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General Administrative Law Act

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Chapter 1. Introductory provisions

Title 1.1. Definitions and scope

Article 1:1

1 The term administrative body means:

- a. a body of a legal entity established under public law, or
- b. another person or body vested with any public authority.

2 The following bodies, persons and boards are not considered administrative bodies:

- a. the legislative power;
- b. the chambers and the joint assembly of the States General;
- c. independent bodies established by law and charged with the administration of justice, as well as the Judicial Council and the Board of Deputies;
- d. the Council of State and its divisions;
- e. the Court of Audit;
- f. the National Ombudsman and the deputy ombudsmen as referred to in [Article 9, paragraph 1, of the National Ombudsman Act](#) , and ombudsmen and ombudsman committees as referred to in [Article 9:17, subsection b](#) ;
- g. the chairmen, members, clerks and secretaries of the bodies referred to in subparagraphs *b* to *f* , the Attorney General, the Deputy Attorney General and the Advocates General at the Supreme Court, the boards of the bodies referred to in subparagraph *c* and the chairmen of those boards, as well as the committees from among the bodies referred to in subparagraphs *b* to *f* ;
- h. the Intelligence and Security Services Oversight Committee and its departments, referred to in [Article 97 of the Intelligence and Security Services Act 2017](#) ;
- i. the review committee for the use of powers, as referred to in [Article 32 of the Intelligence and Security Services Act 2017](#) .

3 A body, person or board exempted pursuant to the second paragraph shall be considered an administrative body insofar as the body, person or board takes decisions or performs acts with regard to a person in relation to his or her capacity as referred to in [Article 3 of the Civil Servants Act 2017](#) , his or her surviving relatives or his or her legal successors, with the exception of a civil servant appointed for life who works for the Council of State and its departments and the Court of Audit.

4 The property law consequences of an act of an administrative body affect the legal entity to which the administrative body belongs.

Article 1:2

1 An interested party is defined as: the person whose interest is directly affected by a decision.

2 With regard to administrative bodies, the interests entrusted to them shall be considered as their interests.

3 With regard to legal entities, their interests shall also be considered to include the general and collective interests which they specifically promote by virtue of their objectives and as evidenced by their actual activities.

Article 1:3

1 A decision is defined as: a written decision of an administrative body, containing a public-law legal act.

2 A decision means: a decision that is not of general application, including the rejection of an application.

- 3 An application means: a request from an interested party to make a decision.
- 4 A policy rule is defined as: a general rule established by decision, not being a generally binding provision, regarding the balancing of interests, the determination of facts or the interpretation of statutory provisions when using a power of an administrative body.

Article 1:4

- 1 Administrative court means an independent body established by law that is charged with administrative jurisdiction.
- 2 A higher court judge is understood to mean: an administrative judge who rules on appeal.
- 3 A court belonging to the judiciary is considered an administrative court insofar as Chapter 8 or the Administrative Enforcement of Traffic Regulations Act – with the exception of Chapter VIII – applies or applies accordingly.

Article 1:5

- 1 Filing an objection means using the power existing under a statutory provision to request a remedy against a decision from the administrative body that took the decision.
- 2 Filing an administrative appeal means using the power existing under a statutory provision to request an appeal against a decision from an administrative body other than the one that took the decision.
- 3 Filing an appeal means filing an administrative appeal or an appeal with an administrative court.

Article 1:6

Chapters 2 through 8 and 10 of this Act do not apply to:

- a. the investigation and prosecution of criminal offences and the enforcement of criminal judgments;
- b. the enforcement of custodial measures under the Aliens Act 2000 ;
- c. the execution of other custodial measures in an institution primarily intended for the execution of criminal decisions;
- d. decisions and actions for the implementation of the Military Disciplinary Law Act ;
- e. decisions and actions for the implementation of the Termination of Life on Request and Assisted Suicide Assessment Act .

Title 1.2. Implementation of binding decisions of European Union bodies**Article 1:7**

- 1 If an administrative body is required, pursuant to any statutory provision, to request advice or to hold external consultation on a decision before such a decision can be taken, that provision shall not apply if the intended decision is solely intended to implement a binding decision of the Council of the European Union, of the European Parliament and the Council jointly, or of the European Commission.
- 2 The first paragraph does not apply to the hearing of the Council of State.

Article 1:8

- 1 If an administrative body is required, pursuant to any statutory provision, to give notice of the draft decision before such a decision can be taken, that provision shall not apply if the proposed decision is intended solely to implement a binding decision of the Council of the European Union, of the European Parliament and the Council acting jointly, or of the European Commission.
- 2 The first paragraph does not apply to the submission of the draft general administrative measure or ministerial regulation to the States General if:
 - a. the law provides that one of the Houses of the States General or a number of its members may express the wish that the subject or the entry into force of that general administrative measure or ministerial regulation be regulated by law, or
 - b. Article 21.6, sixth paragraph, of the Environmental Management Act applies.

Article 1:9

This title applies mutatis mutandis to legislative proposals.

Chapter 2. Communication between citizens and administrative bodies**Section 2.1. General provisions****Article 2:1**

- 1 Anyone may, in order to safeguard their interests in dealings with administrative bodies, obtain assistance or be represented by an authorised representative.
- 2 The administrative body may request written authorization from an authorized representative.

Article 2:2

- 1 The administrative body may refuse assistance or representation by a person against whom there are serious objections.
- 2 The interested party and the person referred to in the first paragraph shall be notified of the refusal in writing without delay.
- 3 The first paragraph does not apply to lawyers.

Article 2:3

- 1 The administrative body shall immediately forward to another administrative body, at the same time notifying the sender, any documents which it is clear that another administrative body is competent to deal with.
- 2 The administrative body shall return to the sender as soon as possible any documents which are not intended for it and which are not forwarded.

Article 2:4

- 1 The administrative body carries out its duties without bias.
- 2 The administrative body shall ensure that persons belonging to or working for the administrative body who have a personal interest in a decision do not influence the decision-making process.

Article 2:5

- 1 Any person involved in the performance of the duties of an administrative body and who in doing so obtains access to information the confidential nature of which he or she knows or should reasonably know, and who is not already subject to a duty of confidentiality in respect of such information by virtue of his or her office, profession or statutory provision, is obliged to keep such information confidential, except insofar as any statutory provision obliges him or her to disclose it or the need for disclosure arises from his or her duties.
- 2 The first paragraph also applies to institutions and persons belonging to or working for them who are involved by an administrative body in the performance of its duties, and to institutions and persons belonging to or working for them who perform a task assigned by or pursuant to law.

Section 2.2. Use of language in administrative communication**Article 2:6**

- 1 Administrative bodies and persons working under their responsibility use the Dutch language, unless otherwise provided by law.
- 2 By way of exception to the first paragraph, another language may be used if its use is more effective and does not disproportionately harm the interests of third parties.

Article 2:7

[Expired as of January 1, 2014]

Article 2:8

[Expired as of January 1, 2014]

Article 2:9

[Expired as of January 1, 2014]

Article 2:10

[Expired as of January 1, 2014]

Article 2:11

[Expired as of January 1, 2014]

Article 2:12

[Expired as of January 1, 2014]

Section 2.3. Electronic communication**Article 2:13**

- 1 In communications between citizens and administrative bodies, a message may be sent electronically, provided that the provisions of this section are observed.
- 2 The first paragraph does not apply if:
 - a. this is determined by or pursuant to statutory provision, or
 - b. a formal requirement opposes electronic transmission.

Article 2:14

- 1 An administrative body may send a message addressed to one or more addressees electronically, provided that the addressee has indicated that he or she can be reached sufficiently in this way.
- 2 Unless otherwise provided by law, messages not addressed to one or more addressees shall not be sent exclusively electronically.

- 3** If an administrative body sends a message electronically, it shall do so in a sufficiently reliable and confidential manner, taking into account the nature and content of the message and the purpose for which it is used.

Article 2:15

- 1** A message can be sent electronically to an administrative body provided the administrative body has indicated that this option is available. The administrative body may impose additional requirements on the use of electronic means.
- 2** An administrative body may refuse electronically supplied data and documents to the extent that acceptance thereof would result in a disproportionate burden for the administrative body.
- 3** An administrative body may refuse to send an electronically transmitted message if the reliability or confidentiality of the message is insufficiently guaranteed, taking into account the nature and content of the message and the purpose for which it is used.
- 4** The administrative body shall communicate a refusal on the basis of this article to the sender as soon as possible.

Article 2:16

- 1** The requirement of signature is fulfilled by an electronic signature if the method used for signing is sufficiently reliable, taking into account the nature and content of the electronic message and the purpose for which it is used.
- 2** If the security and reliability of the electronic message and the purpose for which it is used so require, a statutory provision may prescribe the use of a specific type of electronic signature as referred to in Article 3(10) of Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 (OJ L 257, 2014). Additional requirements may be imposed, unless the signature is an advanced electronic signature as referred to in Article 3(11) or a qualified electronic signature as referred to in Article 3(12) of that regulation.

Article 2:17

- 1** The time at which a message is sent electronically by an administrative authority is the time at which the message reaches a data processing system for which the administrative authority is not responsible or, if the administrative authority and the addressee use the same data processing system, the time at which the message becomes accessible to the addressee.
- 2** The time at which a message is received electronically by an administrative authority is the time at which the message reaches its data processing system.

Chapter 3. General provisions on decisions**Section 3.1. Introductory provisions****Article 3:1**

- 1** On decisions containing generally binding regulations:
- a.** Section 3.2 only applies to the extent that the nature of the decisions does not prevent this;
- b.** Sections 3.6 and 3.7 do not apply.
- 2** Sections 3.2 to 3.4 apply mutatis mutandis to acts of administrative bodies other than decisions, insofar as the nature of the acts does not preclude this.

Section 3.2. Due care and balancing of interests**Article 3:2**

When preparing a decision, the administrative body gathers the necessary knowledge about the relevant facts and the interests to be weighed.

