SEMINAR ORGANISED BY THE ITALIAN COUNCIL OF STATE IN COLLABORATION WITH THE HELLENIC COUNCIL OF STATE AND ACA-EUROPE

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Technological challenges, with particular attention being paid to the introduction of digital technology and artificial intelligence into the organisation of the administration and administrative justice

QUESTIONNAIRE

Responses from Administrative Jurisdiction Division Council of State, the Netherlands

This questionnaire has been prepared in anticipation of the seminar to be held in Turin on 23 and 24 November 2026. In accordance with point 2 of the guiding principles adopted by the Hellenic Presidency of ACA-Europe, it aims to explore the current challenges facing administrative judges, particularly those related to technology, and more specifically the introduction of digitalisation and artificial intelligence into the organisation and functioning of the administration and administrative justice.

In order to gain an in-depth understanding of the various dimensions of these technological challenges, the survey is split into three parts:

Part A - The digitalisation of administrative proceedings, with a focus on the experience of various supreme administrative jurisdictions and the impact of this transformation on the organisation and conduct of judicial activity.

Part B - Automated administrative decision-making and judicial review by administrative courts, particularly issues of technical discretion, automation and the delimitation of judicial powers.

Part C - The role of the administrative judge and the use of artificial intelligence in the performance of judicial functions and in the decision-making process, particularly in light of Regulation (EU) 2024/1689, known as the 'AI Act', as well as other European Union standards and regulations, such as Regulation (EU) 2016/679, known as the 'GDPR', Regulation (EU) 2022/2065, known as the 'DSA', and Regulation (EU) 2022/1925, known as the 'DMA'.

Part A

The digitalisation of administrative proceedings and the use of artificial intelligence tools by the administrative justice system

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A.I – Infrastructure and technological organisation

A.I.1 – Digital equipment and resources

1. What is the level of digital equipment available to judges and administrative staff?

☐ Non-existent
☐ Limited
☐ Intermediate
☐ High
X☐ Complete
Please explain if necessary:

Judges and legal administrative staff are provided with:

- a laptop for office, home and travel use;
- ADSL;
- a work smartphone;
- for specific assignments, a tablet;
- a dock station at office and at home;
- dual monitors at office and at home;
- a network printer at office;
- a remote digital signature;
- an institutional email account;
- OneDrive;
- a client for VPN with MFA authentication;
- access to the Microsoft Office 365 suite;
- subscription to various legal databases.

2. Is the technological infrastructure (networks, servers, equipment, connectivity) suited to the day-to-day operational needs of the administrative jurisdictions?

☐ Strongly disagree
☐ Somewhat disagree
☐ Neither agree nor disagree
X☐ Somewhat agree
☐ Strongly agree

Please explain if necessary:

Generally network operation is fast and smooth, though sometimes hiccups and a slight overload can occur. An internal ICT helpdesk gives strong support.

A.I.2 – Cloud solutions, remote access and interoperability

3. To what extent does your jurisdiction use cloud-based solutions for its information systems?

☐ Not at all

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☐ To a limited extent
☐ Moderately
X☐ Extensively
☐ Completely
Please explain, where applicable, and, in the absence of cloud solutions, specify the alternative infrastructure solutions implemented:

The software is mainly cloud based nowadays, like Microsoft Office 365 suite. Files are migrated to OneDrive. Some custom made software, such as Raster, is still server based. The court takes into account the Implementation framework for risk assessment of cloud use (Implementatiekader risicoafweging cloudgebruik), issued by the Ministry of the Interior and Kingdom Relations (Ministerie van Binnenlandse Zaken en Koninkrijksrelaties) on 5 January 2023.

3a. Do the adopted technical solutions enable judges and staff to perform their duties remotely using the institutional equipment made available to them? If so, please specify any limitations.

Yes, for this judges and staff use the WindowsApp. Through this they access a digital environment that is identical to the one in office. Limitations relate to (rarely) occurring capacity problems regarding available digital work spaces, or connectivity problems on (mostly) the user side.

