Seminar organized by the Supreme Administrative Court of the Czech Republic and ACA-Europe

Limits of judicial guarantee

Brno, 9 September 2019

Answers to questionnaire: Netherlands

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ACA-Europe Seminar on Measures to Facilitate and Restrict Access to Administrative Courts

September 9, 2019

Nejvyšší správní soud Brno
(Supreme Administrative Court Brno)

Questionnaire

Introduction:

The role of the administrative judiciary determines the conditions under which administrative courts work. These include the limits on the right of access to these courts, as well as the rules on such cases potentially progressing further within the judicial hierarchy. It is an area defined by an ongoing tension between two principles: the right to a fair trial that would speak in favour of opening the gates of judicial review, with the efficiency of judicial review pulling in exactly the other direction, namely of limiting access to administrative courts, in particular the higher ones.

The seminar to be held in Brno, the Czech Republic, on September 9, 2019 at the Supreme Administrative Court, follows the path opened by the seminars in Dublin and Berlin. It shares the objective of contributing to mutual understanding of the scope of judicial review of administrative cases. Consequently, it broadens and deepens the topic of access to the courts. The seminar therefore deals with the issue before the administrative judiciary as a whole, including the administrative courts of lower instances. It covers both formal and material measures which either facilitate or restrict access to the courts.

The seminar attempts to merge the principles of fair trial and efficiency. Based on shared knowledge of member states, it aims to describe the areas where the administrative judiciary should remain open to litigants and to analyse those where it may constrain its current role or, on the contrary, may exceed it. In other words, it examines the proportionality of restrictions on access to the administrative courts.

I. The structure of the administrative judiciary

a. Please describe briefly the structure of the administrative judiciary, i. e. how many instances your administrative judiciary (including all specialized jurisdictions, e. g. financial or social security) consists of and the relations of superiority and subordination between them, unless this information is available and up to date at the ACA-Europe webpage, Tour of Europe file.

The first remedy of an individual against decisions of government bodies is to lodge an objection (*bezwaar*). After this, the individual can in most cases appeal to the court of first instance (I. in the table below). After that, the final opportunity to get judicial judgment is to move to a high administrative court. Depending on the subject of the case (i.e. the applicable statute/act) this will be either the Jurisdiction Division of the Council of State (general cases, planning cases, asylum cases), the Administrative High Court (mainly civil servant law and social security law), the Trade and Industry Appeals Court (economic law) or the Supreme Court (in tax cases). See II, III, IV and V in the table below. In some instances, these high administrative courts are competent in first and only instance. This depends on the applicable statute/act.

b. How many administrative courts and judges are in each of the instances? Please give numbers relevant at the end of the year 2018.

(Note: if your administrative judiciary consists of two instances, use columns I. and II.; if it consists of more than three instances, please adjust the table. The same applies to all the tables used in this questionnaire.)

The numbers below reveal the total number of judges (therefore not the total of fte) of each part of the judiciary.

Instance	I.	II.	III.	IV.	V
Name	CFI	JDCS	AHC	TIAC	SC
Number of courts	11	1	1	1	1
Number of judges	1546	51	50	20	13

Abbreviations:

I CFI = *courts of first instance*
II *JDCS = Jurisdiction Division of the Council of State*
III *AHC = Administrative High Court*
IV *TIAC = Trade and Industry Appeals Court*
V *SC = Supreme Court*

c. How many judges are in all jurisdictions (i. e. administrative, civil and penal) altogether? Please give numbers relevant at the end of the year 2018.

2093.

II Fees and access to the court

a. Is access to the administrative court subject to a judicial (filing) fee? Please indicate the general principle (for exceptions see questions e., f. and g.). Answer yes/no.

Instance	I.	II.	III.	IV.	V.
Judicial fee	Yes	Yes	Yes	Yes	Yes

b. If you answered *yes*, what is the amount of this fee (in euro)?