Article 3:3

The administrative body shall not use the power to take a decision for any purpose other than that for which the power was granted.

Article 3:4

- 1** The administrative body shall weigh the interests directly affected by the decision, unless a restriction arises from a statutory provision or from the nature of the power to be exercised.
- 2** The adverse consequences of a decision for one or more interested parties may not be disproportionate to the objectives served by the decision.

Section 3.3. Advice**Article 3:5**

- 1 In this section, 'advisor' means: a person or body charged by or pursuant to statutory provision with advising on decisions to be taken by an administrative body and not working under the responsibility of that administrative body.
- 2 This section does not apply to the hearing of the Council of State.

Article 3:6

- 1 If the advisor has not already been legally mandated to provide a deadline, the administrative body may indicate within which timeframe an opinion is expected. This deadline may not be so short that the advisor cannot properly perform their duties.
- 2 If the advice is not issued in a timely manner, the mere absence thereof does not prevent the decision from being taken.

Article 3:7

- 1 The administrative body to which advice is given shall make available to the advisor, whether or not upon request, the information necessary for the proper performance of his or her duties.
- 2 Article 5.1 of the Open Government Act applies accordingly.

Article 3:8

The advisor who provided the advice is stated in or with the decision.

Article 3:9

If a decision is based on an investigation into facts and conduct carried out by an advisor, the administrative body must ensure that this investigation has been conducted with due care.

Article 3:9a

This section applies mutatis mutandis to proposals for legislation.

Section 3.4. Uniform public preparatory procedure**Article 3:10**

- 1 This section applies to the preparation of decisions if this is provided for by statutory provision or by decision of the administrative body.
- 2 Unless otherwise provided by statutory provision or by decision of the administrative body, this section does not apply to the preparation of a decision rejecting an application for withdrawal or amendment of a decision.
- 3 Section 4.1.1 also applies to decisions other than rulings, if these are taken upon request and prepared in accordance with this Section.
- 4 If this section applies to the preparation of a decision, paragraph 4.1.3.3 does not apply.

Article 3:11

- 1 The administrative body shall make available for inspection the draft of the decision to be taken, together with the related documents that are reasonably necessary for an assessment of the draft, with the exception of documents for which notification in the manner specified in Article 12 of the Publication Act is prescribed by statutory provision.
- 2 Article 5.1 of the Open Government Act applies accordingly. If, on that basis, certain documents are not made available for inspection, this will be notified.
- 3 The documents shall be available for inspection during the period referred to in Article 3:16, first paragraph.

Article 3:12

- 1 Prior to making the plan available for inspection, the administrative body shall publish the draft in the publication journal designated for the administrative body in Article 12 of the Publication Act, in the manner specified in that Article.
- 2 The notice shall state:
 - a. who are given the opportunity to put forward their views;
 - b. how this can be done;
 - c. if Article 3:18, second paragraph, has been applied : the period within which the decision will be taken.

Article 3:13

- 1 If the decision is addressed to one or more interested parties, the administrative body shall send the draft to them, including the applicant, prior to making it available for inspection.
- 2 Article 3:12, second paragraph, applies accordingly.

Article 3:14

1 The administrative body supplements the documents made available for inspection with new relevant documents and data.

2 Article 3:11, second to third paragraph , applies.

Article 3:15

- 1 Interested parties may submit their views on the draft to the administrative body in writing or orally, as desired.
- 2 By law or by the administrative body it may be determined that others must also be given the opportunity to put forward their views.
- 3 If the decision is made on an application, the administrative body shall, if necessary, give the applicant the opportunity to respond to the views submitted.
- 4 If the decision concerns an amendment or withdrawal of a decision, the administrative body shall, if necessary, give the person to whom the decision to be amended or withdrawn is addressed the opportunity to respond to the views expressed.

Article 3:16

- 1 The period for submitting views and issuing advice as referred to in Section 3.3 is six weeks, unless a longer period is specified by statutory provision.
- 2 The term commences on the day on which the design is made available for inspection and notice thereof has been given.
- 3 Articles 6:9 , 6:10 and 6:15 apply mutatis mutandis to written comments .

Article 3:17

A report shall be made of what has been presented orally in accordance with Article 3:15 .

Article 3:18

- 1 If the decision is made on an application, the administrative body shall take the decision as soon as possible, but no later than six months after receipt of the application.
- 2 If the application concerns a very complex or controversial topic, the administrative body may, before making a draft available for inspection, extend the period referred to in the first paragraph by a reasonable period within eight weeks of receipt of the application. Before the administrative body decides to extend the period, it shall give the applicant the opportunity to submit their views on the matter.
- 3 By way of exception to the first paragraph, the administrative body shall take the decision no later than twelve weeks after the draft has been made available for inspection, if the decision concerns:
- a. regarding withdrawal of a decision;
 - b. regarding the amendment of a decision and the application has been made by a person other than the person to whom the decision to be amended is addressed.
- 4 If no comments have been submitted, the administrative body shall give notice of this as soon as possible after the period for submitting comments has expired, in the manner referred to in Article 3:12, paragraph 1. Notwithstanding the first or third paragraph, the administrative body shall in that case make the decision within four weeks after the period for submitting comments has expired.

Section 3.5. Related decisions

Section 3.5.1. General

Article 3:19

This Section applies to decisions necessary to carry out a specific activity and to decisions aimed at establishing a financial entitlement for that activity.

Section 3.5.2. Information

Article 3:20

- 1 The administrative body shall ensure that an applicant is informed of other decisions to be taken on application which the administrative body can reasonably assume are necessary for the activity to be carried out by the applicant.
- 2 The notification shall in any case state for each decision:
- a. name and address of the administrative body authorised to take the decision;
 - b. under which legal provision the decision is taken.

Section 3.5.3. Coordination of decision-making and legal protection

Article 3:21

- 1 This paragraph applies to decisions in respect of which this has been determined:

- a. by legal provision, or
 - b. by decision of the administrative bodies competent to take such decisions.
- 2 This section does not apply to decisions as referred to in [Article 4:21, second paragraph](#) , or in respect of which a period has been established by or pursuant to statutory provision, after which a decision will be made on applications submitted during that period.

Article 3:22

By or pursuant to the statutory provision referred to in [Article 3:21, first paragraph, subparagraph a](#) , or by the decision referred to in [Article 3:21, first paragraph, subparagraph b](#) , one of the administrative bodies involved shall be designated as coordinating administrative body.

Article 3:23

- 1 The coordinating administrative body promotes efficient and coherent decision-making, whereby the administrative bodies, when assessing applications, at least take into account the coherence between them and also pay attention to the coherence between the decisions to be taken.
- 2 The other administrative bodies involved shall provide the cooperation necessary for the success of effective and coherent decision-making.

Article 3:24

- 1 The decisions are requested simultaneously as much as possible, provided that the last application is submitted no later than six weeks after receipt of the first application.
- 2 Applications are submitted to the coordinating administrative body. The coordinating administrative body shall immediately send a copy of the applications to the competent administrative bodies after receiving them.
- 3 If an application for one of the decisions is missing, the coordinating administrative body will give the applicant the opportunity to submit the missing application within a period to be determined by the coordinating administrative body. If the missing application is not submitted on time, the coordinating administrative body is authorized to disregard this section with respect to certain decisions. In that case, for the purposes of applying deadlines regulated by statutory provision, the time at which the decision to disregard the application is made is considered equivalent to the time of receipt of the application.
- 4 The statutory provision referred to in [Article 3:21, paragraph 1, subparagraph a](#) , may provide that an application for a decision will not be processed if an application for another decision has not been submitted at the same time.

Article 3:25

Without prejudice to [Article 3:24, third and fourth paragraphs](#) , the period for taking decisions commences on the day on which the last application is received.

Article 3:26

- 1 [If Section 3.4](#) applies to the preparation of any of the decisions , that Section shall apply to the preparation of all decisions, subject to the following:
- a. the inspection required pursuant to [Articles 3:11 and 3:44, first paragraph, sub a](#) , shall in any case take place at the office of the coordinating administrative body;
 - b. the coordinating administrative body shall ensure that the opportunity is given to orally present views on the drafts of all decisions taken jointly;
 - c. In any case, views can be submitted to the coordinating administrative body;
 - d. if anyone can submit views on the draft of one of the decisions, this also applies to the drafts of the other decisions;
 - e. the communications, notifications and transmissions required under that Section and [Section 3.6](#) shall be made by the coordinating administrative body;
 - f. all decisions are taken within the period applicable to the decision with the longest decision period;
 - g. the date of inspection by the coordinating administrative body determines the commencement of the appeal period pursuant to [Article 6:8, fourth paragraph](#) .
- 2 If [Section 3.4](#) does not apply, the preparation shall be carried out in accordance with, or corresponding application of, [Section 4.1.2](#) and parts b to f of the first paragraph of this Article.

Article 3:27

- 1 The competent administrative bodies shall forward the decisions they have taken to the coordinating administrative body.
- 2 The coordinating administrative body shall publish the decisions simultaneously and make them available for inspection simultaneously.

Article 3:28

- 1 If an objection or administrative appeal may be lodged against any of the decisions, this is done by submitting the notice of objection or appeal to the coordinating administrative body. The coordinating administrative body shall immediately send a copy of the notice of objection or appeal to the competent administrative body after receiving it.
- 2 The competent administrative bodies shall forward their decisions on objections or appeals to the coordinating administrative body. The coordinating administrative body shall simultaneously publish the decisions and provide the notifications required under Article 7:12, paragraph 3 , or Article 7:26, paragraph 4 .
- 3 A decision on a request to grant a direct appeal to the administrative court as referred to in Article 7:1a, paragraph 4 , is taken by the coordinating administrative body. Without prejudice to Article 7:1a, paragraph 2, the coordinating administrative body shall reject the request in any case if an objection has been filed against one of the other decisions in which a similar request is not included.