3b. Are the applications being used interoperable with other national or cross-border judicial IT systems? If so, please specify the extent of this interoperability.

As far as known they comply to the required standards.

A.II – Digitalisation and dematerialisation of judicial administrative proceedings

A.II.1 – Dematerialised administrative proceedings

4. Is a dematerialised judicial administrative proceedings system in place within your jurisdiction?

☐ No
☐ Yes, at an initial stage
☐ Yes, at an intermediate stage
X☐ Yes, at an advanced stage
☐ Yes, on a fully integrated basis
Please explain if necessary:

The Dutch Judiciary is working on a basic plan for digitization of the judiciary. This plan is based on digital accessibility, not yet of automating the procedures. This basic plan replaces the Quality and Innovation of the Judiciary (KEI) programme. The aim of this programme was to completely digitise civil and administrative jurisdiction. The legislation for this has been realized, as far as it concerns administrative jurisdiction: in

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the General Administrative Law Act (GALA). The technical adjustment of the systems has not yet been successful. With the new basic plan, the judiciary is now digitizing in smaller steps.

Judges and staff use digital files (though, for now, many documents are still being submitted to the court on paper and scanned after). Private individuals can submit their appeal documents to the court using the national DigiD portal. In migration cases, lawyers (advocaten) can submit their documents in the secured Mijn Zaak portal. In other cases professional parties can use the secured Veilig Mailen portal to submit documents.

4a. When this system exists at least at an initial stage, do judges and staff process and sign documents exclusively in digital format in their everyday working practice?

☐ Never
☐ Rarely
☐ Occasionally
X☐ Frequently
☐ Always

Please explain if necessary:

Judges and staff prepare their documents digitally. They can also work together on documents, using SharePoint or the Digitaal Redigeren network directory. For judges and clerks digital signature, using SigningHub, has become the standard for court judgments, especially since Covid-times. Other correspondence may be processed automatically, without signature, or will be dealt with in a customized letter with a hand written signature.

4b. Percentage of paper files prior to the implementation of dematerialised administrative proceedings that have been digitised:

X☐ 0–20%

☐ 20–40%

☐ 40–65%

☐ 60–80%

☐ 80–100%

A.II.2 – Digital services for members of the public, lawyers and public authorities
5. Are digital services available for filing documents, consulting files, notifications, payments or other related services? If so, please specify which ones.

The Council of State website (www.raadvanstate.nl) enables parties to consult judgments, sign up for email notification about judgments, check the progress of

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pending cases and subscribe for newsletters. The national website of the Judiciary enables parties to consult judgments as well (www.rechtspraak.nl). Private individuals can submit their appeal documents to the court using the national DigiD portal. In migration cases, lawyers (advocaten) can submit their documents in the secured Mijn Zaak portal. In other cases professional parties can use the secured Veilig Mailen portal to submit documents. In Mijn Zaak, lawyers can consult complete case files and view the status of the procedure for each case. Otherwise case files cannot be consulted online. Lawyers can install a current account with the court for payments of court fees.

6. Do these digital services guarantee an adequate level of accessibility for people with disabilities?

☐ 0–20%

☐ 20–40%

☐ 40–65%

☐ 60–80%

X☐ 80 - 100%

7. Are lawyers involved in the design, development and implementation of digital platforms and tools intended for their use?
If so, please specify the terms of this involvement.

Lawyers are invited regularly to discuss matters regarding their working relationship with the court. During implementation of digital platforms feedback is collected constantly.

8. Are there any support and training measures in place for users outside the court system (lawyers, members of the public, government agencies) regarding the use of the digital tools available to them?
X☐ YES
☐ NO

If so, please specify which ones

For the Mijn Zaak and Veilig Mailen portals, support by email or phone is offered by the court. In addition, the Mijn Zaak instruction page on the Council of State website contains a manual, instructional videos and answers to frequently asked questions. Also the Council of State website provides instructions and rules concerning the use of the Veilig Mailen portal.