Instance	I.	II.	III.	IV.	V.
Name	CFI	JDCS	AHC	TIAC	SC
Individuals	€ 47 / € 174	€ 47 / € 128 € 174 / € 259	€ 47 / € 128 € 174 / € 259	€ 174 / € 259	€ 128/ € 259
Organisations	€ 345	€ 345 / 519	€ 345 / € 519	€ 345 / € 519	€ 519

A few remarks have to be made regarding this scheme. It shows that the amount of fee varies strongly and is at least € 47 and at most € 519. The colours in the scheme serve as a way to offer more insight and can be explained as follows:

- The fees which are coloured **blue** reflect the fees which apply on the basis of the Regulation on reduced fees (*Regeling verlaagd griffierecht*). This Regulation applies to all courts and serves as a way to protect civilians who are confronted with decisions made in respect of a public servant, a military servant, benefits in cases of unemployment, sickness, child support and old age (among others). This deviation of the regular fees is governed by special law and is especially relevant to the Administrative High Court, who is the specialized judge in cases concerning decisions involving social benefits and to the Supreme Court. At Administrative High Court, the fee will be € 47 when the Administrative High Court is competent in first and only instance and € 128 in appeal. At the Supreme Court, the reduced fee rate applies in all tax cases. At the Jurisdiction Division of the Council of State the fee can also be either € 47 or € 128. Here, the reduced fee of € 47 applies when the Council of State is competent in first and only instance in the case of administrative fines with a maximum of € 340 and enforcement action decisions of which the costs do not transcend € 340. When these decisions are brought in appeal, the fee is € 128. Although the Regulation on reduced fees applies to all instances mentioned above it is in practice not relevant to the Trade and Industry Appeals Court, who does not judge in these kinds of cases.
- The fees which have been coloured **red** indicate the tariffs which are due when the judge is competent in first and only instance. This matter is governed by

special law. For example, decisions regarding spatial plans are judged by the Jurisdiction Division of the Council of State in first and only instance.

- In all other administrative cases (the 'normal' cases) the applicable fee is coloured **black**. All the fee tariffs are subject to yearly indexation.

In this scheme the situation in which an individual is exempt from paying a fee altogether is not mentioned; this subject is dealt with in question IIe.

c. Is the amount of the fee in each of the instances flat or can it differ? If the amount can differ, under what conditions and how (e. g. when the petitioner is required to correct or eliminate faults in the petition, the fee rises)?

As the scheme above shows, the amount of the fees in the several instances can differ. The only circumstances which are taken into account regarding the height of the fee are the question whether:
a) the Regulation on reduced fee applies;
b) the appeal is lodged by an individual or an organisation;
c) the higher court is competent in first and only instance or in appeal and
d) the individual has an income which is lower than the social minimum.

d. In what phase of the proceedings does the petitioner have to pay the fee (e. g. with the petition, after the proceedings commence, after the decision of the court is delivered)? What are the consequences of not fulfilling the duty to pay the fee?

The fee has to be paid at the start of the procedure. After confirmation of the lodged appeal, the instance provides a period of four weeks within which the payment has to be fulfilled (art. 8:41 para. 5 GALA). If the amount has not been credited or paid within this period, the appeal shall be ruled inadmissible (art. 8:41 para. 6 GALA).

e. Are any petitioners (e. g. a public authority) or areas of disputes exempt by law from the duty to pay the fee?

Petitioners in asylum law cases don't have to pay a fee (articles 81 and 86 Aliens Act 2000). Moreover, in all cases (both when the judge is competent in first and only instance and in appeal) there is the possibility to be exempted from paying the fee in the case of inability to pay ('*betalingsonmacht*'). This is governed by high thresholds, however. The net income of the applicant and his/her fiscal partner should be lower than 90% of the maximum social welfare payment the individual is entitled to. As of January 1, 2019 an income of less than 90% of the net income is € 922,99 or less. Furthermore, the participant nor his/her partner should have any financial capital (shares, cash, claims etc.). Apart from these categories, there are no exceptions to the duty to pay the fee.

f. Are non-governmental organizations exempt from the duty to pay the fee?