Article 3:29

- 1 If one or more of the decisions may be appealed to the court, all decisions may be appealed to the court within the jurisdiction of which the coordinating administrative body has its seat.
- 2 If all decisions can be appealed to an administrative court other than the district court, all decisions can be appealed to:
 - a. the Administrative Jurisdiction Division of the Council of State, if an appeal against one or more of the decisions may be lodged with the Division;
 - b. the Trade and Industry Appeals Tribunal, if an appeal may be lodged against one or more of the decisions with the Tribunal and part (a) does not apply;
 - c. the Central Appeals Tribunal, if an appeal can be lodged against one or more of the decisions with the Central Appeals Tribunal and parts a and b do not apply.
- 3 If an appeal against the court's decision regarding one or more decisions can be lodged with:
 - a. the Administrative Jurisdiction Division of the Council of State; an appeal against all decisions may be lodged with the Division;
 - b. the Trade and Industry Appeals Tribunal and part a does not apply, an appeal may be lodged with the Tribunal against all decisions;
 - c. If the Central Appeals Tribunal and parts a and b do not apply, an appeal may be lodged with the Central Appeals Tribunal against all decisions.
- 4 The court with jurisdiction pursuant to the first paragraph, or the administrative court with jurisdiction pursuant to the second or third paragraphs, may refer the hearing of appeals at first instance or appeals on points of law to another court or administrative court, respectively, that is deemed more suitable for hearing them. Article 8:13, second and third paragraphs , apply mutatis mutandis.

Article 3:30

[Expired as of July 1, 2005]

Article 3:31

[Expired as of July 1, 2005]

Article 3:32

[Expired as of July 1, 2005]

Article 3:33

[Expired as of July 1, 2005]

Section 3.6. Publication and communication**Article 3:40**

A decision shall not take effect until it has been announced.

Article 3:41

- 1 Decisions addressed to one or more interested parties are announced by sending or handing them over to them, including the applicant.
- 2 If the decision cannot be announced in the manner provided for in the first paragraph, it shall be announced in another suitable manner.

Article 3:42

The publication of decisions that are not addressed to one or more interested parties shall take place in the manner specified in Articles 5 and 6 of the Publication Act , respectively.

Article 3:43

- 1 At the same time as, or as soon as possible after, the announcement, the decision will be communicated to those who submitted their views during its preparation. An advisor as referred to in [Article 3:5](#) will in any case be notified if the recommendation is deviated from.
- 2 The notification of a decision shall also state when and how it was announced.

Article 3:44

- 1 If, in preparing a decision addressed to one or more interested parties, [Section 3.4](#) has been applied, notice shall be given of the availability of the decision and the documents relating to the case for inspection:
 - a. with corresponding application of [Articles 3:11](#) and [3:12, first paragraph](#), provided that the documents are available for inspection until the appeal period has expired, and
 - b. by sending a copy of the decision to those who submitted comments on the draft decision.
- 2 If [Section 3.4](#) has been applied in the preparation of a decision not addressed to one or more interested parties, notice of the availability of the documents relating to the case for inspection shall be given simultaneously with the publication of the decision. Paragraph 1, parts a and b, apply mutatis mutandis.
- 3 If [Section 3.4](#) has been applied in the preparation of the decision, the administrative body may, in deviation from [Article 3:43, first paragraph](#):
 - a. if the scope of the decision so requires, it shall be sufficient to inform each of the persons referred to therein of the scope of the decision;
 - b. if an opinion has been submitted by more than five persons in the same document, it shall be sufficient to send one copy to the five persons whose names and addresses are first stated in that document;
 - c. if an opinion has been put forward by more than five persons in the same document and the scope of the decision gives reason to do so, it shall be sufficient to inform the five persons whose names and addresses are stated first in that document of the scope of the decision;
 - d. if sending should be made to more than 250 persons, who shall refrain from sending.

Article 3:45

- 1 If an objection or appeal may be lodged against a decision, this shall be stated in the announcement and the notification of the decision.
- 2 This states by whom, within what period and to which body an objection or appeal can be lodged.

Section 3.7. Reasoning**Article 3:46**

A decision must be based on sound reasoning.

Article 3:47

- 1 The reasoning will be stated when the decision is announced.
- 2 If possible, it shall state under which legal provision the decision is taken.
- 3 If the reasons cannot be stated immediately upon publication of the decision due to the required urgency, the administrative body shall provide them within one week of publication.
- 4 In that case, [Articles 3:41 to 3:43](#) apply accordingly.

Article 3:48

- 1 The statement of reasons may be omitted if it can reasonably be assumed that there is no need for this.
- 2 If an interested party requests the reasons within a reasonable period, they will provide them as soon as possible.

Article 3:49

To justify a decision or part thereof, a reference to an opinion issued for that purpose may suffice, provided that the opinion itself contains the reasoning and that the opinion has been or will be notified.

Article 3:50

If the administrative body takes a decision that deviates from an advice issued for that purpose pursuant to a statutory provision, this shall be stated in the reasoning, together with the reasons for the deviation.

Chapter 4. Special provisions on decisions**Title 4.1. Decisions****Section 4.1.1. The application****Article 4:1**

Unless otherwise provided by statutory provision, the application for a decision must be submitted in writing to the administrative body that is authorised to decide on the application.

Article 4:2

- 1 The application shall be signed and shall contain at least:
 - a. the name and address of the applicant;
 - b. the date;
 - c. an indication of the decision being requested.
- 2 The applicant shall also provide the information and documents necessary for the decision on the application and which he can reasonably obtain.

Article 4:3

- 1 The applicant may refuse to provide information and documents if their importance for the administrative body's decision does not outweigh the interest in respecting personal privacy, including the protection of medical and psychological research results, or the interest in protecting business and manufacturing data.
- 2 The first paragraph does not apply to data and documents designated by statutory provision which are required to be submitted.

Article 4:3a

The administrative body confirms receipt of an electronically submitted application.

Article 4:4

The administrative body competent to decide on the application may establish a form for submitting applications and providing data, unless this is provided for by statutory provision.

Article 4:5

- 1 The administrative body may decide not to process the application if:
 - a. the applicant has not complied with any legal requirement for processing the application, or
 - b. the application has been refused in whole or in part on the basis of [Article 2:15](#), or
 - c. the information and documents provided are insufficient for the assessment of the application or for the preparation of the decision,provided that the applicant has had the opportunity to supplement the application within a period set by the administrative body.
- 2 If the application or any of the accompanying information or documents is submitted in a foreign language and a translation is necessary for the assessment of the application or for the preparation of the decision, the administrative body may decide not to process the application, provided that the applicant has had the opportunity to supplement the application with a translation within a period set by the administrative body.
- 3 If the application or any of the accompanying data or documents is extensive or complicated and a summary is necessary for the assessment of the application or for the preparation of the decision, the administrative body may decide not to process the application, provided that the applicant has had the opportunity to supplement the application with a summary within a period set by the administrative body.
- 4 A decision not to process an application will be notified to the applicant within four weeks after the application has been supplemented or after the period set for this purpose has expired unused.

Article 4:6

- 1 If a new application is submitted following a decision that has been rejected in whole or in part, the applicant is obliged to report any new facts or changed circumstances that have emerged.
- 2 If no newly discovered facts or changed circumstances are stated, the administrative body may reject the application without applying [Article 4:5](#), referring to its previous negative decision.

Section 4.1.2. The preparation**Article 4:7**

- 1 Before an administrative body rejects an application for a decision in whole or in part, it shall give the applicant the opportunity to submit his or her views if:
 - a. the rejection would be based on information about facts and interests concerning the applicant, and
 - b. the information differs from information provided by the applicant himself.
- 2 The first paragraph does not apply if there is a deviation from the application that can only be of minor significance for the applicant.

Article 4:8

- 1 Before an administrative body issues a decision against which an interested party who has not applied for the decision is expected to have objections, it shall give that interested party the opportunity to submit his or her views if:
 - a. the decision would be based on information about facts and interests concerning the interested party, and
 - b. the information has not been provided by the interested party himself.
- 2 The first paragraph does not apply if the interested party has not complied with a legal obligation to provide information.

Article 4:9

When applying [Articles 4:7](#) and [4:8](#), the interested party may choose to submit his or her views in writing or orally.

Article 4:10

[Expired as of July 1, 2005]

Article 4:11

The administrative body may refrain from applying [Articles 4:7](#) and [4:8](#) insofar as:

- a. the required urgency prevents this;
- b. the interested party has already been given the opportunity to express his views and no new facts or circumstances have arisen since then, or
- c. the purpose intended by the decision can only be achieved if the interested party has not been informed of it in advance.

Article 4:12

- 1 The administrative body may also refrain from applying [Articles 4:7](#) and [4:8](#) in a decision aimed at establishing a financial obligation or entitlement if:

- a. an objection or administrative appeal may be lodged against that decision, and
 - b. the adverse consequences can be completely undone after an objection or administrative appeal.
- 2 The first paragraph does not apply to a decision that aims at:

- a. the refusal of a subsidy on the basis of [Article 4:35](#) or in application of [Article 4:51](#);
- b. the lower determination of a subsidy pursuant to [Article 4:46, paragraph 2](#), or
- c. the withdrawal or amendment of a subsidy award or subsidy determination to the detriment of the recipient.

Section 4.1.3. Decision period**§ 4.1.3.1. Decision period****Article 4:13**

- 1 A decision must be given within the period specified by statutory provision or, in the absence of such a period, within a reasonable period after receipt of the application.
- 2 The reasonable period referred to in the first paragraph shall in any event have expired if the administrative body has not issued a decision or made a notification as referred to in [Article 4:14, third paragraph](#), within eight weeks of receipt of the application.

Article 4:14

- 1 If a decision cannot be issued within the period specified by statutory provision, the administrative body shall notify the applicant of this and shall specify the shortest possible period within which the decision can be expected.
- 2 The first paragraph does not apply if the administrative body is no longer competent after the expiry of the period determined by statutory provision.
- 3 If, in the absence of a statutory period, a decision cannot be issued within eight weeks, the administrative body shall notify the applicant of this within this period and shall specify a reasonable period within which the decision can be expected.

