

NL Country Visit (Rule of Law Report)

Ministry of Economic Affairs (EZK)

Questions: 13

Question 13

In writing Please elaborate on the policy initiatives aimed at updating the available competition instruments, which was scheduled to be shared with the parliament in Autumn. Do those initiatives have an impact on the functioning of the ACM and, if so, is the ACM allocated more resources for this?

On 1 October 2025 the Minister of Economic Affairs shared its views to the Parliament on the policy initiatives aimed at updating the available competition instruments. In the coalition agreement, the new installed Cabinet also expressed its intention to develop these new competition instruments.

The Minister elaborated in its letter of 1 October 2025 on:

New competition tool (market remedy power)

The ACM currently has the power to investigate markets suspected of poor functioning. With the market remedy power, the Minister is exploring options for the ACM and the Cabinet to impose remedies on businesses in case of market failure. This will create more opportunities to address competition distortions more quickly and effectively.

The Minister is currently developing a legislative proposal and expect to inform Parliament in 2026.

Call-in Power

In addition to mandatory notification of mergers above a certain turnover threshold, the Minister wants to enable the ACM to call in and assess acquisitions of small businesses by large, established players. Member of Parliament Bushoff (GL/PvdA) has submitted a bill to Parliament. The Minister is positive about this bill and will respond on behalf of the government when it will be discussed in Parliament.

Depending on the progress of the private member's bill, I am keeping the option open to prepare a bill myself. The Ministry expects to provide Parliament with further information before the summer of 2026.

The ACM has indicated that it does not require additional resources for these powers and will implement them within its current priorities.

Ministry of the Interior and Kingdom Relations (BZK)

Questions: 8, 10, 11b

Question 8

In the government's assessment, reference is made to "efforts aimed at fostering an ongoing dialogue between state powers on the safeguards for judicial independence" (page 6). This reference is against the background of certain informal norms, not laid down in legislation, reflecting a strong rule-of-law culture. Could you provide concrete examples of what those efforts and dialogue between state powers entail?

In this context, the Ministries of Justice and Security and of the Interior and Kingdom Relations are currently involved in the organisation of a so-called permanent rule of law dialogue between the state powers. The setting up of this dialogue is a consequence of a recommendation of the State Commission on the Rule of Law. Its aim is to foster greater mutual understanding and insight into the interests and challenges facing the legislative, judicial, and executive branches.

In 2025, an exploratory kick-off meeting for the rule of law dialogue took place, chaired by the Speaker of the Senate. A first formal dialogue was originally planned for October 2025, but had to be cancelled due to the political situation in the Netherlands. Now that a new cabinet has recently taken office, the organisation of the dialogue will be discussed with the new ministers, including identifying a suitable date for the first session.

Both ministries are currently elaborating the permanent set-up of a secretariat for the dialogue, which was already introduced shortly after the State Commission published its report. The secretariat is currently housed at the Court of Audit and consists of one staff member, while discussions regarding its long-term financing and accommodation are still ongoing. The concept foresees that the organisation of the dialogue rotates between the state powers, with the secretariat supporting the branch responsible for hosting the dialogue at a given moment.

Question 10

Please elaborate on the proposal to grant a semi-autonomous status to the Advisory Division of the Council of State. Has a letter to parliament been sent?

In the coalition agreement of the Government-Schoof, the granting of a semi-autonomous status to the Judiciary Division of the Council of State was introduced. There were indeed some plans to write a letter to parliament about the options, but the Government-Schoof decided to postpone the sending of the letter. In the meantime, the plan of the semi-autonomous status for the Judiciary Division of the Council of State has not returned in the coalition agreement of the Government-Jetten, so it seems this new Government has different priorities. The minister of Interior and Kingdom Relations still has to make a decision how to inform the parliament.

Question 11b

Please elaborate on the findings of the study carried out by the Ministry of Justice and the Wetenschappelijk Onderzoek- en Datacentrum (WODC) on the right to demonstrate. What is “effective legal remedy against government decisions and actions” in this context (government’s assessment, page 13)

With regard to the study carried out by the Ministry of Justice and Security in cooperation with the Wetenschappelijk Onderzoek- en Datacentrum (WODC) on the right to demonstrate, the research primarily examined how the right to peaceful assembly is safeguarded in practice in the Netherlands, including the role of local authorities, law enforcement, and the legal framework governing restrictions.

The study finds that, in general, the legal framework provides a solid basis for the protection of the right to demonstrate. At the same time, it highlights certain areas of attention, such as differences in how municipalities apply restrictions, the clarity and predictability of decisions taken by mayors, and the accessibility of legal remedies for demonstrators.

