possibly subject to legal privilege, addressing WGB recommendation 5a.<sup>22</sup> The Directive was created in consultation with stakeholders such as the Dutch Bar Association and takes into account the interlocutory rulings of the Supreme Court (of March 2024 and 2025) on the issue of legal privilege. The Directive sets out the principles that the PPS and investigative bodies will observe to guarantee upholding legal privilege. Specifically, the Directive contains guidelines on the selection, filtering and assessment of data when a dataset is expected to contain material subject to legal privilege. The Directive should be considered as an intermediary instruction on issues that will be fully

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<sup>22</sup> In Recommendation 5a, the WGB recommends the Netherlands to take urgent measures, as appropriate within its criminal justice system, to address delays caused by processes for assessing legal privilege claims in foreign bribery investigations.

addressed in the revised Code of Criminal Procedure.

### UNCAC

As previously reported, in 2023 the UN Convention Against Corruption (UNCAC) evaluation of the Netherlands reached its final stage. In 2025, the UNODC finalized the evaluation report of the Netherlands. In December 2025 the Report was shared with the Dutch Parliament.<sup>23</sup> Furthermore, in line with the commitments set out in the UNCAC Coalition's Transparency Pledge, which the Netherlands has signed in 2021, the report was published on the UNODC website in January 2026. The executive summary has been publicly available since 2023.<sup>24</sup>

The results of the UNCAC evaluation will be discussed during the second edition of the Anti-Corruption Conference organized by the Ministry of Justice and Security in March 2026.

### GRECO

The Netherlands' Addendum to the Second Compliance Report of the Fifth Evaluation Round was adopted at the 99th Plenary GRECO-Meeting in March 2025. The Addendum to the Second Compliance report has also been shared with parliament.<sup>25</sup> Since the adoption of the report, the Netherlands has made progress on multiple recommendations, as is highlighted in this input-document. The Netherlands will provide a report to GRECO on the progress in implementing the outstanding recommendations by the end of September 2026. Additionally, in May 2026, the Sixth Evaluation Round evaluation visit to the Netherlands will take place.

### Platform for Safe Entrepreneurship – Project Resilient Branches

To improve the resilience of small and medium sized enterprises against several forms of criminal intervention, since 2022 the Platform for Safe Entrepreneurship is structurally in place.<sup>26</sup> Through this platform, the ministries of Justice and Security and Economic Affairs, regional governments, police organisations and the Public Prosecution Service collaborate with private trade organizations of transport and logistics, the banking sector, hospitality sector, retail, insurances and the automotive industry to combat subversive crime.

Based on the philosophy that becoming more resilient against forms of undue intervention starts with the knowledge which risks are encountered in order to create a targeted approach, the Platform for Safe Entrepreneurship offers specified advice to help combat the risks of undue interference by criminal organization (including through corruption). Security measures can be both physical, specifically targeted to decrease risks in industrial areas, rural areas, shopping areas, marina's, and nightlife districts, but also consists of sector-specific advice tailored to the automotive industry, transport sector, ports, retail, recreation, agriculture, real estate and hospitality. In collaboration with business organisations and academia, a targeted toolkit is being

<sup>23</sup> Kamerbrief bij evaluatierapport Nederland Verdrag van de VN tegen Corruptie | Rapport | Rijksoverheid.nl.

<sup>24</sup> Executive summary State of implementation of the United Nations Convention against Corruption: Netherlands | Rapport | Rijksoverheid.nl.

<sup>25</sup> Kamerbrief kabinetsappreciatie Nalevingsverslag GRECO vijfde evaluatieronde | Kamerstuk | Rijksoverheid.nl.

<sup>26</sup> <https://pvo-nl.nl/>.

developed based on crime scripting in order to address identified corruption risks in different sectors.<sup>27</sup>

#### Leaflet – Doing business honestly, without corruption

To increase awareness of corruption risks in the private sector and help address those risks when companies find themselves faced with bribe solicitation, in 2022 the ministries of Foreign Affairs, Economic Affairs and Justice and Security developed the leaflet Doing business honestly, without corruption.<sup>28</sup> In 2025, the ministry of Foreign Affairs initiated the revision of this leaflet to include, among others, a more targeted approach on the importance of anti-corruption compliance as crucial element in responsible business conduct. The revised leaflet will be aimed at raising awareness for corruption-associated risks in supply chains and the need for effective corruption prevention in the private sector through due diligence processes, as laid out in the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct.