Article 4:15

- 1 The period for issuing a decision is suspended with effect from the day after the administrative body:
 - a. the applicant is invited to supplement the application pursuant to [Article 4:5](#), until the day on which the application is supplemented or the period set for this purpose has expired unused, or
 - b. the applicant informs that information reasonably necessary for the decision on the application has been requested from a foreign authority, until the day on which this information is received or further delay is no longer reasonable.
- 2 The period for issuing a decision is also suspended:

- a. during the period for which the applicant has agreed in writing to the postponement,
 - b. as long as the delay can be attributed to the applicant, or
 - c. as long as the administrative body is unable to issue a decision due to force majeure.
- 3 In the event of force majeure, the administrative body shall inform the applicant as soon as possible that the decision period has been suspended and shall also inform the applicant of the period within which the decision can be expected.
- 4 If the suspension ends, the administrative body shall, in the cases referred to in the first paragraph, part b, or the second paragraph, parts b and c, notify the applicant as soon as possible, stating the period within which the decision must still be issued.

§ 4.1.3.2. Penalty for failure to decide on time

Article 4:16

[Expired as of October 1, 2009]

Article 4:17

- 1 If a decision on an application is not issued in a timely manner, the administrative body will owe the applicant a penalty for each day of default, but not exceeding 42 days. The General Terms Act does not apply to this latter period.
- 2 The penalty is €23 per day for the first fourteen days, €35 per day for the following fourteen days and €45 per day for the remaining days.
- 3 The first day on which the penalty is due is the day on which two weeks have passed after the day on which the period for issuing the decision has expired and the administrative body has received written notice of default from the applicant.
- 4 If the application could be made electronically, Article 4:3a applies accordingly to the notice of default.
- 5 An appeal against the failure to issue the decision on time does not suspend the penalty payment.
- 6 No penalty is due if:
- a. the administrative body has been given notice of default unreasonably late,
 - b. the applicant is not an interested party, or
 - c. the application is manifestly inadmissible or manifestly unfounded.
- 7 If there is more than one applicant, the penalty is due to each of the applicants in equal part.

Article 4:18

The administrative body shall determine the amount and the amount of the penalty by decision within two weeks after the last day on which the penalty was due.

Article 4:19

- 1 The objection, appeal or further appeal against the decision on the application also relates to a decision determining the amount of the penalty, insofar as the interested party disputes this decision.
- 2 However, the administrative court may refer the decision on the appeal or further appeal against the decision determining the amount of the penalty to another body if it is desirable for the case to be dealt with by that body.
- 3 In the event of an appeal or further appeal, the interested party shall, if possible, submit a copy of the decision he is contesting.
- 4 The first to third paragraphs apply mutatis mutandis to a request for interim relief.

Article 4:20

The administrative body may recover unduly paid penalty payments if five years have not yet passed since the date on which the decision referred to in Article 4:18 was made.

§ 4.1.3.3. Positive fictitious decision in case of failure to decide in time

Article 4:20a

- 1 This paragraph applies if this is provided for by statutory provision.
- 2 Section 4.1.3.2 does not apply if this section applies.

Article 4:20b

- 1 If no decision is made on the application for a decision in time, the requested decision shall be deemed to have been given by operation of law.
- 2 The granting by operation of law is considered a disposition.
- 3 By way of exception to Article 3:40, the decision shall enter into force on the third day after the end of the decision period.

Article 4:20c

- 1 The administrative body shall announce the decision within two weeks after it has been issued by operation of law.
- 2 The announcement and notification of the decision shall state that the decision was issued by operation of law.

Article 4:20d

- 1 If the administrative body has not announced the decision in accordance with Article 4:20c within two weeks, it will forfeit a penalty after a subsequent notice of default by the applicant from the day after two weeks have elapsed since that notice of default.
- 2 The penalty is calculated in accordance with Article 4:17, first and second paragraph.
- 3 Articles 4:17, fourth paragraph, and sixth paragraph, under a and b, and 4:18 to 4:20 apply accordingly.

Article 4:20e

If a statutory provision or policy rule stipulates that a decision must always include certain provisions, these provisions also form part of the decision by operation of law.

Article 4:20f

- 1 The administrative body may, by operation of law, subsequently attach conditions to the decision or withdraw the decision to the extent necessary to prevent serious consequences for the public interest.
- 2 A decision as referred to in the first paragraph may only be taken within six weeks after the decision has been announced by operation of law.
- 3 The administrative body shall compensate for any damage caused by the amendment or withdrawal referred to in the first paragraph.

Title 4.2. Subsidies**Section 4.2.1. Introductory provisions****Article 4:21**

- 1 Subsidy means: the entitlement to financial resources, provided by an administrative body for the purpose of certain activities of the applicant, other than as payment for goods or services supplied to the administrative body.
- 2 This title does not apply to claims or obligations arising from a statutory provision concerning:
 - a. taxes,
 - b. the levy of a premium or a premium-replacing tax pursuant to the Social Insurance Financing Act, or
 - c. the levy of an income-related contribution or a contribution-replacing tax under the Health Insurance Act.
- 3 This Title does not apply to the entitlement to financial resources provided on the basis of a statutory provision that provides exclusively for the provision to legal entities established under public law.
- 4 This title applies mutatis mutandis to the funding of education and research.

Article 4:22

The subsidy ceiling means the maximum amount available during a specific period for the provision of subsidies under a specific statutory provision.

Article 4:23

- 1 An administrative body only provides a subsidy on the basis of a statutory provision that regulates for which activities a subsidy can be provided.
- 2 If such a statutory provision is included in a general administrative measure not based on a law, that provision will lapse four years after it has entered into force, unless a bill regulating the subsidy has been submitted to the States General before that date.
- 3 The first paragraph does not apply:
 - a. pending the enactment of a statutory provision for a maximum of one year or until a bill submitted to the States General within that year has been rejected or has been enacted into law and has entered into force;
 - b. if the grant is awarded directly on the basis of a programme adopted jointly by the Council of the European Union, the European Parliament and the Council or the European Commission;
 - c. if the budget specifies the subsidy recipient and the maximum amount for which the subsidy can be set, or
 - d. in incidental cases, provided that the subsidy is provided for a maximum of four years.
- 4 The administrative body shall publish an annual report on the provision of subsidies pursuant to the third paragraph, parts *a* and *d*.

Article 4:24

If a subsidy is based on a statutory provision, a report on the effectiveness and effects of the subsidy in practice shall be published at least once every five years, unless otherwise provided by statutory provision.

Section 4.2.2. The subsidy ceiling**Article 4:25**

- 1 A subsidy ceiling may only be established by or pursuant to statutory provision.
- 2 A subsidy will be refused if the subsidy ceiling would be exceeded by providing the subsidy.
- 3 If a decision regarding the provision is not made in time, or is made on objection or appeal or in execution of a judicial decision, the obligation in the second paragraph shall only apply insofar as it also applied at the time when the decision at first instance was taken or should have been taken.

Article 4:26

- 1 The distribution of the available amount shall be determined by or pursuant to statutory provision.
- 2 The method of distribution will be stated when the subsidy ceiling is announced.

Article 4:27

- 1 The subsidy ceiling will be announced before the start of the period for which it has been set.
- 2 If the subsidy ceiling or a reduction thereof is announced later, this announcement will not affect applications submitted previously.

Article 4:28

Article 4:27, second paragraph , does not apply if:

- a. applications for the period for which the subsidy ceiling has been established in accordance with statutory provisions must be submitted at a time when the budget has not yet been established or approved;
- b. it concerns a reduction resulting from the adoption or approval of the budget, and
- c. When the subsidy ceiling was announced, reference was made to the possibility of a reduction and its consequences for applications already submitted.

Section 4.2.3. Granting of subsidy**Article 4:29**

Unless otherwise provided by statutory provision, a decision on the award of a subsidy may be issued prior to a subsidy determination if an application for this purpose is submitted before the end of the activity or the period for which the subsidy is requested.

Article 4:30

- 1 The decision to award a subsidy contains a description of the activities for which a subsidy is awarded.
- 2 The description can be elaborated later, to the extent that the subsidy award decision states this.

Article 4:31

- 1 The decision to award a subsidy states the amount of the subsidy or the manner in which this amount is determined.
- 2 If the decision to award a subsidy does not specify the amount of the subsidy, it shall specify the maximum amount at which the subsidy may be set, unless otherwise provided by statutory provision.

Article 4:32

A subsidy in the form of a periodic claim to financial resources is granted for a specific period, which is stated in the decision to grant the subsidy.

Article 4:33

A subsidy cannot be awarded on the condition that only the administrative body or only the subsidy recipient performs a specific act, unless the condition is that:

- a. the subsidy recipient cooperates in the establishment of an agreement for the implementation of the subsidy award decision, or
- b. the subsidy recipient demonstrates that an event, other than an act of the administrative body or the subsidy recipient, has occurred.

Article 4:34

- 1 If a subsidy is awarded from a budget that has not yet been established or approved, it may be awarded on the condition that sufficient funds are made available.
- 2 The condition may not be imposed to the extent that this follows from the statutory provision on which the subsidy is based.
- 3 The condition shall lapse if the administrative body has not invoked it within four weeks after the adoption or approval of the budget.

- 4 The condition is invoked in the case of a subsidy for an activity that was also subsidised by the administrative body in the previous budget year due to a withdrawal due to changed circumstances in accordance with [Article 4:50](#).
- 5 In other cases, the condition is invoked by means of a withdrawal in accordance with [Article 4:48, first paragraph](#).