No.

g. Can a petitioner be exempt from the duty to pay the fee by decision of the court? What are the conditions for the exemption?

The decision on whether the petitioner can successfully invoke the 'inalibity to pay'-clause is made by the court. The conditions have been explained under answer 2f.

h. Under what conditions is the fee returned to the petitioner (e. g. in case of the withdrawal of the petition)? Is the fee returned in full or partially?

There are several situations in which the fee is returned:

- If the district court rules that the appeal is well-founded; the judgment will then order the legal entity designated by the court to reimburse the submittant the fee paid by him (art. 8:74 para.. 1 GALA)
- In other cases where the appeal succeeds, a reimbursement (partially or full) might follow as well, for example when the administrative body has lost its procedural interest in the case (art. 8:74 para. 2 GALA)
- The same rules apply when the higher administrative court quashes the judgment of the district court (art. 8:114 para. 2 GALA). As a rule, the administrative body will have to reimburse the fee, unless the higher court judges that the court's registry reimburses the fee. The registry will pay the fee when the lack of the legality of the administrative body's decision was not decisive in quashing the court's decision.
- If the appeal is withdrawn because the administrative authority has wholly or partly satisfied the wishes of the submittant of the notice of appeal (art. 8:41 para. 7 GALA).
- In other cases where the appeal is withdrawn (article 8:41 para. 8 GALA).

The reimbursement of the fee will in principle be in full.

i. May a petitioner be required to pay a deposit before the proceedings commence? If you answered *yes*, please explain under what conditions.

No. The complete fee has to be paid within a certain period after the appeal is made.

j. Are frivolous petitions penalized? Please explain how and under what conditions.

An individual can only be ordered to pay costs relating to the process in case of manifestly unreasonable use of the right to appeal (art. 8:75 para. 1 GALA). See question IIIa.

k. Finally, is there any analysis (based on empirical studies or just your personal assessment) of the correlation between the amount of the fees

payable within your system of administrative justice and the degree of any incentive or dissuasive effect those fees have on petitioners (in general or particular groups thereof) bringing or not bringing an action?

The lawmaker has stated that the obligation to pay a fee is important, since the applicant has to be fully aware of the costs and the burden his appeal will entail for the judicial system. On the other hand, the lawmaker has also stated that the imbursement of a fee should not have as an effect that certain groups of individuals will decide not to appeal a decision, in the light of the costs involved. Therefore the fees in administrative law are relatively low. In 2013, Dutch government had the intention of making the fees so high as to cover the costs of the appeal. These plans met with large resistance and where eventually abandoned for the field of administrative law. In civil law cases, there has been a rise of fees (Law on Fees in Civil Cases or *Wet griffirecht burgerlijke zaken*). There have been many studies which suggest a causal link between the height of the fees and the willingness to entail legal action. In 2017, an evaluation of the Law on Fees in Civil Cases found that the rising of fees in civil law led to a decrease in civil procedures in first instance and even a larger decrease in civil appeal cases.

III. Costs of proceedings

a. Can the court adjudicate the compensation of costs of proceedings to the participant? If you answered *yes*, please explain under what conditions?

As stated in article 8:75 GALA, the courts have exclusive jurisdiction to order a party to pay the costs which another party has reasonably incurred in connection with the appeal proceedings at the court. A natural person may be ordered to pay costs only in case of a manifestly unreasonable use of the right of appeal. The administrative judiciary rarely assumes that someone abuses the right of appeal, but might do so if the applicant could have known that the lodging of an appeal did not stand any chance.

b. Can the court adjudicate the compensation of costs of proceedings to the public authority? If you answered *yes*, please explain under what conditions? In particular, are there any cases/situations where by default, the costs incurred by the public authorities are not recoverable, even if the (private) petitioner was not successful (and, following the normal rule that costs follow the event, a costs order should normally be awarded in favour of the public authority)?