#### National police

The police integrity directorate directs a department that executes complex internal investigations, combats police corruption, protects whistleblowers and promotes integrity. This department has been formalized and the hiring of personnel has started.

#### Approach to Police Corruption

To further develop the approach on police corruption, the focus for 2025 was on operationalizing the development lines described below. The development lines are: (1) National Intelligence Picture, police Corruption, (2) Field Lab Police Corruption, (3) Insider Threat Intelligence, (4) Collaboration with Science and (5) Collaboration on Strengthening Resilience. There are a few updates below.

##### 1. National Intelligence Picture – Police Corruption

The intelligence organization has produced the first national intelligence picture of corruption. In 2026, this picture will be further operationalized. Also an real-time picture is being operationalized.

##### 2. Field Lab - Police Corruption

The field labs are finalized and the results are being used towards the approach to potential police corruption. In the second half of 2026 there will be a multi -field lab with partners like the Rijksrecherche and Dutch Customs.

##### 3. Protective monitoring and Insider Threat Intelligence

In 2025 the police rolled out Protective Monitoring nationwide within the police organization: a system for analyzing patterns and deviations in the use of police systems. The further development of protective monitoring is an ongoing process. In addition, international partners are following these developments with interest, and knowledge exchange takes place where possible.

Starting in 2026, an annual trend analysis will be conducted based on the findings of Protective Monitoring.

##### 4. Collaboration with Science

<sup>27</sup> <https://www.vno-ncw.nl/artikelen/project-weerbare-branches-van-start>.

<sup>28</sup> [Doing business honestly, without corruption | Leaflet | Government.nl](#).

No updates on this topic.

#### 5. Collaboration on Strengthening Resilience

The pilot will continue until the second half of 2026. After that, an exploration will take place to integrate the workshop into the national program that supports employees in developing from starter to professional.

In addition, the resilience training is being further developed to tailor it to specific target groups, with a particular focus on employees working in operational support and management.

### B. Prevention

- *Measures to enhance integrity in the public sector in particular as regards high-level officials (including as regards incompatibility rules, revolving doors, codes of conduct, ethics)*

Regarding the integrity of ministers, a session on integrity was held in 2025 with members of the Council of Ministers. This is in line with GRECO recommendation iii. Furthermore we are now planning to update the code of conduct for the integrity of government officials in 2026. Additionally, in 2025 the government sent a revised framework to the House of Representatives regarding the handling of the financial and business interests of ministers. And finally measures have been taken to promote transparency regarding contacts between government officials and external parties. This is also in line with GRECO recommendation vi.

As mentioned in the Rule of Law reports of last years, the Dutch government has drafted a legislative proposal to increase integrity among local governors by making the risk analysis mandatory. Besides identifying integrity risks, this bill also ensures rules that prohibit economic activities that could lead to conflicts of interests. The bill has been in consultation and is ready to be submitted by the parliament (the House of Representatives). Furthermore, to further strengthen integrity of the local government, the Dutch government is still aiming to develop clear – mandatory – quality standards for integrity checks in 2026 as there are none now.

The Political Parties Act<sup>29</sup> was submitted to Parliament in May 2025. The new Act introduces transparency rules on the organization of political parties. It would also incorporate the existing Act on Political Party Financing. Furthermore, the Act enables the financing of local political parties. The Act is currently under deliberation in Parliament.