Article 4:35

- 1 In any case, the granting of a subsidy may be refused if there is good reason to assume that:
 - a. the activities will not take place or will not take place in full;
 - b. the applicant will not meet the obligations associated with the subsidy;
 - c. the applicant will not properly account for the activities performed and the associated expenditure and income, insofar as these are relevant to determining the subsidy.
- 2 In any event, the grant may be refused if the applicant:
 - a. has provided incorrect or incomplete information in the context of the application and the provision of this information would have led to an incorrect decision on the application, or
 - b. has been declared bankrupt or has been granted a suspension of payments or has been declared subject to the debt restructuring scheme for natural persons, or has submitted a request to that effect to the court.
- 3 The granting of a subsidy will also be refused if, in the opinion of the administrative body, the provision of the subsidy is not compatible with the provisions of Articles 107 and 108 of the Treaty on the Functioning of the European Union.

Article 4:36

- 1 An agreement may be concluded to implement the decision to grant a subsidy.
- 2 Unless otherwise provided by law or the nature of the subsidy precludes this, the agreement may stipulate that the subsidy recipient is obliged to carry out the activities for which the subsidy was granted.

Section 4.2.4. Obligations of the subsidy recipient**Article 4:37**

- 1 The administrative body may impose obligations on the subsidy recipient with regard to:
 - a. nature and scope of the activities for which a subsidy is granted;
 - b. the administration of expenditure and income associated with the activities;
 - c. providing, before the subsidy is determined, information and documents necessary for a decision on the subsidy;
 - d. the risks to be insured;
 - e. providing security for advances granted;
 - f. rendering an account and statement regarding the activities performed and the associated expenditure and income, insofar as these are relevant to determining the subsidy;
 - g. limiting or eliminating the adverse effects of the subsidy on third parties;
 - h. the exercise of control by an accountant as referred to in [Article 393, paragraph 1, of Book 2 of the Civil Code](#) on the financial management conducted by the administrative body and the financial accountability thereof.
- 2 If an obligation as referred to in the first paragraph, part c, is imposed, [Articles 4:3](#) and [4:4](#) shall apply accordingly.

Article 4:38

- 1 The administrative body may also impose other obligations on the subsidy recipient that serve to achieve the purpose of the subsidy.
- 2 If the subsidy is based on a statutory provision, the obligations are imposed by statutory provision or by virtue of statutory provision when the subsidy is awarded.
- 3 If the subsidy is not based on a statutory provision, the obligations may be imposed when the subsidy is awarded.

Article 4:39

- 1 Obligations that do not serve the purpose of achieving the subsidy's objective may only be attached to the subsidy to the extent that this is provided for by statutory provision.
- 2 Obligations as referred to in the first paragraph may only relate to the manner in which or the means by which the subsidised activity is carried out.

Article 4:40

The obligations can be elaborated after the subsidy has been awarded, to the extent that the subsidy award decision states this.

Article 4:41

- 1 In the cases referred to in the second paragraph, the subsidy recipient is required to pay compensation to the administrative body insofar as the provision of the subsidy has led to the creation of assets, provided that:
 - a. this is determined by statutory provision or, if the subsidy is not based on a statutory provision, when the subsidy is granted, and
 - b. it indicates how the amount of compensation is determined.
- 2 Compensation is only due if:
 - a. the subsidy recipient alienates or encumbers goods used or intended for the subsidized activities or changes their purpose;
 - b. the subsidy recipient receives compensation for loss or damage to goods used or intended for the subsidized activities;
 - c. the subsidized activities are terminated in whole or in part;
 - d. the subsidy award or the subsidy determination is withdrawn or the subsidy is terminated, or
 - e. the legal entity that received the subsidy is dissolved.
- 3 The compensation will be determined within one year after the administrative body became aware or could have become aware of the event that gave rise to the right to compensation, but in any case within five years after the announcement of the last decision to determine the subsidy.

Section 4.2.5. The subsidy determination**Article 4:42**

The subsidy determination decision establishes the amount of the subsidy and entitles the granter to payment of the determined amount in accordance with [Section 4.2.7](#) .

Article 4:43

- 1 If no decision has been made to award a subsidy, the decision to determine the subsidy will contain an indication of the activities for which the subsidy is being awarded.
- 2 Articles [4:32](#) , [4:35](#), [second and third paragraphs](#) , [4:38](#) and [4:39](#) apply accordingly.

Article 4:44

- 1 If a subsidy award decision has been made, the subsidy recipient must submit an application for subsidy determination after the activities or the period for which the subsidy was awarded have ended, unless:
 - a. the subsidy is determined ex officio pursuant to [Article 4:47, section a](#) ;
 - b. by statutory provision or when the subsidy is granted it is stipulated that the application must be submitted each time after a part of the period for which the subsidy has been granted has expired, or
 - c. the determination of the subsidy in an agreement as referred to in [Article 4:36, first paragraph](#) , is otherwise regulated.
- 2 If no term is specified by statutory provision, the application for determination must be submitted within a term to be determined when the subsidy is awarded.
- 3 If no deadline has been set for submitting the application for determination, or if the application has not been submitted after the deadline has expired, the administrative body may set a deadline for the subsidy recipient within which the application must be submitted.
- 4 If no application has been submitted after this period, the subsidy can be determined ex officio.

Article 4:45

- 1 When applying for subsidy determination, the applicant must demonstrate that the activities have taken place in accordance with the obligations associated with the subsidy, unless the subsidy is determined before the activities commence.
- 2 When applying for subsidy determination, the applicant must provide an account and statement of the expenditure and income associated with the activities, insofar as these are relevant to determining the subsidy.

Article 4:46

- 1 If a decision has been made to award a subsidy, the administrative body shall determine the subsidy in accordance with the subsidy award.
- 2 The subsidy may be set lower if:
 - a. the activities for which a subsidy was granted have not taken place or have not taken place in full;
 - b. the subsidy recipient has not fulfilled the obligations associated with the subsidy;

- c. the subsidy recipient has provided incorrect or incomplete information and the provision of correct or complete information would have led to a different decision on the subsidy application, or
 - d. the subsidy was otherwise granted incorrectly and the subsidy recipient knew or should have known this.
- 3 To the extent that the amount of the subsidy depends on the actual costs of the activities for which the subsidy has been granted, costs that cannot reasonably be considered necessary will not be taken into account when determining the subsidy.

Article 4:47

The administrative body may determine the subsidy in whole or in part ex officio if:

- a. a period has been determined by law or when the subsidy is awarded within which the subsidy is determined ex officio;
- b. Article 4:44, fourth paragraph, is applied, or
- c. the decision to grant a subsidy or the decision to determine the subsidy is withdrawn or amended to the detriment of the recipient.

Section 4.2.6. Withdrawal and amendment**Article 4:48**

- 1 As long as the subsidy has not been established, the administrative body may withdraw the subsidy award or amend it to the detriment of the subsidy recipient if:
- a. the activities for which a subsidy has been granted have not taken place or have not taken place in full or will not take place;
 - b. the subsidy recipient has not fulfilled the obligations associated with the subsidy;
 - c. the subsidy recipient has provided incorrect or incomplete information and the provision of correct or complete information would have led to a different decision on the subsidy application;
 - d. the subsidy award was otherwise incorrect and the subsidy recipient knew or should have known this, or
 - e. pursuant to Article 4:34, fifth paragraph, an appeal is made to the condition that sufficient funds are made available.
- 2 The withdrawal or amendment has retroactive effect to the date on which the subsidy was granted, unless otherwise specified in the withdrawal or amendment.

Article 4:49

- 1 The administrative body may revoke the subsidy determination or amend it to the detriment of the recipient:
- a. on the basis of facts or circumstances of which it could not reasonably have been aware when determining the subsidy and on the basis of which the subsidy would have been set at a lower level than in accordance with the subsidy award;
 - b. if the subsidy determination was incorrect and the subsidy recipient knew or should have known this, or
 - c. if the subsidy recipient has not fulfilled any obligations associated with the subsidy after the subsidy has been determined.
- 2 The withdrawal or amendment has retroactive effect to the date on which the subsidy was established, unless otherwise specified in the withdrawal or amendment.
- 3 The subsidy determination may no longer be withdrawn or amended to the detriment of the recipient if five years have passed since the date on which it was announced or, in the case referred to in the first paragraph, part c, since the date on which the act was performed in violation of the obligation or the date on which the obligation should have been fulfilled.

Article 4:50

- 1 As long as the subsidy has not been determined, the administrative body may withdraw the subsidy award within a reasonable period or amend it to the detriment of the subsidy recipient:
- a. to the extent that the subsidy award is incorrect;
 - b. to the extent that changed circumstances or changed insights predominantly oppose the continuation or unchanged continuation of the subsidy, or
 - c. in other cases regulated by statutory provision.
- 2 In the event of withdrawal or amendment on the basis of the first paragraph, part a or b, the administrative body shall compensate the subsidy recipient for any damage suffered because he acted differently in reliance on the subsidy than he would have done without the subsidy.

Article 4:51

- 1 If a subsidy recipient has been granted a subsidy for three or more consecutive years for the same or essentially the same ongoing activities, full or partial refusal of the subsidy for a subsequent period on the

grounds that changed circumstances or changed insights oppose continuation or unchanged continuation of the subsidy, shall only take place after observing a reasonable period.

- 2 If, at the end of the period for which a subsidy has been granted, no reasonable period has elapsed since the announcement of the intention to refuse a subsidy for a subsequent period, the subsidy will be granted for the remaining part of that period, if necessary in deviation from [Article 4:25, second paragraph](#).

Section 4.2.7. Payment and recovery

Article 4:52

- 1 The subsidy amount will be paid in accordance with the subsidy determination.
- 2 If the subsidy is not based on a statutory provision, a term for payment of the subsidy amount may be established that deviates from Article 4:87, first paragraph, when the subsidy is granted or, if no decision to grant the subsidy has been made, when the subsidy is determined.

Article 4:53

- 1 The subsidy amount may be paid in instalments, provided that a statutory provision stipulates how the instalments are calculated and at what times they are paid.
- 2 If the subsidy is not based on a statutory provision, the subsidy amount may be paid in instalments, provided that it is determined how the instalments are to be calculated and at what times they are to be paid when the subsidy is awarded or, if no decision to award the subsidy has been made, when the subsidy is determined.