As a general rule, the court will adjudicate the compensation of costs of proceedings made by the petitioner to the public authority, if the petitioners' appeal is successful. An exception is made when the petitioner has abused his right of appeal, which is rarely assumed. However, if the petitioner is unsuccessful in his appeal, the costs of proceedings made by the public authority are not adjudicated to the petitioner. The costs of proceedings made by the public authority are therefore never compensated. The general rule that

compensation of costs made by the administrative body cannot be adjudicated to the petitioner, is inspired by the idea that civilians (i.e. both natural and legal persons) should have unimpeded access to the administrative court. The risk of adjudication of costs made by administrative bodies to petitioners, could thwart civilians from appealing administrative decisions.

In order to claim compensation of costs, the petitioner is required to fill in and submit a form provided by the court, wherein the costs of proceedings are stated. Only when the costs are solely compiled of legal fees owed to a legal aid or lawyer, submission of the form is not required. The petitioner can suffice with stating his claim for compensation of legal fees in his notice of appeal. Other costs, like the costs for drafting a (non-legal) expert opinion or travel expenses, must be stated on the form provided by the court.

c. Can the court decide not to adjudicate the compensation of costs of proceedings, although the conditions described in answer to question a. are fulfilled? If you answered *yes*, please explain under what conditions?

As mentioned above, the court can decide not to adjudicate compensation of costs made by the petitioner to the administrative body, in case the petitioner's appeal is successful but the petitioner has abused his right to appeal.

d. Are there any specific areas of administrative law where different rules to those discussed in this section apply? What areas are those and how and why do the rules applicable therein differ?

No. The rules for adjudicating compensation of costs of proceedings are governed by the GALA and apply to all administrative court cases.

e. How does the court determine the amount of the costs of legal representation as a part of compensation of costs? Is it defined by a tariff (in that case describe the principal method of calculation), or is it based on a price stipulated between an attorney and his client (in that case describe also whether there is any limitation)?

The Decree Costs of Proceedings Administrative Law (*Besluit proceskosten bestuursrecht*) covers the subject of the costs of legal representation. It is revised by the minister every year. The compensation of costs is calculated by the number of acts carried out by the legal counsel. This results in certain 'points'. These points are multiplied with the tariff determined by the minister . This tariff is € 512 since the beginning of 2019. If, for example, the petitioner's legal counsellor sends his supporting information and reasoned objections, this is awarded with one point. Appearance at a court hearing constitutes another point. This makes two points, which are multiplied with – at this moment – € 512. The compensation for legal representation the petitioner receives is € 1.024. Cost of proceedings such as fees for drafting a non-legal expert opinion are also calculated with a tariff. Travel expenses are generally compensated completely, provided the expenses are reasonable.

IV. Representation

a. Does a party have to be represented by a legal professional? Answer yes/no.

Instance	I.	II.	III.	IV.	V.
Representation of petitioner	No.	No.	No.	No.	Yes.
Representation of opposing party	No.	No.	No.	No.	Yes.

In general, representation by legal counsel is not obliged in the Netherlands. The only exception to this rule are the tax cases dealt with by the Supreme Court in cassation. Only lawyers who are admitted to the cassation bar can litigate in cassation.

b. Does your legal order provide free legal aid for participants (e. g. representation appointed at the request of a participant)?

Participants can request for legal assistance to the Council for the Legal Counsel (*Raad voor Rechtsbijstand*). This legal aid is never totally free. The Council for Legal Counsel always requires a (small) contributions by the petitioner depending on the income of the person. This contribution is at least € 199 for a fiscal year income lower than € 19.400 and maximum € 835 for a fiscal year income between € 21.101 and € 23.000. When the fiscal year income surpasses € 27.300, the applicant is not eligible for legal aid.

c. What are the forms and conditions of free legal aid? Please explain for all instances.