A.III – Security of information systems and data protection

A.III.1 – Compliance with the regulatory framework

9. Do your jurisdiction's information systems comply with European and national standards on security, data protection and digital preservation?

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☐ Strongly disagree
☐ Agree only slightly
☐ Indifferent
☐ Somewhat agree
X☐ Strongly agree

Please explain if necessary:

A.III.2 – Incident management and business continuity

10. Are IT security incidents dealt with promptly and effectively?
☐ Never
☐ Rarely
☐ Occasionally
☐ Frequently
X☐ Always

11. Are business continuity and disaster recovery plans regularly updated and tested?

☐ Never
☐ Rarely
☐ Occasionally
☐ Frequently
X☐ Always

A.III.3 – Publicity and dissemination of court decisions

12. Are court decisions available online in their entirety?

☐ Never
☐ Rarely (only for the most significant decisions)
☐ Occasionally
X☐ Frequently
☐ Always

Please add any additional information and explain if necessary:

The Administrative Jurisdiction Division of the Council of State publishes the majority of its judgments on its website (www.raadvanste.nl) and on www.rechtspraak.nl. This concerns the judgments in main cases and in provisional measures of the Environment Chamber, the Migration Chamber (so called V6 cases and the 'elaborated' judgments) and the General Chamber. This website does not include: cases that are settled without a court hearing ('Extra-session judgments'), appeal cases to 'Extra-session judgments', and Migration Chamber judgments that only contain a standard formulation.

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Every Wednesday at 10.15 a.m., the judgments are published on the website of the Council of State. The judgments are anonymized and therefore without names and addresses of people. This is to protect the privacy of those involved.
Published judgments can also be accessed via the European Case Law Identifier (ECLI) search engine.

13. Where a system for publishing decisions online is in place, is there an internal policy to ensure the protection of personal data and respect for the right to be forgotten?

☐ No
☐ No formalised policy; anonymisation is carried out by the registry services on a case-by-case basis
☐ No formalised policy; anonymisation is decided on a case-by-case basis on the instructions of judges
☐ Yes, personal data are systematically anonymised
X☐ Yes, personal data are anonymised in accordance with an internal policy providing for targeted exceptions
☐ Other (please specify)

The right to be forgotten is not deemed to imply that a party can request the removal of a judgment from the website. As mentioned above, the judgments are anonymized and therefore without names and addresses of people.

A.IV – Training and digital skills

14. Does your jurisdiction offer structured and regularly updated digital technology training courses for judges and staff?

If so, please specify which ones.

The Council of State offers inhouse IT training courses for magistrates and administrative staff, such as Deepening Knowledge Square, Digital Fit: Training Microsoft 365, Introduction to Raster & Digital File & Traffic Square, or Lecture EUAA Case Law Database.
In addition the state Leer Rijk platform offers 1738 different trainings in the field of ICT, and the Skills Town platform 429 different trainings. These trainings are also available for magistrates and administrative staff, if relevant and necessary.

A.V – Involvement of judges in digital transformation

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15. To what extent are judges involved in decision-making and design processes relating to technological innovation and digital transformation in the judiciary? If applicable, please provide details.

Matters concerning technological innovation and digital transformation are discussed in consultation between the Presidents of the Chambers and with the Directorate of administrative jurisdiction and the Directorate of business support of the Administrative Jurisdiction Division of the Council of State.
Within the Directorate of business support there is the CIO (Chief Information Officer)-office. The CIO office:

1. supervises compliance with legal and policy frameworks and agreements (government-wide and within the Council of State), carries out portfolio management for programmes and projects related to the provision of information, and draws up advice with a focus on compliance, feasibility and quality;
2. takes care of vision, strategy and planning in the field of information provision, stimulates innovation and the correct use of resources to achieve the organizational goals, and takes on an advisory role in projects;
3. keeps an eye on what is happening inside and outside the government in terms of technology and (in particular) its application;
4. ensures an organisation-wide governance structure and management of programmes, projects and processes related to information provision;
5. is the connector at a strategic level between the primary processes of the Council of State and parties within and outside the government, such as ICT suppliers, local authorities and civil society organisations.