Article 4:54

[Expired as of July 1, 2009]

Article 4:55

[Expired as of July 1, 2009]

Article 4:56

The obligation to pay a subsidy amount or an advance payment shall be suspended from the day on which the administrative body notifies the subsidy recipient in writing of the serious suspicion that there are grounds to apply [Article 4:48](#) or [4:49](#), up to and including the day on which the decision regarding the withdrawal or amendment is announced or the day on which thirteen weeks have elapsed since the notification of the serious suspicion.

Article 4:57

- 1 The administrative body may reclaim unduly paid subsidy amounts.
- 2 The administrative body may collect the amount to be recovered by means of a writ of execution.
- 3 The administrative body may offset the amount to be recovered against a subsidy granted to the same subsidy recipient for the same activities for a different period.
- 4 Recovery of a subsidy amount or an advance payment shall not take place if five years have passed since the date on which the subsidy was determined or the act referred to in [Article 4:49, paragraph 1, part c](#), took place.

Section 4.2.8. Subsidies granted to legal entities per financial year

Section 4.2.8.1. Introductory provisions

Article 4:58

- 1 This section applies to subsidies granted per financial year, if this is determined by statutory provision or by decision of the administrative body.
- 2 A general administrative measure may determine that this section applies to subsidies designated therein.

Article 4:59

- 1 The administrative body that awards a subsidy pursuant to this section may appoint one or more supervisors responsible for monitoring compliance with the obligations imposed on the recipient of that subsidy.
- 2 The supervisor does not have the powers referred to in [Articles 5:18](#) and [5:19](#).

Section 4.2.8.2. The application

Article 4:60

Unless otherwise provided by law, the application for the subsidy must be submitted no later than thirteen weeks before the start of the financial year.

Article 4:61

- 1 The application for the subsidy must in any case be accompanied by:
 - a. an activity plan, unless it can reasonably be assumed that there is no need for this, and

- b. a budget, unless this is not relevant for calculating the subsidy amount.
- 2 If the applicant has an equalisation reserve as referred to in [Article 4:72](#), the application shall state its size.

Article 4:62

The activity plan provides an overview of the activities for which a subsidy is requested and the objectives pursued. It also specifies the required human and material resources for each activity.

Article 4:63

- 1 The budget includes an overview of the applicant's estimated income and expenditure for the financial year, insofar as these relate to the activities for which a subsidy is requested.
- 2 Each budget item is provided with an explanation.
- 3 Unless no subsidy has previously been awarded for the activities to which the application relates, the budget includes a comparison with the budget for the current financial year and the actual income and expenditure for the year preceding the current financial year.

Article 4:64

- 1 Unless the application is submitted by a legal entity established under public law, if no subsidy was applied for in the year preceding the subsidy year, it must also be accompanied by:
 - a. a copy of the deed of incorporation of the legal entity or of the articles of association as last amended, and
 - b. the most recently prepared annual accounts as referred to in [Article 361 of Book 2 of the Civil Code](#) or the balance sheet and the statement of income and expenditure and the explanatory notes thereto or, if these documents are missing, a report on the financial position of the applicant at the time of the application.
- 2 The documents referred to in the first paragraph, part b, or the report on the financial position shall be accompanied by a written statement from an accountant as referred to in [Article 393, first paragraph, of Book 2 of the Civil Code](#) regarding their accuracy or a statement stating that no inaccuracies have been identified.
- 3 An exemption or waiver from the provisions of the second paragraph may be granted by statutory provision or by decision of the administrative body.

Article 4:65

If the applicant has also applied for a subsidy for the same budgeted expenditure from one or more other administrative bodies, he or she must state this in the application, stating the status of the assessment of that or those applications.

Section 4.2.8.3. Granting of subsidy**Article 4:66**

The subsidy will only be granted to a legal entity with full legal capacity.

Article 4:67

- 1 The subsidy is awarded for a financial year or for a specific number of financial years.
- 2 If the subsidy is awarded for two or more financial years, the subsidy is subject to the obligation to periodically provide the administrative body with the data that are important for determining the subsidy.
- 3 The decision to award a subsidy shall state which information the subsidy recipient must provide pursuant to the second paragraph, as well as the times at which the information must be provided.

Section 4.2.8.4. Obligations of the subsidy recipient**Article 4:68**

Unless otherwise provided by law or when the subsidy is awarded, the subsidy recipient shall equate the financial year with the calendar year.

Article 4:69

- 1 The subsidy recipient shall maintain records in such a way that the rights and obligations relevant to the determination of the subsidy, as well as payments and receipts, can be checked at any time.
- 2 The administration and associated documents shall be kept for seven years.

Article 4:70

If significant differences arise or threaten to arise during the financial year between actual expenditure and income and budgeted expenditure and income, the subsidy recipient shall immediately notify the administrative body thereof, stating the cause of the differences.

Article 4:71

- 1 If this is stipulated by law or when the subsidy is awarded, the subsidy recipient requires the permission of the administrative body for:
 - a. the establishment of or participation in a legal entity;
 - b. amending the articles of association;
 - c. the acquisition, alienation or encumbrance of registered property, if it has been acquired partly through subsidy funds, or if the costs thereof are partly defrayed from subsidy funds;
 - d. entering into and terminating agreements for the acquisition, alienation or encumbrance of registered property or for the rental, lease or lease thereof, if these properties were acquired in whole or in part through the subsidy or the expenditure thereon was partly defrayed from the subsidy;
 - e. entering into credit agreements and loan agreements;
 - f. entering into agreements whereby the subsidy recipient undertakes to provide security, including security for third-party debts, or whereby he acts as guarantor or co-debtor or vouches for a third party;
 - g. the formation of funds and reserves;
 - h. the establishment or amendment of rates for services to be provided by the subsidy recipient in the normal exercise of his subsidised activities;
 - i. the dissolution of the legal entity;
 - j. filing for bankruptcy or applying for a suspension of payments.
- 2 The administrative body shall decide on the permit within four weeks.
- 3 The decision may be adjourned once for a maximum of four weeks.
- 4 Section 4.1.3.3 applies.

Article 4:72

- 1 If this is determined by law or when the subsidy is granted, the recipient forms an equalization reserve.
- 2 The difference between the established subsidy and the actual costs of the activities for which the subsidy was granted will be credited or debited to the equalisation reserve.
- 3 The equalization reserve is invested with as high an interest rate and as safely as is reasonably possible.
- 4 The interest received from the equalization reserve is added to the equalization reserve.
- 5 In the cases referred to in Article 4:41, paragraph 2, parts c, d and e, the subsidy recipient is liable to pay compensation in respect of the equalisation reserve in proportion to the extent to which the subsidy has contributed to the equalisation reserve.

Section 4.2.8.5. The subsidy determination

Article 4:73

The subsidy is determined per financial year.

Article 4:74

The subsidy recipient must submit an application for determination of the subsidy within six months after the end of the financial year, unless otherwise provided by statutory regulation or the subsidy has been granted for two or more financial years pursuant to Article 4:67, paragraph 2.

Article 4:75

- 1 The application for determination must in any case be accompanied by a financial report and an activity report.
- 2 If the subsidy recipient is obliged by statutory provision to draw up annual accounts as referred to in Article 361 of Book 2 of the Civil Code, or if this is determined when the subsidy is awarded, he shall submit the annual accounts instead of the financial report, without prejudice to Article 4:45, second paragraph.

Article 4:76

- 1 If the subsidy recipient derives all of their income from the subsidy, the financial report includes the balance sheet and the operating account with the explanatory notes, and the second to fifth paragraphs apply.
- 2 The financial report provides, in accordance with standards considered acceptable in society, sufficient insight to enable a sound judgment to be formed regarding:
 - a. the assets and the operating balance, and
 - b. to the extent that the nature of the financial report permits, regarding the solvency and liquidity of the subsidy recipient.
- 3 The balance sheet and its explanatory notes present fairly, clearly and systematically the size and composition of the assets and liabilities at the end of the financial year.
- 4 The profit and loss account and its explanatory notes present the size of the operating balance for the financial year accurately, clearly and systematically.
- 5 The financial report is linked to the budget for which the subsidy has been granted and includes a comparison with the actual income and expenditure for the year preceding the financial year.

Article 4:77

If the subsidy recipient derives their income predominantly from the subsidy, it may be determined by statutory provision or when granting the subsidy that Article 4:76 applies accordingly.

Article 4:78

- 1 The subsidy recipient shall instruct an accountant as referred to in Article 393, paragraph 1, of Book 2 of the Civil Code to audit the financial report .
- 2 The auditor examines whether the financial report complies with the requirements set by or pursuant to law and whether the activity report, to the extent that he can assess that report, is consistent with the financial report.
- 3 The accountant presents the results of his examination in a written statement regarding the accuracy of the financial report.
- 4 The application for the subsidy to be determined shall be accompanied by the declaration referred to in the third paragraph.
- 5 By statutory provision or when granting a subsidy, an exemption or waiver may be granted from the first to the fourth paragraph.

Article 4:79

- 1 By statutory provision or when granting the subsidy, it may be determined that the assignment referred to in Article 4:78, first paragraph , also extends to investigating compliance with the obligations associated with the subsidy.
- 2 When applying the first paragraph, the assignment shall be accompanied by an instruction regarding the scope and intensity of the audit, to be established by or pursuant to statutory provision or when the subsidy is awarded.
- 3 When applying the first paragraph, the financial report shall also be accompanied by a written statement from the accountant concerning the subsidy recipient's compliance with the obligations associated with the subsidy.

Article 4:80

The activity report describes the nature and scope of the activities for which a subsidy was awarded and includes a comparison between the objectives pursued and those achieved, as well as an explanation of the differences.

Title 4.3. Policy rules**Article 4:81**

- 1 An administrative body may establish policy rules regarding a power vested in it or exercised under its responsibility or delegated by it.
- 2 In other cases, an administrative body may only establish policy rules to the extent that this is determined by statutory provision.

Article 4:82

A decision may only be justified by referring to a fixed policy line if this is laid down in a policy rule.