Civilians who are not able to pay legal assistance on their own, might get (partial) compensation for such costs. The main criterion to qualify for compensation is that it is likely the petitioner does not have the financial means to pay for legal counsel by himself, i.e. that his annual income is less than a certain amount.

d. Is there any connection between exemption from the duty to pay the judicial fee and the right to free legal aid?

In order to be exempt from the duty to pay the judicial fee the petitioner has to meet the same criterion for the right to free legal aid, i.e. that it is likely the petitioner does not have the financial means to pay for legal counsel by himself. Therefore there is a connection in the sense that the same criterion applies. A petitioner that is eligible for exemption of the judicial fee will generally also be eligible for free legal aid.

V. Exclusions and immunities

(Note: If you answer yes to any question in this section, please provide details.)

a. Are there any mandatory steps after the public authority delivers its final decision and prior to filing a petition to an administrative court (e. g. mediation)?

Decision making by public authorities is regulated by two types of procedures, (1) the regular preparatory procedure and (2) the public preparatory procedure.

The regular preparatory procedure is most often applied in cases with a limited number of interested party (e.g. decisions concerning social security law or immigration law). This procedure can be considered a two-phased decision-making process. In the regular preparatory procedure the administrative authority prepares and makes a primary decision, during the so-called primary phase of the decision-making process. Subsequently interested parties can lodge a notice of objection (*bezwaar*) within a period of six weeks, wherein they state their objections against the primary decision, during the so-called procedure of objection (*bezwaarfase*). In this procedure, the administrative authority is obliged to review the primary decision on the basis of the notice(s) of objection. This process of reviewing the primary decision results in a decision on the objection (*beslissing op bezwaar*), whereby the primary decision is either affirmed, modified of revoked. It is the decision on the objection and not the primary decision against which an appeal can be lodged with an administrative court and it is therefore that decision that is subject to judicial control. If the regular preparatory procedure has been applied, the petitioner is therefore required to firstly lodge a notice of objection against the primary decision, resulting in a decision on the objection. If the petitioner has not lodged a notice of objection, his appeal will generally be ruled as inadmissible (6:13 GALA)

The public preparatory procedure is most often applied in cases with a larger, unknown, number of interested parties (e.g. decisions concerning environmental law). In this procedure the administrative authority prepares a draft decision (*ontwerpbesluit*) and publicly deposits this draft and gives a notification thereof in a local newspaper, in order for interested parties to inspect the draft and state their views (*zienswijzen*) on it within a period of six weeks. Taking into account these views the administrative authority makes its final decision, which can be appealed in an administrative court. The petitioner is not required to take any further steps after the final decision has been made. This decision can be appealed directly. The petitioner is however required to take mandatory steps before the final decision is made. He is required to state views on the draft decision within the six week period. If the petitioner has not done so, his appeal will generally be ruled inadmissible.

b. Are there any final administrative acts of a public authority which are not reviewable at all?

The GALA regulates decisions made by public authorities. Decisions are defined as 'orders' in the GALA and can be differentiated in two types: orders with general effects and orders addressed to an individual party or parties and

pertaining to a specific subject. The latter are called '*beschikkingen';* in other words, individual decisions. Generally speaking only individual decisions can be appealed directly in an administrative court. Orders with general effects cannot be directly appealed in an administrative court, except when they are not legislative in nature (a traffic measure for example) or when the law makes an exception to this rule, at it has done in case of decisions on spatial planning (Spatial Planning Act). All other orders with general effects cannot be appealed to at an administrative judge, but judicial review of these acts is possible with the civil courts. Thus, civil proceedings (with obligatory assistance of a legal professional) must be followed in cases involving general binding regulations (art. 8:3a GALA), policy rules (art. 8:3a GALA) and specific other decisions, such as the suspending or annulling of an order of another administrative authority (art. 8:3 sub b GALA) and specific decisions mentioned in art. 8:4 GALA. There are therefore generally no administrative acts which are not reviewable at all.

c. Is there any particular public authority whose administrative acts are not subject to judicial review (e. g. acts of a head of state)?