In this context, “effective legal remedy against government decisions and actions” refers to the availability of timely and accessible judicial review of decisions that may affect the right to demonstrate, such as restrictions, conditions, or prohibitions imposed by local authorities. This includes the possibility to challenge such decisions before an independent court, as well as the availability of interim relief (e.g.

injunctions in urgent cases), allowing demonstrators to obtain a judicial assessment before or shortly after a planned demonstration.

The government's assessment emphasises that these remedies must not only exist in law, but also be effective in practice. This means that procedures should be sufficiently swift, accessible, and capable of providing meaningful redress, particularly given the time-sensitive nature of demonstrations. Efforts are therefore aimed at ensuring that legal protection keeps pace with the practical realities of exercising the right to demonstrate.

Directorate for Legal System (DRB)

Questions: 1, 4, 5, 6, 7, 12, 14, 15

Question 1

We have taken note of several initiatives and plans in a letter of 29 August 2025 containing the government's assessment of the Commission's 2025 Rule of Law Report ("the government's assessment"). The government's assessment states: "The government is also investing in support services for judges, for example by increasing the number of staff lawyers and administrative personnel at the courts. Price negotiations with the Council for the Judiciary covering 2026-2028 will include the capacity required over the coming period." We understand the price negotiations are over (see: https://www.tweedekamer.nl/kamerstukken/brieven_regering/detail?id=2025Z16894&did=2025D39209). In addition, The government's assessment makes reference to legislation aimed at maintaining/increasing the number of judges and reducing workload (more training places and a "70 plus scheme"). To your mind, have these and potentially also other measures improved the (human) resource and workload situation in the judiciary? How successful were the 'price negotiations' with the Council for the Judiciary? Do you plan any further initiatives regarding the resource and workload situation?

The 70+ scheme enables judges to continue working as substitute judges after reaching the legal retirement age of 70. After appointment as substitute judges, the 70+ judges can work three more additional years to increase the capacity within the judiciary. The 70+ scheme was recently evaluated by the Ministry of Justice and Security in cooperation with the Council for the Judiciary. The evaluation shows that experiences with the use of 70+ substitutes have been very positive. The 70+ substitutes are experienced and flexible judges who can be called upon quickly and in a variety of roles. This group brings valuable expertise, (specialist) knowledge, and experience to the table and effectively passes this on to colleagues.

In 2025, the State Secretary 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 with €30 million in 2026 and over €50 million starting from 2027 (on a total of almost €1.6 billion). 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.

Other initiatives aimed at improving (staff) capacity and alleviating the workload within the judiciary include the wider deployment of legal support staff and the use of AI. The government is investing in institutional reform within the judiciary and in the use of Artificial Intelligence (AI). The wider use of legal support, such as the deployment of experienced lawyers as deputy judges, offers better development and career opportunities for court lawyers. Career development is a means of promoting and maintaining the professionalism of staff. It is also a means of being an attractive employer who can attract and retain the necessary talent.

Question 4

In writing, if available: Could you share the results of the project “reducing work pressure” [verlagen werkdruk] for managers and employees in the judiciary? In addition, could you share the results of programme “work pressure” [werkdruk] of the Public Prosecution service?

As this project falls under the responsibility of the Council for the Judiciary, we are unfortunately not in a position to provide a detailed substantive response on its results.

The same applies to the programme on “work pressure” within the Public Prosecution Service, which is an internal initiative of the OM. For the most accurate and up-to-date information, we would kindly refer you to the respective organisations.

We remain, of course, available to facilitate contact or provide further context where helpful.

Question 5

Regarding the visual supervision of all lawyer-client conversations in high-security prisons, which safeguards are in the law to ensure the proportionality?

The law contains several safeguards to ensure that the visual supervision of lawyer–client conversations remains proportionate. First, the supervision is strictly limited to visual observation: no audio is recorded or monitored, so that the content of the conversation cannot be followed. In addition, the cameras are positioned in such a way that documents or written notes cannot be read. An additional technical safeguard is that the number of frames per second of the camera images has been reduced, meaning that no smooth video image is produced. As a result, it becomes impossible, for example, to determine the content of the conversation through lip-reading. The purpose of the supervision is therefore limited to detecting unauthorised actions or potential security risks.