Article 4:83

When announcing a decision containing a policy rule, the statutory provision from which the authority to which the decision containing a policy rule relates arises shall, if possible, be stated.

Article 4:84

The administrative body shall act in accordance with the policy rule, unless this would have consequences for one or more interested parties that, due to special circumstances, are disproportionate in relation to the objectives served by the policy rule.

Title 4.4. Administrative monetary debts**Section 4.4.1. Determination and content of the obligation to pay****Article 4:85**

- 1 This title applies to monetary debts arising from:
 - a. a statutory provision that regulates an obligation to pay exclusively to or by an administrative body, or
 - b. a decision that is subject to objection or appeal.
- 2 This Title does not apply to obligations to pay a sum of money for processing an application.
- 3 This title does not apply to payment obligations imposed by a ruling of the administrative court.

Article 4:86

- 1 The obligation to pay a sum of money is established by decision.
- 2 The decision shall in any case state:

- a. the sum of money to be paid;
- b. the period within which payment must be made.

Article 4:87

- 1 Payment shall be made within six weeks after the decision has been announced in the prescribed manner, unless the decision specifies a later date.
- 2 A different term for payment may be established by or pursuant to statutory provision.

Article 4:88

- 1 A statutory provision may stipulate that a sum of money must be paid without this being established by decision.
- 2 In that case, the period within which payment must be made will also be determined.
- 3 If the interested party requests this within a reasonable period of time, the payment obligation incumbent on the administrative body will be established by decision as soon as possible.

Article 4:89

- 1 Unless otherwise provided by law, payment shall be made by crediting a bank account designated for that purpose by the creditor.
- 2 Payment shall be made in euros, unless otherwise provided by law or by decision of the administrative body.
- 3 Payment by credit to a bank account is made at the time the creditor's account is credited.
- 4 A statutory provision may stipulate that payment shall be made to a person other than the creditor.

Article 4:90

- 1 If the administrative body considers payment by bank transfer to be inconvenient, it may receive or make payment in another form.
- 2 The creditor is obliged to issue a receipt for each cash payment, unless otherwise provided by law.

Article 4:91

- 1 The costs of payment shall be borne by the debtor.
- 2 If an administrative body pays a creditor outside the European Union, the associated costs may be deducted from the amount to be paid, unless otherwise provided by statutory provision.

Article 4:92

- 1 Payment in settlement of a specific monetary debt serves firstly to reduce the costs, then to reduce the accrued interest and finally to reduce the principal amount and the current interest.
- 2 If a debtor has several monetary debts with the same creditor, the debtor may, when making payment, indicate the monetary debt to which the payment should be allocated.

Article 4:93

- 1 Offsetting of a monetary debt against an existing claim shall only take place to the extent that the authority to do so is provided for by statutory provision.
- 2 Settlement takes place by stating the claim against which the monetary debt has been settled and the amount of the settlement.
- 3 The settlement has retroactive effect in accordance with Article 129, first and second paragraph, of Book 6 of the Civil Code.
- 4 The debtor is not entitled to offset to the extent that attachment of the creditor's claim would be void.
- 5 Postponement of payment does not prevent settlement.

Article 4:94

- 1 The administrative body may grant the other party a deferment of payment.
- 2 During the postponement, the administrative body cannot issue reminders or collect payments.
- 3 The decision to defer payment states the period for which the deferral applies.
- 4 The administrative body may attach conditions to the decision to defer payment.

Article 4:94a

Unless otherwise provided by statutory provision, an administrative body may waive a monetary debt in whole or in part if the adverse consequences of the collection are disproportionate to the objectives to be served by the collection.

Article 4:95

- 1 The administrative body may grant an advance in anticipation of the determination of an obligation to pay a sum of money if it can reasonably be assumed that an obligation to pay will be determined, unless otherwise provided by statutory provision.
- 2 By way of exception to [Article 4:86, paragraph 2\(a\)](#), the decision to grant an advance may simply state the manner in which the amount of the advance is determined.
- 3 The decision to grant an advance may specify a term for payment of the advance that deviates from that set out in [Article 4:87, first paragraph](#).
- 4 Advance payments will be offset against the amount due. Undue advance payments may be reclaimed.
- 5 The administrative body may recover the advance payment to be recovered by means of a writ of execution to the extent that this authority has also been granted with regard to the recovery of the principal sum.
- 6 The administrative body may attach conditions to the decision to grant an advance.

Article 4:96

- 1 The administrative body may revoke or amend the decision to defer payment or to grant an advance:
 - a. if the regulations are not complied with;
 - b. if the other party has provided incorrect or incomplete information and the provision of correct or complete information would have led to a different decision, or
 - c. to the extent that changed circumstances prevent the continuation of the postponement or the granting of the advance.
- 2 The obligation to pay an advance shall be suspended from the day on which the administrative body notifies the other party in writing of the serious suspicion that there are grounds to apply the first paragraph, opening sentence and under a or b, up to and including the day on which the decision regarding withdrawal or amendment is announced or the day on which thirteen weeks have elapsed since the notification of the serious suspicion.

Section 4.4.2. Default and statutory interest**Article 4:97**

The debtor is in default if he has not paid within the prescribed period.

Article 4:98

- 1 The default results in the obligation to pay statutory interest in accordance with [Articles 119, first and second paragraphs](#), and [120, first paragraph, of Book 6 of the Civil Code](#).
- 2 Statutory interest is not due if the amount thereof at any or the final payment is less than €20 or, if the administrative body is the debtor, €10.
- 3 If, after the occurrence of the default, the exchange rate of the currency in which the debt must be paid has changed, [Article 125 of Book 6 of the Civil Code](#) shall apply accordingly.

Article 4:99

The administrative body shall determine the amount of statutory interest due by decision.

Article 4:100

If the administrative body fails to issue a decision on payment of a sum of money owed by it in a timely manner, it shall owe statutory interest from the date on which it would have been in default if the decision had been issued on the last day of the period set for that purpose.

Article 4:101

If the administrative body has granted a deferment of payment or the court has suspended the obligation to pay, the debtor shall owe statutory interest over the period of deferment or suspension, unless otherwise specified in the deferment or suspension.

Article 4:102

- 1 If a payment has been made to the administrative body on the basis of a decision that has been amended or annulled on objection or appeal, the administrative body is liable to pay statutory interest on the amount overpaid during the period between the payment and the repayment.
- 2 If a negative payment decision is replaced by a payment decision by the administrative body as a result of an objection or appeal, the administrative body shall owe statutory interest from the date on which it would have been in default if the decision had been issued on the last day of the period set for that purpose.
- 3 Statutory interest is not due if the interested party has provided incorrect or incomplete information, or if the interested party is responsible for the provision of incorrect or incomplete information.

- 4 This Article applies mutatis mutandis if the administrative body amends or withdraws the payment decision retroactively.

Article 4:103

This section does not apply if the law contains a different provision regarding absenteeism and its consequences.

Section 4.4.3. Limitation**Article 4:104**

- 1 The right to claim payment of a sum of money shall expire five years after the prescribed payment term has expired.
- 2 After the limitation period has expired, the administrative body can no longer exercise its powers of reminder and offsetting and of issuing and enforcing a writ of execution.

Article 4:105

- 1 The statute of limitations is interrupted by an act of legal proceedings pursuant to the first paragraph of Article 316 of Book 3 of the Civil Code . The second paragraph of Article 316 of Book 3 of the Civil Code applies accordingly.
- 2 Recognition of the right to payment interrupts the limitation period of the action against the person who recognizes the right.

Article 4:106

The administrative body may also interrupt the limitation period by means of a notice as referred to in Article 4:112 , a decision to offset or a writ of execution, or by an act of enforcement of a writ of execution.

Article 4:107

The creditor of the administrative body may also interrupt the limitation period by a written reminder or a written notice in which he unequivocally reserves his right to payment.

Article 4:108

If the creditor of the administrative body has a right of offset as referred to in Article 4:93 , this right does not end due to the prescription of the legal action.

Article 4:109

If the creditor of the administrative body is itself an administrative body, Articles 4:107 and 4:108 do not apply.

Article 4:110

- 1 By interrupting the limitation period, a new limitation period begins to run on the following day.
- 2 The new term shall be equal to the original, but not longer than five years.
- 3 However, if the limitation period is interrupted by the filing of a claim which is followed by an award, Article 324 of Book 3 of the Civil Code applies accordingly.

Article 4:111

- 1 The limitation period for legal proceedings for payment to an administrative body is extended by the period during which the debtor has a deferment of payment after the commencement of that period.
- 2 The first paragraph applies accordingly if:
- a. the debtor is in suspension of payments;
 - b. the debtor is in a state of bankruptcy;
 - c. the debt settlement scheme for natural persons applies to the debtor;
 - d. the execution of a writ of execution is suspended as a result of ongoing legal proceedings, provided that the period by which the limitation period is extended commences on the day on which the legal proceedings are instituted by filing an action with the civil court.

Section 4.4.4. Reminder and collection by writ of execution**Section 4.4.4.1. The reminder****Article 4:112**

- 1 The administrative body shall send a written reminder to the debtor who is in default to pay within two weeks, calculated from the day after the reminder was sent.
- 2 A different term may be established by legal provision.
- 3 The reminder states that if payment is not made on time, it can be enforced by taking collection measures at the debtor's expense.

Article 4:113

- 1 The administrative body may charge a fee for the reminder. The fee is €8 if the debt is less than €454 [Editor's note: As of January 1, 2015: €500] and €18 if the debt is €454 [Editor's note: As of January 1, 2015: €500] or more.
- 2 The reminder states the fee that will be charged.

Section 4.4.4.2. Collection by writ of execution

Article 4:114

A writ of execution is defined as: a written order from an administrative body aimed at enforcing payment of a sum of money as referred to in [Article 4:85](#).

Article 4:115

The power to issue a writ of execution exists only if it is granted by law.

Article 4:116

A writ of execution constitutes an enforceable title, which can be enforced in accordance with the provisions of the [Code of Civil Procedure](#).