A.VI – Use of AI systems in administrative justice

A.VI.1 – Tools and level of deployment

16. Are artificial intelligence systems currently used to assist in judicial or administrative activities?

For judicial activities the AJD is transforming from an initial testing phase as proof of concept to plans for the implementation of GenAI-tools (no full scale machine learning tools, at the moment).

16a. If so, which ones are used? (Please tick all that apply)

X☐ Chatbots

☐ Semantic search tools

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☐ Automated anonymisation of decisions

☐ Text analysis and assistance with legal research

☐ Tools to assist with organisation and court management

X☐ Other (please specify)

1. General chatbot.
2. (other): First analysis of case documents in order to support the attribution of cases to judges and legal staff.
3. (other): Analysis of jurisprudence to feed internal knowledge systems.

16b. Overall level of internal deployment of AI systems:

☐ Occasional or isolated use
☐ Trial phase
X☐ Development phase
☐ Widespread use
☐ Full integration

Please explain if necessary:

See question 16

A.VII – Governance, regulation and ethical framework for AI

A.VII.1 – Internal guidelines and regulatory compliance

17. Has your jurisdiction adopted any internal guidelines, charters or policies governing the use of AI systems, in particular in application of Regulation (EU) 2024/1689 (the AI Act), the GDPR and other relevant European instruments?

X☐ YES

☐ NO

If so, please specify which ones.

For the GDPR: yes. For the AI-Act, documents are currently being drafted and will be ready for discussion.

18. Are AI systems subject to prior risk assessments?
X☐ YES

☐ NO

If so, please specify the terms of these assessments

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According to the draft governance there will always be a risk assessment (not only about security, but also constitutional compliance).

19. Are there specific requirements in terms of transparency for the use of AI systems? If so, please provide details.

No other than stipulated by the AI-Act

20. Is the use of AI systems accompanied by human oversight mechanisms?

X☐ YES

☐ NO

If so, please provide details

According to the draft governance, there will always be a human in the loop.

21. Are specific methodologies implemented during the design, development and deployment of AI systems to ensure their traceability, reliability, integrity and accuracy? If so, please provide details.

No specific methodologies

A.VIII – Innovation, prospects and future needs

A.VIII.1 – Current innovation projects

22. Are there any innovation projects currently under way in the following areas? (please tick all that apply)

X☐ Process automation
X☐ System interoperability
X☐ Modernisation of existing systems
X☐ Advanced digital services for external users
X☐ AI systems

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☐ Other (please specify)

All are in (continuous) progress

A.VIII.2 – Barriers to digital transformation

23 What do you consider to be the main barriers to the digital transformation of administrative justice? (please tick all that apply)

☐ Complexity of the regulatory framework
☐ Insufficient financial resources
X☐ Lack of specialised human resources
X☐ Organisational complexity
☐ Resistance to change and digital skills gap
X☐ Cybersecurity risks and challenges
X☐ Other (please specify)

Specifically AI: data security, integrity and model control

A.VIII.3 – Investment priorities

24. What do you think should be the priority areas for investment over the next few years? (please tick all that apply)

X☐ Modernisation of infrastructure
X☐ Cybersecurity
X☐ Training and skills development
X☐ Deployment of AI systems
X☐ Interoperability at European level
☐ Complete digitalisation of administrative procedures
☐ Other (please specify)

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25. Please describe one or more good practices in digitalisation that have been implemented or are planned within your jurisdiction.

