



Association of the Councils of State and Supreme Administrative
Jurisdictions of the European Union i.n.p.a.

Association des Conseils d'Etat et des Juridictions administratives
suprêmes de l'Union européenne a.i.s.b.l.

INTERNSHIP REPORT AND SUMMARY

Identification of the participant

Name: MIRON

First name: MALGORZATA

Nationality: POLISH

Country of exchange: POLAND

Identification of the exchange

Hosting jurisdiction/institution: COUNCIL of STATE

City: THE HAGUE

Country: The Netherlands

Dates of the exchange: 20-24 APRIL 2026



Co-funded by
the European Union



SUMMARY

My professional visit to the Netherlands was aimed at gaining insight into the functioning of the Council of State in the Hague, both as an institution as a whole and through its two key divisions – the Advisory Division and the Administrative Jurisdiction Division.

During my stay, I met with representatives of many organizational units within the institution and also attended a court hearing. In addition to becoming familiar with the activities of the Council of State itself, I also had the opportunity to learn about the current challenges faced by Dutch administrative law, particularly in the fields of environmental protection and migration.

This was a very valuable experience, primarily from a comparative and educational perspective, as there is no institution in Poland operating in the same form as the Council of State in the Netherlands. At the same time, in terms of the types of cases handled, the Administrative Jurisdiction Division is similar to the General Administrative Chamber of the Supreme Administrative Court, where I serve as a judge.

I found the manner in which court hearings are conducted, as well as the organisation of daily judicial work, particularly interesting. I also consider the solutions concerning knowledge management and internal information exchange within the institution to be highly valuable.

The exchange of experience in migration-related matters was especially useful and beneficial for my professional practice.



I. Programme of the exchange

Monday 20 th April 2026

Meeting with General Counsel

Meeting with the Head of the AJD Unit O4

Meeting with the Director of the AJD

Meeting with the Digitalisation Officer (introduction to initiatives concerning the digitalisation of work processes)

Tuesday 21 April 2026

Meetings in the Advisory Division with a State Councillor

Wednesday 22 April 2026

Meeting with Legal Counsel at the Council on EU law (CrEU)

Meeting with a lawyer from the Environmental Chamber

Meeting with a State Councillor of the AJD and member of the feedback committee

Meeting with a State Councillor of the AJD (with special expertise in EU law; also acting President of the internal committee of the Council on EU law, CrEU)

Hearing of the Environmental Chamber (team O1) with the State Councilor of the AJD Jade Gundelach, and a lawyer Louise van Heusden

Thursday 23 April 2026

Meeting with Legal Advisor to the Constitutional Council

Meeting with State Councillor of the AJD and alternate member of the Joint Court of Aruba, Curaçao, Sint Maarten, Bonaire, Sint Eustatius, and Saba

Meeting with a lawyer from the Migration Chamber on EU Migration and Asylum Pact and on cooperation between lawyers and state councillors

Library tour

Meeting with the Head of Research Department of the AJD, and a staff member of the department

Friday 24 April 2026

Meeting with the First Counsellor in Polish Embassy

II. The hosting institution

The Council of State of the Netherlands is one of the oldest and most important state institutions in the Netherlands. The institution is based in The Hague and operates as an independent High Council of State under the Dutch Constitution and the Council of State Act.



The King formally serves as President of the Council of State, although this role is largely ceremonial and based on historical tradition. The daily management of the institution is entrusted to the Vice-President, who chairs the Council and the Advisory Division and represents the institution externally.

The Council of State performs two principal functions. First, it acts as the main advisory body to the government and Parliament on legislation and public administration. Second, it serves as the highest general administrative court in the Netherlands. These two functions are carried out separately by the Advisory Division and the Administrative Jurisdiction Division.

Advisory Division

The Advisory Division provides opinions on draft legislation, general administrative measures, treaties, and certain naturalisation decisions. The Dutch government is constitutionally required to seek its advice before adopting many legislative acts. The House of Representatives also consults the Division regarding private members' bills.

The Division examines legislative proposals from several perspectives. It assesses whether government intervention is necessary and effective, whether proposed regulations comply with the Constitution, European law and fundamental rights, and whether the measures are practical and enforceable for citizens, authorities and courts.

The Advisory Division currently consists of fifteen State Councillors supported by approximately thirty legislative lawyers and other experts. Each year, it issues more than 350 opinions and advisory reports.

Administrative Jurisdiction Division

The Administrative Jurisdiction Division is the highest general administrative court in the Netherlands. It decides disputes between citizens and public authorities, as well as disputes between public bodies. Typical cases concern asylum and residence permits, planning permissions, environmental issues, social benefits and infrastructure projects.

The Division is organised into three chambers: the Environment Chamber, the Immigration Chamber and the General Chamber. It delivers approximately 11,000 judgments annually.

To promote consistency in administrative law, the Division cooperates closely with other highest Dutch courts, including the Supreme Court of the Netherlands. State Advocates General may also provide independent legal opinions in particularly complex cases.

The Division consists of more than fifty State Councillors and is supported by around 250 legal professionals. Most judges have experience in judiciary, academia or administrative law practice.



Recruitment and independence

State Councillors are appointed by Royal Decree until the mandatory retirement age of seventy. Since 2010, vacancies have been publicly advertised and candidates have been selected through an open recruitment procedure.