The term 'administrative authority' (*bestuursorgaan*) plays a key role in Dutch administrative law. Generally only decisions made by administrative authorities can be appealed in an administrative court. The GALA gives a material definition of administrative authority. According to art. 1:1 GALA, 'administrative authority' means:

(a) an organ of a legal entity which has been established under public law, or
(b) another person or body which is invested with any public authority.

Art. 1:1 para. 2 GALA excludes certain public authorities, even though these authorities fall under the material definition of administrative authority. Their decisions therefore cannot be reviewed in an administrative court. It concerns the following public authorities:
(a) the legislature;
(b) the First and Second Chambers and the Joint Session of the States General;
(c) independent authorities established by law and charged with the administration of
justice;
(d) the Council of State and its divisions;
(e) the General Chamber of Audit;
(f) the National Ombudsman and Deputy Ombudsmen;
(g) the chairmen, members, registrars and secretaries of the authorities referred to at (b) to (f), the Procurator General, the Deputy Procurator General and the Advocates General to the Supreme Court, and committees composed of members of the authorities referred to at (b) to (f).

Decisions made by these authorities can however always be reviewed in civil court, if their actions or decisions constitute a liability in tort.

d. Are there any final acts of a public authority which are reviewable by a (state or other) authority other than the administrative court?

See the answers sub b and c. If either the decision by an administrative authority constitutes an order with general effects (and the Spatial Planning Act does not apply), or the decision is made by a public authority that is excluded from the definition of administrative authority, the civil court has jurisdiction and not the administrative court.

e. **Are there any cases which are reviewed by the administrative courts other than review of administrative acts of a public authority (e.g. review of elections, dissolution of a political party)?**

No. The administrative court only has jurisdiction concerning cases about decisions made by administrative authorities, whereby both the 'decision' and the 'administrative authority' need to fit the definition in the GALA. Review of elections or the dissolution of a political party either do not constitute a decision as referred to in the GALA or are not effected through the acts of administrative authorities as referred to in the GALA.

VI. Selection by lower and higher jurisdictions

a. Do the administrative courts have power to select cases? Answer yes/no.

Instance	I. CFI	II. JDCS	III. AHC	IV. TIAC	V. SC
Power to select cases	No.	No, but see VIb.	No.	No.	No, but see VIb.

b. If you answered *yes*, under what conditions can they select cases? Are there any objective criteria stated in the legislation/case law of the court or is the selection a matter of full discretion?

As the scheme under Va shows, there is no selection system (a.k.a. 'leave of appeal system') in the Netherlands. The main principle of our system is that appeal is open only to 'decisions' as defined in art. 1:3 GALA, and that parties who want to appeal a decision, first have to lodge an objection and have to pay a fee when they want to appeal the decision that was taken upon their objection (art. 8:41 GALA). An important reason for not opting for a leave system is that the highest administrative law courts are also judging on the facts of the case and do not only check if questions on the unity and development of law arise, as the Supreme Court does. The Supreme Court is a cassation judge, the high administrative courts are not. There are, however, two exceptions to this rule, in which the court does indeed have the power to offer a justification on the

merits of the case only selected cases and to reject other cases without a substantive justification.

The first exception is the 'moderate leave system' that is used by the Supreme Court on the basis of art. 80a and art. 81 of the Law on Judicial Proceedings (*Wet op de Rechterlijke Organisatie*). Art. 80a LJP allows the Supreme Court to declare an appeal not-admissible when the grounds of cassation will evidently not lead to cassation or when a party does not have a sufficient interest in a cassation appeal. Art. 81 LJP allows the Supreme Court not to deal with a case when the questions of law which it is asked to answer, do not serve the interest of the unity or the development of law. In 2017, in 724 tax cases a cassation appeal was made. In 272 cases, this led to a material assessment of the case. 131 cases where declared inadmissible on the basis of art. 80a LJP, and 321 cases where not dealt with by the Supreme Court on the basis of art. 81 LJP.