- *Measures to enhance general transparency of public decision-making (including rules on lobbying, asset and interest disclosure rules, gifts policy, transparency of political party financing).*

#### Integrity of central government civil servants

Several steps have been taken to further strengthen integrity of the central government and the civil

<sup>29</sup> The Political Parties Act aims to regulate, amongst other provisions, foreign parties' activities and includes a prohibition on parties that "present a clear and present danger of undermining or abolishing the democratic rule of law". 2024 Rule of Law Report, pp. 18-19.

servants:

- o The minister of Interior and Kingdom Relations has informed parliament (25<sup>th</sup> of March) about the follow-up of the recommendations of the Netherlands Court of Audit. The Minister of the Interior and Kingdom Relations wants, among other things, to take a more active role in coordination of the integrity policy and implementation, keep a closer eye on the effectiveness of the integrity policy, and continue discussions with the ministries on this subject.
- o In the beginning of 2025 researchers prepared a report on the evaluation of the pilot personnel advisor at various ministries. The personnel advisor can provide guidance, advice or mediation to an employee. This pilot personnel advisor was an agreement made in the collective labour agreement 2022-2024 to promote social safety within central government. The report concluded that the personnel advisor adds value to the current integrity infrastructure.
- o The minister of the Interior and Kingdom Relations has informed parliament (14<sup>th</sup> of July) about the follow-up of the independent advice on the integrity policy for political advisors. The cabinet is committed to strengthening its integrity policy in order to promote awareness and provide clarity for political assistants. Among the measures are the appointment of special counsellors for political assistants. These counsellors can be contacted in case of integrity dilemma's and work on the basis of confidentiality.
- o On July 1, the members of the independent Central Government Integrity Committee were appointed, which started in November. This committee handles reports from government employees about suspected integrity violations, abuses, and discrimination as a result of a report. Furthermore, the independent Complaints Committee started on July 1<sup>st</sup>. This independent committee was established for central government employees and investigates complaints about undesirable behavior by employees towards another employee or manager. Both committees have a shared reporting point where employees can go to.
- o The minister of the Interior and Kingdom relations has informed parliament about the measures taken to increase awareness about influence from (in)formal networks. For top senior civil servants (in Dutch: ABD) training and development programs and instruments for discussing influence by (in)formal networks are being developed. For members of government, the next update of the integrity code will include the topic of influence by (in)formal networks.
- o The integrity code of conduct for central government employees is being updated. The draft text is currently being discussed with the central government works council.
- o To improve the central government's resilience, a program was started to strengthen and unify the ministries' and their executive bodies' efforts against corruption and (criminal) infiltration. An important part of this program is a risk assessment toolkit that is currently being developed by the ministry of Interior and Kingdom Relations, which will allow government bodies to identify and mitigate the internal risks relating to corruption and (criminal) infiltration. The toolkit is expected to be finalized in the first half of 2026.

#### Integrity of local governments

- o Communal guidelines have been written to strengthen the employers' procedures and prevent the re-hiring of former government employees with past corruption offences.
- *Measures to ensure whistleblower protection and encourage reporting of corruption, including their application (i.e. number of reports received, and the follow-up given)*

The Netherlands implemented the European Whistleblower Directive (EU) 2019/1937 in February 2023. An implementation study on Whistleblower Protection Act was conducted of which the results were published in 2025. This study examined how the law works out in practice, with special attention to the target group. The actual evaluation of the Act's effectiveness and efficiency will be conducted in 2026.

As reported last year the Minister of the Interior and Kingdom Relations sent these result to the House of Representatives before the summer recess.<sup>30</sup> The Minister

<sup>30</sup> Kamerstukken II 2024-25, 35851, nr. 74.

emphasized the importance of promoting a safe reporting environment through prevention. The Minister cites the results of the implementation study of the Whistleblower Protection Act, which indicate that the law needs to be better known and that the concept of misconduct needs to be better understood. Efforts were (and still are) therefore directed to increasing the level of knowledge about the Whistleblower Protection Act. This contributes not only to further strengthening the capacity of the reporter, but the entire group involved in assessing and handling a report. It is important that the whole group is well-informed about the regulations and a uniform assessment of whether there is a suspicion of misconduct.