Furthermore, several procedural and organisational safeguards are in place. The images obtained through supervision are, in principle, deleted immediately after the conversation has ended and are only retained if a conversation must be interrupted due to suspicious circumstances, for example for the purpose of a possible complaint or appeal procedure. In addition, both the lawyer and the detainee are informed that visual supervision is taking place, which increases transparency. If a conversation is interrupted, the supervisory authority of the legal profession is also informed, allowing for external oversight. Finally, the regulation provides for an evaluation after its entry into force, in order to assess whether the measure remains necessary and proportionate in practice. This combination of measures is intended to ensure that the supervision remains as limited as possible and that the confidential nature of lawyer–client communication is protected.

Question 6

Several “board regulations” [bestuursreglement] of Dutch courts refer to the possibility for Courts to allocate cases to judges on the basis of an automated system. For example:

<https://zoek.officielebekendmakingen.nl/stcrt-2025-23151.html> and

<https://zoek.officielebekendmakingen.nl/stcrt-2022-29573.html>. Please elaborate on what such automated systems are and to what extent they are in use. Are algorithms used and, if so, are these publicly available?

After confirmation by the Council for the Judiciary we can inform you that in the Netherlands cases are not allocated to judges on the basis of an automated system. In the Netherlands no algorithms are used for this purpose.

Question 7

In writing, if available: Could you share the (first) results of the programme entitled “AI in the administration of justice” [AI bij de Rechtspraak] (government’s assessment, page 7).

The 2025 Rule of Law Report recommends the Netherlands 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 mission of the AI program is:

- (1) To develop AI applications that strengthen the core values of the Judiciary. They start with low-risk applications to learn how to responsibly deploy high-risk applications in the future. In December 2025, RechtspraakGPT was launched, enabling (judiciary) staff to use generative AI. Additionally, the tool for automated pseudonymization of judgments is being rolled out across multiple courts.
- (2) To enhance the Judiciary’s resilience against the use of AI by parties in legal proceedings. To this end, discussions are held and agreements made with subject matter experts and judges, court administrations, and chain partners such as the Bar Association and the Public Prosecution Service.
- (3) To educate Judiciary employees. In 2025, awareness was raised through dozens of presentations and knowledge sessions, a web lecture series, a lunch lecture series, webinars, and newsletters. An AI Community has been established and work on an AI training portfolio is ongoing.

Question 12

In e.g., the reaction dated 20 June 2025 of the Dutch government to the report of the Venice Commission of 13 October 2023 (<https://www.rijksoverheid.nl/documenten/rapporten/2025/06/20/tk-brief-kabinetsreactie-op-het-rapport-van-de-venetie-commissie-van-13-oktober-2023>), reference is made to an upcoming letter on the appointment procedures of managers [bestuurders] in the judiciary. In a subsequent letter of 24 November 2025 addressed to the Senate the letter is announced for “the start of 2026” (https://www.eerstekamer.nl/brief_in/20251124/beantwoording_vragen_nav_de/f=/vmsrn6bmswfj.pdf). When will this letter be ready? Can you elaborate on the appointment procedures and any changes you plan to introduce in this respect?

The letter regarding the appointment procedures for court management boards and members of the Council for the Judiciary has been delayed due to the forming of the new cabinet. The coalition agreement of 30 January states that the appointment procedure for members of the Council for the Judiciary is to be made independent of the Minister. The Ministry of Justice will determine, in consultation with the Council for the Judiciary, how the appointment procedure will be amended. The minister will send a letter about this to Parliament. This letter will also contain the information about the appointment procedures for court management boards.

Question 14

Concerning the procedure for the appointment of members of the Council of the Judiciary and court management boards (the government’s assessment, page 6), please elaborate on the latest developments and share the letter to parliament, if already available.

For more information on this question we refer to answer 12.

Question 15

Concerning legal aid, We understand that the Besluit vergoedingen rechtsbijstand 2000 has been amended by introducing a structural funding of EUR 30 million for legal aid as of 2027 (e.g.,: kst-1236428.pdf). and that the amendments entered into force on 1 February 2026. What are the reactions from stakeholders so far and how will the available funding contribute to addressing the shortage in lawyers?

The amendment to the Besluit vergoedingen rechtsbijstand 2000, which entered into force on 1 February 2026, provides for higher remuneration for lawyers working within the system of publicly funded legal aid. In addition, from 2027 onwards, approximately €30 million per year will be made available on a structural basis. These additional funds are primarily intended to increase the point values and the base rate per point for legal aid cases, as well as certain allowances. These adjustments implement recommendations from the Van der Meer II Committee report, which concluded that remuneration for social legal practice had been structurally too low.

Initial reactions from stakeholders have been largely positive. The Dutch Bar and organisations representing social legal aid lawyers have long advocated for higher fees and view the additional funding as an important step toward improving the financial sustainability of practices within the legal aid system. At the same time, several stakeholders have indicated that the measures may not be sufficient to address all structural problems. The number of lawyers handling legal aid cases has declined in recent years, partly due to relatively low fees, high workloads, and an ageing profession.

