ACA – Tallinn 18-19 okt 2018
Bart Jan van Ettekoven
Council of State - NL
The Netherlands - Gala

General Administrative Law Act

- Pre trial procedure - obligatory
- Appeal administrative court
- Appeal higher court
NL – GALA – appeal - process

appeal → Check on formalities → Preliminary inquiry

hearing → judgment
3 procedures

- **Normal procedure**
  - Preliminary inquiry
  - Hearing
  - Judgment

- **Expedited proceedings**
  - Preliminary inquiry
  - Case of urgency – reduced time limits
  - Hearing -> judgment

- **Simplified proceedings**
  - Appeal is manifestly .... / clear and obvious situations
  - No hearing
  - Judgment – no appeal
NL – GALA – article 8:81

- Pre trial procedure
- Appeal district court
- Appeal higher court

Interim measure
GALA article 8:86

If the request is made when an appeal has been lodged with the district / higher court, and the president considers after the hearing that further inquiry cannot reasonably be expected to contribute to the assessment of the case, he may give immediate judgment on the merits.
NL – GALA – article 8:86

- Pre trial procedure
- Appeal district court
- Appeal higher court

Interim measure & immediate judgment
Advantages of ‘short circuiting’

• Fast procedure
  - judgment on the merits ( < 2 months)
  - double short circuiting (district court & higher court) - > final judgement within 5-6 months

• Sufficient procedural savegards for the parties:
  - written procedure / request + court hearing
  - parties can express there wishes for further review
  - parties can refuse permission in first and last instance cases

• Avoiding double procedures - > court efficiency

• Avoiding contradictory judgements (preliminary – final judgement)