In 2025 efforts to promote a safe working and reporting climate were continued. In 2026 efforts will focus on reaching small and medium-sized enterprises (SME's) as earlier research shows this group is experiencing more difficulties in implementing in their organizations the requirements from the Whistleblower Protection Act.

Some provisions of the Dutch Whistleblowers Protection Act have not come into force yet. There have been ongoing preparations and research to assess whether and which legislative amendments are necessary and thus ask for adjustments in the Whistleblower Protection Act.

As to the new supervisory and sanctioning tasks regarding 1) the amendment regarding supervisory and sanctions for the Dutch Whistleblower Authority; and 2) the amendment regarding internal anonymous reporting, these have not been implemented yet. The Minister of the Interior and Kingdom Relations addressed these amendments in the same letter to the Dutch House of Representatives.

To summarize:

1. The Minister stated that the upcoming adjustment of the Dutch Whistleblower Protection Act will also address the amendment regarding supervision and enforcement tasks. Further research is necessary concerning (the feasibility) how the Dutch Whistleblower Authority needs to be adjusted to carry out these extra, legal provisions in a practicable manner.

2. Provisions regarding the internal anonymous reporting will also be part of the upcoming adjustment of the Whistleblower Protection Act. The previous amendment has been received very critically in the consultation phase because of expected problems with the feasibility of the amendment. Therefore, it's decided to include anonymous reporting in the upcoming adjustment of the Act, so we can solve the issues raised and make sure anonymous reporting is embedded into Dutch law in a way that is feasible and just.

As reported on 1 February 2024, the Subsidy Scheme for Legal Aid and Mediation under the Whistleblower Protection Act came into effect. Until December 16, 2025, the House of Whistleblowers has referred 55 reporters to the Board for legal support. As of November 1, 2025, the Dutch Legal Aid Board has granted 51 legal aid applications for 42 unique seekers of legal aid (meaning some seekers have received more than one grant. Based on this scheme, (potential) reporters of abuse who come into conflict with their employer after filing a report can qualify for support from a lawyer or mediator via the Legal Aid Board. There are 70 lawyers and 63 mediators registered for the scheme, which is sufficient to meet the demand. The House has indicated that the

experiences with legal support have been positive. The evaluation by the Legal Aid Board will take place in early 2026, and the insights will be used to develop a proposal on how to properly organize and structure the support for the long term. The scheme applies for four years but will be evaluated early 2026.

In addition to legal aid, reporters can also qualify for free psychosocial support from the Victim Support Netherlands foundation. This provision has started 1 September 2022 and will also be evaluated early 2026. Since the start 43 and in the year 2025 15 reporters have made use of the support from Victim Support Netherlands.

For a reporter to receive support, a referral from the advisory department of the Whistleblowers Authority is required.

In June 2025 the Whistleblowers Authority reported the number of whistleblower reports to the European Commission. The Dutch competent authorities received 145 reports of breaches in 2024 (versus 85 in 2023) falling within the scope of the Whistleblower Protection Act (the data were collected by the Dutch Whistleblowers Authority). Most reports concerned the protection of personal data, public health, financial services, products and markets, food safety, and consumer protection. In the Netherlands, no specific data are available at central level on the number of reported corruption cases (and the follow-up given).

- *Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists.*

In 2025 the Dutch journalist safety initiative PersVeilig achieved permanent foundation status. With annual funding from the Ministry of Education, Culture and Science, complemented by employer contributions, PersVeilig operates as an independent organization dedicated to protecting press freedom. The foundation provides support, training, and expert legal advice.

Last year PersVeilig published a study showing that 91 percent of photo journalists and camera operators experience aggression and intimidation in their work. The results of the research, conducted by Ipsos I&O, helped to create awareness of this situation in order to improve the safety of photo journalists and camera operators in the field.

There were no state alerts from the Council of Europe regarding the Netherlands during the last year.

- *Access to information and public documents by public at large and journalists (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information).*

The government is taking the next steps to improve the implementation and feasibility of the Open Government Act (*Wet open overheid; Woo*). Following the Woo implementation review<sup>31</sup> the government announced measures to improve

the processing of disclosure upon requests under the Woo (i.e. Woo requests).<sup>32</sup> These efforts continued in 2025 and specifically focused on developing tools to helping public authorities and civil servants manage Woo requests.