See above

Part B
Automated administrative decisions and judicial review

B.I – Automated administrative decisions: substantive legality and procedure

1. Are there provisions in your legal system that authorise public administrations to use digital or algorithmic technologies in the exercise of their powers?

☐ YES

X☐ NO

If so:

1.a. According to these provisions, what are the authorised tools and the objectives pursued by their use?

1.b. What types of acts can be adopted using these technologies?
In particular, is the use of algorithms permitted for the adoption of administrative decisions involving discretionary powers?

2. Are there provisions in your legal system governing the design, deployment and use of artificial intelligence systems employed by public administrations?

☐ YES

X☐ NO

If so,

2.a. what type of implementation measures are these? (for example, legislative or soft law):

2.b. Is there an obligation for public administrations to inform the public or individuals about the use of AI systems?

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2.c. Are any authorities or bodies responsible for developing general rules or standards for the use of artificial intelligence within public administrations?

3. What conditions must be met to ensure the legality of administrative procedures involving the use of artificial intelligence systems?

In particular:

3.a. Is the decision-making administration required to indicate the type of algorithmic system used and its principal characteristics?

3.b. At what stage of the procedure must the administration provide information about the use of an algorithmic system and its characteristics?

3.c. Does the interested party have the opportunity to comment on or challenge the use or operation of the AI system before the final decision is made?

Currently there are no general legal provisions requiring public administrations to specify, at a given stage of the administrative procedure or in the final decision, the use of a specific algorithm, or to make its characteristics public. Similarly, there are as yet no specific legal provisions governing the administrative procedure in which artificial intelligence tools are used.
The absence of general legal provisions for public administrations in this regard, does not alter the fact that case law does impose requirements in this regard. Nevertheless, case law is not always very specific about which type of digital or algorithmic technologies are involved, and the decision-making administration wasn't also required to indicate it very specifically.
In its case law, the AJD ruled about the use of the so called AERIUS program (a program using algorithms for the calculation of nitrogen depositions). See AJD 18 July 2018, ECLI:NL:RVS:2018:2454, para. 23.1 (Blankenburgverbinding) and AJD 17 May 2017, ECLI:NL:RVS:2017:1259, para. 14.4 (Programmatic Approach to Nitrogen). It follows from those judgments that, in order to prevent an unequal procedural position concerning the nitrogen calculations, the administrative body has an obligation to disclose the choices made and the data and assumptions used in full, in a timely manner and on its own initiative in an appropriate way so that these choices, data and assumptions are accessible to third parties. This full, timely and adequate provision should make it possible to assess the choices made and the data and assumptions used in the calculations or to have them assessed and, if necessary, to challenge them with reasons, so that effective legal protection against decisions based on those choices,

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data and assumptions is possible, while enabling the court to review the legality of those decisions.
Furthermore, there is a number of recent rulings on AI. Several of these concern the use of the so called Case Matcher in asylum applications. In a judgment of 10 June 2025, the District Court of The Hague ruled (in an obiter dictum) that from the point of view of effective legal protection, it is necessary for the administrative body in its decision-making to be transparent about the use of algorithms. According to the court, until the Case Matcher has been subject of judicial review, the Minister must state in the decision-making process if she uses the Case Matcher (District court of The Hague 10 June 2025, ECLI:NL:RBDHA:2025:10064, para. 5.2). Afterwards, several judgments with reference to this judgment have been issued. Within these are judgments in which the claimant argues that AI has been used, but this does not appear to be the case (see, for example, District Court of The Hague 28 August 2025, ECLI:NL:RBDHA:2025:16059, para. 5.1). In other judgments, the decision-making of the administrative body is annulled due to a lack of reasoning because it is not clear whether, and if so, in what way AI was used (District court of The Hague 10 July 2025, ECLI:NL:RBDHA:2025:12290, para 5-7; District court of The Hague 8 July 2025, ECLI:NL:RBDHA:2025:12114, para 4.2).
In other judgments as well (mainly in migration law), the claimant argues that AI has been used, but this does not appear to be plausible, in view of an explanation from the administrative body showing the contrary (for example AJD 20 October 2023, ECLI:LNL:RVS:2023:3893, para. 2.1; District court of The Hague 1 July 2025, ECLI:NL:RBDHA:2025:11552, para. 4-4.3; District court of The Hague 4 September 2025, ECLI:NL:RBDHA:2025:16561, para. 4-4.1; District court of The Hague 9 October 2025, ECLI:NL:RBDHA:2025:18667, para. 8; District court of The Hague 22 January 2026, ECLI:NL:RBDHA:2026:1694, para. 9).
In a case of the District Court of The Hague of 22 July 2025, AI had been used in administrative decision-making, but the Minister explained how and it has not been shown that the use of the algorithm has a discriminatory effect (District Court of The Hague 22 July 2025, ECLI:NL:RBDHA:2025:13378, para. 6 et seq.).