Members of the Advisory Division are chosen mainly for their experience in public administration, legislation and academia, while members of the Administrative Jurisdiction Division must have a legal academic background and experience in the judiciary or administrative law.

Although appointments are formally made by the King and the Council of Ministers, the actual selection process is conducted within the Council of State itself. In practice, governmental authorities follow the recommendations of the institution, which safeguards its independence.

III. The law of the host country

With regard to the activities you took part in during the exchange, please develop one aspect of the host country's national law that you were particularly interested in.

During my study visit to The Hague, I had the opportunity to learn about the functioning of the Council of State of the Netherlands and the Dutch administrative justice system.

I was particularly interested in meetings with lawyers and judges dealing with migration and asylum cases. These discussions allowed me to better understand how the Netherlands addresses migration-related issues, the organisation of asylum procedures, and the protection of migrants' rights.

I also found the information concerning cooperation between public authorities and administrative courts in migration matters particularly valuable, as well as the practical application of both national and European law in this field.

Another particularly valuable experience was attending a court hearing, which allowed me to observe the practical functioning of proceedings before a Dutch administrative court, the working methods of judges, and the manner in which legal arguments are presented by the parties.

The visit was also an excellent opportunity to exchange professional experience and deepen my knowledge of the Dutch administrative and migration law system.

IV. The comparative law aspect in your exchange

What main similarities and differences could you observe between your own country and your host country in terms of organisation and judicial practice, substantial law ...? Please develop.

The Dutch and Polish legal systems share a number of similarities, particularly in the field of administrative justice, but there are also important institutional differences.

One of the most significant differences is that in Poland there is no equivalent of the Advisory Division of the Council of State of the Netherlands. The Polish legal system does not provide for a separate advisory body that gives opinions on draft legislation and governmental measures in such a broad and institutionalized form.

On the other hand, the Administrative Jurisdiction Division of the Dutch Council of State is, in many respects, similar to the General Administrative Chamber of the Supreme Administrative Court of Poland. Both institutions function as the highest administrative courts and adjudicate cases concerning the legality of actions taken by public authorities.

Another important difference concerns the internal organisation of judicial work. In the Netherlands, lawyers working within the court administration prepare cases and legal analyses for judges. In Poland, neither the Supreme Administrative Court nor the regional administrative courts have such specialised legal divisions composed of lawyers preparing cases in this manner. Instead, Polish judges are individually supported by judicial assistants assigned directly to them.

At the same time, some institutional solutions are comparable in both countries. For example, both systems have units responsible for analysing and collecting case law, identifying inconsistencies in judicial decisions, and providing this information to judges in order to support the uniformity of jurisprudence.

V. The European aspect of your exchange

Have you had the opportunity to observe the implementation or references to the instruments of law of the EU, or/and of the European Convention on Human Rights, etc.? Name some of the main issues encountered within these contexts and explain them.

In the context of EU law, I had the opportunity to deepen my knowledge of regulations concerning migration, as well as the challenges posed by applying law in the context of the European Convention on Human Rights. I was particularly interested in analyses of the situation of Afghan and Pakistani women seeking international protection, who, as a social group, face discrimination in their countries of origin. Additionally, we dedicated a significant amount of time to environmental law, particularly the aspects tied to EU directives and the obligation to protect Natura 2000 areas, which are particularly numerous in the Netherlands.

VI. "Good Practice" within the host jurisdiction

What are some of the characteristics of administrative law or administrative litigation within the host country which should be exported to other countries (i.e. restrictive deadlines on proceedings, obligatory prior access to administrative aid, correction of contraventions to the law during the proceedings, etc.).

The administrative procedure in the Netherlands is simpler and less formalized than in Poland. During hearings, the atmosphere is more welcoming for the parties, and the parties do not need to be represented by professional legal representatives, which makes it easier for them to participate. Additionally, a benefit for the parties is that they are heard not only by the administrative body but also by the court of first instance, and in exceptional cases, they can also be heard by the court of second instance.

VII. The benefits of the exchange

What have you gained from your work exchange? Could these gains be useful within your professional practice? How will you ensure that your colleagues benefit from the knowledge that you gain during your work exchange?

I gained a great deal from my professional exchange, especially during the meeting on migration law, as it is also a field I work on in Poland. I found it particularly interesting to learn about the issues that the Dutch courts face with migrants from Pakistan and Afghanistan, particularly concerning Pakistani and Afghan women. I also found the meeting with a person working on migrants in the Caribbean islands, such as Aruba, Curaçao, and others, very engaging. I was interested in whether these problems are similar to those at the Polish-Belarusian border. I concluded that the Dutch have a bigger issue with migrants on these islands because they cannot effectively secure the borders against the influx of these migrants, and they have to provide them with protection in a way that still complies with the Convention on Human Rights. I can now pass this knowledge on to my colleagues at work, sharing with them specific examples and insights that will help them better understand the challenges of migration.

VIII. Suggestions

In your opinion, what aspects of the Exchange Programme could be improved? How?

A very important positive aspect of this program was the opportunity to attend a court hearing. Moreover, I had the key issues of the hearing translated for me, and one of the lawyers was explaining everything that was happening in the courtroom. This is an essential element of this type of exchange, as it enables participants to fully benefit from attending court hearings.