Intergovernmental working groups are in the final stages of developing a handbook to help public authorities address misuse and improper use of the Woo requests. Moreover, a cross-governmental working group is also producing a profile description for the Woo request contact person. Every public authority must appoint such a contact person, who plays an important role in making the Woo request process more service-oriented and responsive. Ensuring that all public authorities have the right profiles in these essential position is therefore an important step.

Government wide work is also underway to develop an optimal and efficient Woo request process. This work reviews the efficiency of the Woo requests, identifies best practices and seeks to implement those broadly. This work is expected to be completed in 2026 and provide improvements for public authorities on their own processes. In the same line of effort, two Hackathons were organised during 2025. These initiatives found technical innovations to improve efficiency of Woo request<sup>33</sup> and ensure that government information is truly accessible and usable for everyone.<sup>34</sup> Furthermore, as required by law, the official evaluation process for the Open Government Act as whole will be launched in 2026 to provide insights into the efficiency, effectiveness, and impact of the implementation of the Woo. The monitoring of Woo requests has also been strengthened. Data on how ministries handle Woo requests are included annually in the Government Operations Annual Report and updated quarterly through the publicly accessible dashboard *Woo in cijfers launched in 2025*.<sup>35</sup>

Besides disclosure upon request, public authorities are required under the Woo to also proactively disclose at least seventeen categories of information. As of 1 November 2024, this requirement applies to the first five categories. The information of all public authorities is made available through the Woo Search Portal ([open.overheid.nl](https://open.overheid.nl)), a central platform with a search function. The government is also developing policies for broader proactive disclosure, following the principle of meaningful transparency and tailored to the information needs of citizens. Proactively released documents increasingly include contextual information and timelines. A decision-making framework tool developed in 2025 supports organizations in implementing meaningful

<sup>31</sup> [Woo-invoeringstoets | Rapport | Rijksoverheid.nl](#).

<sup>32</sup> *Kamerstukken II* 2023-24, 32 802, nr. 80.

<sup>33</sup> [Results Hackathon November 2025](#).

<sup>34</sup> [Results Hackathon May 2025](#).

<sup>35</sup> <https://wooincijfers.open-overheid.nl/>

proactive disclosure. Furthermore, to ensure continued awareness to the risks that the (combined) disclosure of information, guidelines on transparency and national security are being developed. To further support proactive disclosure, the government of the Netherlands, together with the Organization for Economic Cooperation and Development and the Open Government Partnership, took the lead in establishing an international coalition of frontrunners. This group of countries is working on a joint standard for meaningful active disclosure of government information.

To improve information management, various measures are being implemented under the Multi-Year Plan on Transparency and Information Management (MJP)<sup>36</sup>. These include improved compliance with the (new) Archives Act and the deployment of ICT tools that support civil servants in information management and collaboration. The MJP was updated at the end of 2025 and submitted to Parliament.<sup>37</sup>

Finally, in 2025 the fifth National Open Government Action Plan (2023-2027) was reviewed and updated.<sup>38</sup> In this plan, the government collaborates with civil society partners to further strengthen an open government. An evaluation by a civil society coalition showed that more than half of the actions initiated since 2023 have been completed. Through an open call, new actions were added, including initiatives that provide insight into how exemption grounds under the Woo are applied and that develop ways to make information meaningful, easier to find, and more understandable.

- *Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits.*

A draft Act to implement the SLAPPs Directive was sent to Parliament in April 2025. A committee of the House of Representatives posed written questions about the draft Act at the end of May, which were answered early October.<sup>39</sup> This committee decided at the end of November last year that the draft Act is ready for the oral phase of proceedings, and a plenary debate will be scheduled. The debate is for now tentatively scheduled for the week of 13 April. After the debate a vote will follow. Once approved by the House of Representatives it is up to the Senate to decide about the draft Act.