4. Are specific areas of administrative law in your country subject to express authorisation for the use of administrative decisions based on artificial intelligence systems?

No

5. Are there specific areas of administrative law in which the use of artificial intelligence systems for issuing administrative decisions is expressly prohibited?

No

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B.II – Judicial review of automated administrative decisions

6. Does national case-law recognise the legality of automated administrative decisions?

X☐ YES

☐ NO

Please explain if necessary:

For the answers to questions 6 to 9, see (apart from the answers to questions 6a and 6c) the answer to question 3.

If so:

6.a. What principles and conditions have been identified by national case-law as necessary for these decisions to be legally valid?

In its judgment of 20 March 2024, ECLI:NL:RVS:2024:1160, para. 6, the AJD ruled that although the decisions regarding the entitlement to healthcare allowance were generated automatically, these decisions by the Benefits Department of the Tax Administration can be attributed to human action, regardless of whether Article 1:3 of the General Administrative Law Act (Awb) imposes this requirement. The consequences for the entitlement to the allowance arose from the programming method, which entails that the input of specific income data or other relevant information results in a specific outcome. From this, the AJD infers that the legal consequences brought about by the decisions were deliberately intended. The District Court therefore rightly classified the relevant letters as legally valid decisions taken by the Benefits Department of the Tax Administration.

6.b. Have any limitations been identified with regard to the possibility of delegating the administration's decision-making power to algorithmic systems?

6.c. In particular, which of the following principles must be respected, according to national case-law, when adopting an automated administrative decision? (Please tick all that apply)

X☐ Principle of transparency
X☐ Principle of non-exclusivity of human intervention ('human in the loop')
X☐ Principle of non-discrimination
X☐ Principle of knowledge and comprehensibility of algorithmic functioning
☐ Principle of attributing the decision to an authority vested with power

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☐ Other (please specify)

7. Has national case-law ruled on the nature and legal classification of the algorithm or AI system used for administrative decision-making?

8. What are the limits of the judicial review that administrative judges can exercise over automated administrative decisions?

9. According to national case-law, is the right of access to the algorithmic process that led to the automated administrative decision recognised?

☐ YES
☐ NO

If so:
9.a. What information relating to the AI system (data, logic, key parameters) must be made available to the party concerned?

Part C
Administrative judges and the use of artificial intelligence in the performance of judicial functions and in the decision-making process, in light of Regulation (EU) 2024/1689 (the 'AI Act') and other European Union standards and regulations, such as the GDPR, the DSA, the DMA, etc.

1. Does your country recognise, at constitutional level, principles that expressly refer to the use of artificial intelligence in the performance of judicial functions?

☐ YES

X☐ NO

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If so, please specify which ones

2. Has your country adopted or is it in the process of adopting national measures to implement Regulation (EU) 2024/1689 (the AI Act) concerning the use of artificial intelligence to support judicial decision-making, which is classified as a 'high-risk' activity (Annex III, point 8(a))?