The additional funding is therefore primarily intended to make working within the legal aid system financially more attractive and sustainable, helping to retain existing lawyers and encouraging new lawyers to take on legal aid cases. In combination with supplementary measures stemming from an ongoing policy vision process involving the Ministry of Justice and Security, the Legal Aid Board, the Dutch Bar Association, and the Association for Social Legal Aid (Vereniging Sociale Advocatuur Nederland), the Ministry aims to safeguard the future of social legal practice and thereby ensure access to justice. These measures include, among others, the development of innovative office structures, the creation of additional training positions, greater attention to the profession within legal education, and the promotion of a better public image of social legal practice.

Directorate for European and International Affairs (DEIA)

Questions: 2, 3, 9, 11a

Question 2

Following the three-year programme aimed at addressing shortages at the public prosecution service, do you consider the resources of the public prosecution office to be adequate at the moment? Do you envisage further steps or initiatives in this regard?

Over the past few years, a significant number of trainee public prosecutors have been recruited as part of the three-year programme aimed at addressing capacity shortages within the public prosecution service. This programme has contributed to strengthening staffing levels and improving overall capacity.

At present, there are no indications that additional recruitment is necessary to compensate for the earlier shortages. The current inflow of trainees and recent investments appear sufficient to meet existing needs.

That said, the situation continues to be monitored closely. Attention remains focused on ensuring sustainable capacity in light of evolving demands on the criminal justice system, including increasing case

complexity and workload pressures. Should new challenges arise, further measures or targeted initiatives may be considered to ensure the long-term effectiveness and resilience of the public prosecution service.

Question 3

Could you elaborate on developments since July 2025 about the legislative proposal aimed at removing the possibility for the Minister to give instructions to the Public Prosecutor's office?

Since July 2025, there have been several notable developments regarding the legislative proposal aimed at removing the possibility for the Minister to issue specific instructions to the Public Prosecution Service.

On 25 November 2025, the House of Representatives (Tweede Kamer) adopted the legislative proposal entitled *Wet verval bijzondere aanwijzingsbevoegdheid openbaar ministerie*. This is an initiative bill introduced by Member of Parliament Sneller (D66), which amends the Judicial Organisation Act (*Wet op de rechterlijke organisatie*).

The proposal seeks to strengthen the independent position of the Public Prosecution Service (OM) by abolishing the so-called “special instruction power” of the Minister (and, in limited cases, the State Secretary). If adopted, the Minister would no longer be able to issue instructions in individual criminal cases, including decisions to investigate, prosecute, refrain from prosecution, or direct how prosecutorial powers should be exercised in a concrete case. In line with the constitutional principle of “no responsibility without powers,” the Minister would consequently no longer bear political responsibility for such individual cases. The proposal explicitly stipulates that, in concrete cases, the OM would no longer be subordinate to the Minister.

During the plenary debate on 19 November 2025, the Minister of Justice and Security expressed significant concerns regarding the proposal. The Minister emphasised that the reform would be far-reaching, as it would remove ministerial political responsibility for investigation and prosecution in individual cases. According to the Minister, this would weaken democratic oversight of the OM, which currently plays an important role throughout the criminal justice process. It could also create a gap in supervision in situations where judicial or other forms of oversight are limited. The Minister underlined that the current system strikes a careful balance between ministerial responsibility and the operational independence of the OM, and that this balance would be significantly disrupted by the proposal. The Council of State also issued a negative opinion (dictum C).

The proposal is currently pending before the Senate (Eerste Kamer). On 22 January 2026, the Senate's standing committee issued its report on the bill. A written response from the government to this report is expected in the near future.

Question 9

What are the most recent developments and next steps with regard to the legislative proposal “Wet verval bijzondere aanwijzingsbevoegdheid openbaar ministerie”?

We would refer to answer 3.

Question 11a

Please elaborate on the status and next steps regarding Civil Society Organisations Bill [Wetsvoorstel transparantie en tegengaan ondermijning door maatschappelijke organisaties].

The draft bill is currently pending before the Senate (Eerste Kamer). A plenary debate was scheduled for 17 March 2026.

The draft bill has been discussed in the upper house (Eerste Kamer) on march the 17th 2026. The upper house is set to vote on the bill on the 24th of march. The Minister has announced that, if the upper house would approve of the bill, not to let article 3 par. 7 into force, which would allow other organisations than the mayor and the public prosecution office to request information on received donations from civil society organisations