<sup>36</sup> [The Multi-Year Plan on Transparency and Information Management](#)

<sup>37</sup> *Kamerstukken II 2025-26, 29 362, nr. 393.*

<sup>38</sup> *Kamerstukken II 2025-26, 29 362, nr. 393.*

<sup>39</sup> *Kamerstukken II, 2025-26, 36 731, nr. 6* ([Nota naar aanleiding van het verslag wetsvoorstel implementatie anti SLAPP richtlijn | Kamerstuk | Rijksoverheid.nl](#)).

#### **IV. Other institutional issues related to check and balances**

##### **A. The process for preparing, enacting and implementing laws**

- *Regime for constitutional review of laws.*

Following the Government's outline of future proposals to enable judicial constitutional review of legislation, as well as the establishment of a Constitutional Court from 21 February 2025, several judicial authorities were requested to express their views on this. Judicial constitutional review of legislation enjoys broad support from these authorities, whereas the establishment of a Constitutional Court receives limited support.

Subsequently, a draft bill for constitutional review was drawn up in line with elements from the outline. In this proposal, all judges are authorised to review laws against part of the Constitution. The proposal to enable judicial constitutional review of legislation was open for public internet consultation. Moreover, relevant (judicial) authorities have been consulted regarding the proposal.

##### **B. Independent authorities**

- *Independence, resources, capacity and powers (including effective access to relevant data) of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions.*

The Minister of Interior and Kingdom Relations has sent a [letter](#) in June 2025 to the House of Representatives in which she explained the status of the research on the expanding of the mandate of the National Ombudsman that is currently being conducted.<sup>40</sup> Due to the involvement of several private institutions, the National Ombudsman has a lack of authority regarding some public tasks that are being executed by them, whereas the Minister has stated that the National ombudsman should be authorized because of the specific public character of the task, regardless the particular construction of the execution of the task. In 2026 the House of Representatives will be informed about the key aspects of the legislative proposal regarding the expanding of the mandate.

##### **C. Accessibility and judicial review of administrative decisions**

- *Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data) and respect of the good administration principle (including the obligation of the administration to give reasons for decisions)*

Decisions that are not addressed to one or more interested parties (i.e. general administrative acts) are published in their entirety in an official publication bulletin (publicatieblad). Decisions addressed to one or more interested parties (i.e. individual administrative acts) are made public by sending or handing over the decision to the interested party. As a rule, this type of decision is not made public to the general public; however, exceptions to this principle apply.

When making decisions, government authorities are bound by the standards set out in

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<sup>40</sup> Kamerstukken II 2024-25, 36747, nr. 3.

the General Administrative Law Act (Algemene wet bestuursrecht, Awb) and the general principles of proper administration (algemene beginselen van behoorlijk bestuur) with regard to the motivation of decisions. The reasoning must support the decision and must be capable of explaining it. The facts must be accurate, and the reasoning must be logical and comprehensible.

In addition, transparency of administrative decision-making is also governed by the Open Government Act (Wet open overheid, Woo). The Woo provides the general legal framework for both active disclosure (the authority's own initiative to publish certain categories of information) and passive disclosure (disclosure upon request).

Administrative decisions and related documents may therefore be made public under the Woo, unless a statutory exception applies, such as the protection of personal data.

- *Judicial review of administrative decisions: short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review).*

As a starting point, Dutch administrative law provides for appeal in two factual instances. The decision issued by the administrative body must state where and within what period an appeal and higher appeal must be lodged. The type of decision determines which (District) Court has absolute jurisdiction. An appeal against an administrative decision is generally lodged with a District Court (Rechtbank). Higher appeal can generally be lodged with the Administrative Jurisdiction Division of the Council of State (Afdeling bestuursrechtspraak van de Raad van State). For certain types of decisions, higher appeal may be lodged with the Central Appeals Tribunal (Centrale Raad van Beroep) in the field of social security law, with the Trade and Industry Appeals Tribunal (College van Beroep voor het bedrijfsleven) in the field of economic administrative law or with the Supreme Court in the field of tax law depending on the nature of the case. There are also various exceptions to this main rule.