X☐ YES

☐ NO

If so:

2.a. What is the nature of these measures (legislative, regulatory, guidelines, soft-law instruments)?

The Dutch government is currently working on the implementation law that is necessary to give the supervisors enforcement powers and to determine the amounts of fines. The Dutch Data Protection Authority (Autoriteit Persoonsgegevens; AP) is designated as the national supervisor for the AI Act, and the National Digital Infrastructure Agency (Rijksdienst Digitale Infrastructuur; RDI), among others, as a sectoral supervisor. At least one AI regulatory sandbox will also be established.

2.b. For what purposes is the use of AI permitted? (Please tick all that apply)

☐ Research and interpretation of the law

☐ Research and assessment of the facts

☐ Application of the law to a specific factual situation

☐ Administrative activities that are purely ancillary (recital 61 of Regulation (EU) 2024/1689)

Please explain if necessary:

This is not within the scope of the implementation law

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2.c. What measures are taken to ensure human oversight (Article 14 of Regulation (EU) 2024/1689)? In particular, under what conditions is the user able to ignore, cancel or override the result produced by the artificial intelligence system (Article 14(4)(d) of the AI Act), or to suspend or interrupt its use (Article 14(4)(d) of the AI Act)?

This is not within the scope of the implementation law

2.d. What regulatory measures have been adopted to ensure the transparency, accuracy and robustness of the artificial intelligence system used (Articles 13 and 15 of Regulation (EU) 2024/1689 – the AI Act)?

This is not within the scope of the implementation law

3. Are there any official forms of testing or use of artificial intelligence systems for decision-making or generating judicial decisions currently in place in your country?

☐ YES

X☐ NO

Please explain if necessary:

If so:

3.a What do they consist of?

3.b. What data sets are used?

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3.c. Is the software used publicly owned or provided by private operators?

3.d. Have any biases been identified in its operation? If so, what kind?

4. Are measures planned in your country to ensure a sufficient level of artificial intelligence literacy specifically for judges (Article 4 of Regulation (EU) 2024/1689)?
☐ YES

X☐ NO

If so:

4.a. What do these measures consist of?

4.b. Is specific training planned to prevent or limit the phenomenon known as 'automation bias' (Article 14(4)(b) of the AI Act)?

☐ YES

X☐ NO

Please explain if necessary:

5. Is the use of generative or agentic artificial intelligence systems permitted in your country to assist in the drafting of procedural documents or court decisions?

To help you understand the question better: **generative artificial intelligence (AI)** is a category of AI models which, thanks to machine learning and training on vast amounts of data, are capable of creating original content (text, images, videos, music, etc.). **Agentic AI** is described as a system capable of autonomously planning, making decisions and executing complex tasks with minimal human intervention to achieve a defined objective [source: OECD].

To date, there is no ban at a legislative level, but internal court guidelines prohibit it.

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6. Has the national case law of your country addressed issues concerning the interpretation and application of EU Regulation 2024/1689?

X☐ YES

☐ NO

Please explain if necessary:

In the judgment of the District Court of The Hague of 10 June 2025, ECLI:NL:RBDHA:2025:10064, para. 5, the plaintiff argued that the use of the so called Case Matcher (see part B.1, question 3) was possibly prohibited by Regulation (EU) 2024/1689. However, the court saw no reason to doubt the Minister's statements that the Case Matcher had not been used. However, in an obiter dictum (para. 5.2), the District Court of The Hague ruled that from the point of view of effective legal protection, it is necessary for decision-making to be transparent about the use of algorithms. According to the court, until the Case Matcher has been subject of judicial review, the Minister must state in the decision-making process if she uses the Case Matcher

6.a. If yes, which principles have been established?

See above

7. Have national courts of your country submitted preliminary rulings to the Court of Justice of the European Union regarding EU Regulation 2024/1689?

☐ YES

X☐ NO

Please explain if necessary:

7.a. If yes, which questions were referred? What answers has the Court of Justice of the European Union provided?

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