The second exception is the 'moderate leave system' of the Jurisdiction Division of the Council of State in asylum cases. Art. 91 para. 2 of the Aliens Act permits the JDCS to judge that a ground of appeal will not lead to another decision than the decision that has been reached by the court of first instance, and to offer no further justification. This article was inspired by the aforementioned art. 81 LJP and allows the Council of State to give an extensive justification only in those cases which have added value to the unity and development of law. In asylum cases this article serves an important purpose, since it prevents aliens to use the possibility of appeal to lengthen the procedure.

Since these 'moderate leave systems' apply only in tax and asylum cases in highest instance, we will not elaborate on this procedure any further, unless mentioned otherwise.

c. Is the power to select cases restricted to certain fields of law? Please give details.

No, but see VIb; there is a moderate leave system in tax and asylum cases.

d. Does the court have power to select cases that fall under administrative criminal law? If it does, are the conditions for selection the same as in others fields of law? Please give details.

Not applicable.

e. Please specify who selects the cases to be heard and how. Is there a special judicial panel or case selection procedure for that purpose? Is that procedure only a matter for the higher jurisdiction that will ultimately hear the case, or do the lower courts also somehow participate in that selection?

Not applicable.

f. If the court decides to select/not to select a case, is it obliged to notify a petitioner? If it is, does it deliver a formal decision (e. g. rejects the petition) or does it notify a petitioner by an "informal" letter?

Not applicable in regular administrative cases; in tax and asylum cases the decision is given by sending parties a copy of the decision.

g. Is the court obliged to give reasons when it decides not to select a case?

Not applicable; the Supreme Court does not give reasons when a case falls under art. 80a or art. 81 LJP, nor does the Council of State on the basis of art. 91 para 2 Aliens Act. The decision to select a case

h. If a lower court decides not to select its own case, is the decision reviewable by a higher court? Please give details.

Not applicable; the moderate leave system applies only to the higher, and not to lower courts.

i. Does a lower court have power to select cases of a higher court? If it does, is its selection reviewable by a higher court? Please give details.

Not applicable.

j. Does a judge determine the order of the cases to decide?

Not applicable.

VII. Other measures

a. Does your legal order have other measures which simplify or restrict access to the courts? Please explain.

As stated, the Dutch legal order does not have a leave system and also has no other instruments to simplify or restrict the access to courts. The main principle of our system is that appeal is open only to 'decisions' as defined in art. 1:3 GALA, and that parties who want to appeal a decision, first have to lodge an objection and have to pay a fee when they want to appeal the decision that was taken upon their objection (art. 8:41 GALA). The notice of objection or appeal shall be signed and shall contain at least the name and address of the submittants, the date, a description of the order against which the objection or appeal is addressed and the grounds for the objection or appeal.

VIII. Statistics

a. Please give exact numbers of case load and number of cases decided for the years 2016, 2017 and 2018 in each of the instances of the administrative judiciary (including all specialized jurisdictions, e. g. financial or social security).

The numbers below are derived from the annual reports of both the Jurisdiction Division of the Council of State and of the Council of the Judiciary. Only the numbers regarding the case load and decided cases of the Supreme Court in 2018 are as of yet not known (n.k.).

Instance	CFI	JDCS	AHC	TIAC	SC
Case load 2016	51.340	15.697	10.250	1.380	909
Cases decided 2016	106.700	10.972	7.916	980	924
Case load 2017	45.230	17.963	11.180	1.970	924
Cases decided 2017	103.280	12.838	7.457	1.300	724
Case load 2018	48.750	18.524	10.100	3.090	n.k.
Cases decided 2018	92.970	13.481	7.820	1.860	n.k.