As a rule, the lodging of an appeal or higher appeal does not have suspensive effect. However, pending the objection procedure, the appeal procedure, or the higher appeal procedure, an application for interim relief (voorlopige voorziening) may be submitted.

- *Safeguards (other than judicial review) regarding decisions or inaction of administrative authorities, including remedies (e.g. administrative review)*

A citizen can generally object to a decision made by the government, either through a formal objection procedure (bezwaar).

In addition to the formal objection procedure individuals may submit a complaint. This mechanism, governed by Chapter 9 of the General Administrative Law Act, does not concern the lawfulness of a decision but the propriety of administrative conduct. It allows individuals to express dissatisfaction with the way a public authority or its officials have acted, where such conduct is considered improper, careless, or unfair. A complaint is submitted to the relevant administrative authority and must describe the conduct complained of, including the relevant facts and circumstances. The authority is required to handle the complaint carefully and impartially and to respond within a reasonable time.

If the complainant is dissatisfied with the internal handling of the complaint, the

matter may be brought before an external body, notably the National ombudsman. The complaint procedure thus provides a complementary, low-threshold mechanism for accountability and correction, alongside formal legal remedies, and contributes to transparency and trust in public administration.

The notice of default and penalty payment for failure to decide in time (Article 4:17 of the Algemene wet bestuursrecht) is a remedy against administrative inaction. If an administrative authority fails to take a decision within the statutory time limit, the interested party may formally give notice of default. If the authority then still fails to decide, it automatically incurs a penalty payment per day (dwangsom), subject to a statutory maximum. This mechanism is intended to incentivise timely decision-making and to prevent legal protection from being undermined by administrative passivity.

- *Oversight, including by courts, of the use of intrusive surveillance software by national authorities*

Regarding the use by the police/Public Prosecution of special investigative powers in cases of suspected criminal offenses, a review and authorization by the examining magistrate (rechter-commissaris) is required. The examining magistrate assesses the requested use based on proportionality and subsidiarity.

Regarding the use and functioning of devices such as speed cameras, a judge may rule on them in a criminal case if doubts have been raised about their operation. Such devices (including those used to measure blood alcohol content) must be periodically calibrated. Insight into this can be addressed in an individual (criminal) case, where it can be requested and assessed whether the device complies with statutory accuracy requirements.

#### **D. The enabling framework for civil society**

- *Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration, transparency and dissolution rules)*
- *Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures to protect them from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services, as well as available remedies.*

The draft law on the Transparency of Civil Society organizations has been approved by the Lower House (Tweede Kamer) on the 1st of April 2025. Several amendments were approved, in particular to exclude low value donations (under EUR 15.000) and to reduce burden for civil society organizations. There were also amendments approved to extend the time organizations are allowed to provide information to the requesting authority. Moreover, where a mayor requests information from a civil society organisation, it is now obliged to consult the public prosecution office in advance.

The draft law is now pending in the Upper House (Eerste Kamer), where a written examination has taken place. Public society organisations were invited by the Upper

House to give their view on the law. A plenary debate is foreseen in spring 2026.

**Cross-pillar elements: cross-border rule of law issues related to the Single Market**

*If you are aware of any significant challenges concerning the Single Market faced by businesses or citizens from your Member State in a cross-border context relating to any of the four pillars of the report, including for example issues with market access and the conditions for economic activities, please highlight them in the box below.<sup>41</sup>*

The only challenge we hear from (mainly via SOLVIT cases), are shortages in staffing in specific competent authorities which may cause delays for example in issuing driving licences in other Member States. Yet this challenge does not directly relate to any of the four pillars of this rule of law report.

**As regards the publication of your written input, please indicate whether you<sup>42</sup>:**

Consent

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<sup>41</sup> Given the cross-cutting nature of this question, it is included as a separate section in the questionnaire. Information collected under this question will however be integrated under the relevant existing pillar(s) of the Report.

<sup>42</sup> Should you wish to amend the input submitted ahead of the Report's publication, please simply indicate so to the Commission services which will ensure that the correct version is published.