Article 4:117

- 1 A writ of execution will only be issued if payment has not been made in full within the reminder period set in accordance with [Article 4:112](#).
- 2 However, the law may provide that the writ of execution may, if necessary, be issued or executed without prior notice and before the expiry of payment or notice periods set or previously granted by statutory provision.

Article 4:118

[Article 4:8](#) does not apply to the notice and the writ of execution.

Article 4:119

- 1 The writ of execution may also include collection of the reminder fee, statutory interest and the costs of the writ of execution.
- 2 The writ of execution may relate to various obligations to pay a sum of money by the debtor to the administrative body.

Article 4:120

- 1 The service and enforcement of the writ of execution shall be effected at the expense of the person against whom it is issued.
- 2 Judicial costs are calculated using the rates established pursuant to [Article 434a of the Code of Civil Procedure](#). Extrajudicial costs are calculated using rates to be established by general administrative order.
- 3 The costs are also due if the writ of execution has not been executed or has not been fully executed by payment of the amounts due.

Article 4:121

If a writ of execution issued for part of an obligation to pay a sum of money is executed by seizure, all instalments of that obligation that have fallen due up to the time of seizure may be collected by that same writ of execution, provided that the amount collectible at that time can be determined from the writ of execution.

Article 4:122

- 1 The writ of execution shall in any case state:
 - a. at the top the word "writ of execution";
 - b. the amount of the principal sum recoverable;
 - c. the order or legal provision from which the monetary debt arises;
 - d. the costs of the writ of execution, and
 - e. that it can be enforced at the debtor's expense.
- 2 The writ of execution shall state, where applicable:
 - a. the amount of the reminder fee, and
 - b. the effective date of the statutory interest.

Article 4:123

- 1 A writ of execution is served by means of a writ of execution as referred to in the [Code of Civil Procedure](#). [Articles 3:41 through 3:45](#) do not apply.

- 2 The writ of summons shall in any event specify the court before which an appeal may be lodged against the writ of execution and its execution in accordance with Articles 438 and 438a of the Code of Civil Procedure.

Article 4:124

With regard to collection, the administrative body also has the powers that a creditor has under private law.

Section 4.4.5. Objections and appeals**Article 4:125**

- 1 The objection, appeal or further appeal against the decision establishing the obligation to pay a sum of money also relates to an additional decision of the same administrative body regarding settlement, deferment of payment, granting of an advance, determination of interest or full or partial remission, insofar as the interested party disputes this decision.
- 2 The objection, appeal or further appeal against an additional decision also relates to a later additional decision regarding the same monetary debt, insofar as the interested party disputes this decision.
- 3 However, the administrative judge may refer the decision on the appeal or further appeal against the additional decision to another body if it is desirable for the case to be dealt with by this body.
- 4 In the event of an appeal or further appeal, the interested party shall, if possible, submit a copy of the supplementary decision that he or she is contesting.
- 5 The first to fourth paragraphs apply mutatis mutandis to a request for interim relief.

Title 4.5. Disadvantage compensation

[Effective date: 01-01-2024]

This part has not yet entered into force; see the changes overview.

Chapter 5. Enforcement**Title 5.1. General provisions****Article 5:1**

- 1 In this Act, an offence means: an act that is contrary to the provisions of or pursuant to any statutory provision.
- 2 Offender means: the person who commits or participates in the commission of the offence.
- 3 Offences may be committed by natural persons and legal entities. Article 51, paragraphs two and three, of the Criminal Code apply accordingly.

Article 5:2

- 1 In this Act the following terms shall have the following meanings:
- a. administrative sanction: an obligation imposed or a right withheld by an administrative body because of an infringement;
- b. restorative sanction: an administrative sanction aimed at wholly or partially undoing or ending an infringement, at preventing the recurrence of an infringement, or at eliminating or limiting the consequences of an infringement;
- c. punitive sanction: an administrative sanction insofar as it is intended to inflict suffering on the offender.
- 2 No administrative sanction is the sole obligation to perform certain actions.

Article 5:3

Articles 5:4 to 5:10 apply to:

- a. administrative sanctions regulated in this chapter, and
- b. other administrative sanctions designated by statutory provision.

Article 5:4

- 1 The authority to impose an administrative sanction exists only to the extent that it is granted by or pursuant to law.
- 2 An administrative sanction will only be imposed if the violation and the sanction are defined by or pursuant to a statutory provision prior to the conduct.

Article 5:5

The administrative body shall not impose an administrative sanction if there were grounds for justification for the violation.

Article 5:6

The administrative body shall not impose a remedial sanction as long as another remedial sanction imposed for the same violation is in force.

Article 5:7

A corrective sanction may be imposed as soon as the danger of the violation becomes clearly imminent.

Article 5:8

If two or more regulations have been violated, an administrative penalty may be imposed for the violation of each individual regulation.

Article 5:9

The decision to impose an administrative sanction states:

- a. the violation as well as the regulation violated;
- b. if necessary, an indication of the place and time at which the violation was observed.

Article 5:10

- 1 To the extent that an administrative sanction requires payment of a sum of money, this sum of money shall accrue to the administrative body that imposed the sanction, unless otherwise provided by statutory provision.
- 2 The administrative body may collect the sum of money by means of a writ of execution.

Article 5:10a

- 1 A person who is questioned with a view to the imposition of a punitive sanction is not obliged to make any statements regarding the offence for that purpose.
- 2 Before the hearing, the person concerned shall be informed that he is not obliged to answer.

Title 5.2. Monitoring compliance**Article 5:11**

Supervisor means: a person charged by or pursuant to statutory provision with monitoring compliance with the provisions of or pursuant to any statutory provision.

Article 5:12

- 1 When carrying out his duties, a supervisor carries identification issued by the administrative body under whose responsibility the supervisor works.
- 2 A supervisor shall immediately show his identification upon request.
- 3 The identification document contains a photograph of the supervisor and states at least their name and capacity. The model of the identification document will be established by regulation of Our Minister of Security and Justice.

Article 5:13

A supervisor shall only use his powers to the extent reasonably necessary for the performance of his duties.

Article 5:14

The powers assigned to the supervisor may be restricted by statutory provision or by decision of the administrative body that designates the supervisor as such.

Article 5:15

- 1 A supervisor is authorised, taking with him the necessary equipment, to enter any place except a home without the permission of the resident.
- 2 If necessary, he will gain access with the help of strong arms.
- 3 He is entitled to be accompanied by persons designated by him for that purpose.

Article 5:16

A supervisory authority is authorised to request information.

Article 5:16a

A supervisor is authorised to demand that persons provide proof of identity as referred to in Article 1 of the Identification Obligation Act.

Article 5:17

- 1 A supervisor is authorised to request access to business data and documents.
- 2 He is authorised to make copies of the data and documents.
- 3 If making copies on site is not possible, he is authorised to take the data and documents with him for that purpose for a short period of time in exchange for written proof to be provided by him.

Article 5:18

- 1 A supervisor is authorised to examine matters, subject them to inspection and take samples thereof.
- 2 He is authorised to open packaging for this purpose.
- 3 At the request of the interested party, the supervisor shall, if possible, take a second sample, unless otherwise provided by or pursuant to statutory provision.
- 4 If the examination, recording or sampling cannot be carried out on site, he is authorised to take the items with him for that purpose for a short period of time in exchange for written proof to be issued by him.
- 5 The samples taken will be returned to the extent possible.
- 6 The interested party shall be informed of the results of the examination, recording or sampling as soon as possible at his request.

Article 5:19

- 1 An inspector is authorised to examine means of transport in respect of which he has a supervisory task.
- 2 He is authorised to inspect the cargo of means of transport which, in his reasonable opinion, are carrying goods in respect of which he has a supervisory duty.
- 3 He is authorised to demand from the driver of a means of transport to inspect the legally prescribed documents in respect of which he has a supervisory task.
- 4 In order to exercise these powers, he is authorised to require the driver of a vehicle or the skipper of a vessel to stop his means of transport and move it to a place designated by him.
- 5 The manner in which the order to remain silent is to be made shall be determined by regulation of Our Minister of Security and Justice.

Article 5:20

- 1 Everyone is obliged to provide a supervisor with all cooperation that the supervisor may reasonably require in the exercise of his powers, within a reasonable period set by the supervisor.
- 2 Those who are obliged to maintain confidentiality by virtue of their office, profession or legal requirement may refuse to cooperate insofar as this arises from their duty of confidentiality.
- 3 The administrative body under whose responsibility the supervisor works is authorised to impose an order under administrative coercion to enforce the first paragraph.
- 4 If the requested cooperation serves to enforce the provisions of or pursuant to a regulation referred to in Chapter 2, 3 or 4 of the Administrative Jurisdiction Authority Regulations annexed to this Act or in the Reduced Court Fees Regulations annexed to this Act, the order under administrative enforcement shall, for the application of the latter two regulations, be deemed to be a decision taken on the basis of the first-mentioned regulation.

Title 5.3. Restorative sanctions**Section 5.3.1. Order under administrative enforcement****Article 5:21**

The administrative enforcement order means: the remedial sanction, which includes:

- a. an order to fully or partially remedy the violation, and
- b. the authority of the administrative body to enforce the order by actual action if the order is not enforced or is not enforced in a timely manner.

Article 5:22

[Expired as of July 1, 2009]

Article 5:23

This Section does not apply to action for the immediate maintenance of public order.

Article 5:24

- 1 The order under administrative coercion describes the remedial measures to be taken.
- 2 The order subject to administrative enforcement specifies the period within which it must be executed.
- 3 The order subject to administrative enforcement shall be notified to the offender, to the persons entitled to use the property to which the order relates and to the applicant.

Article 5:25

- 1 The application of administrative enforcement shall be at the expense of the offender, unless these costs cannot reasonably be expected to be borne by him or her, or not entirely.
- 2 The order specifies the extent to which the costs of administrative enforcement will be charged to the offender.
- 3 The costs of administrative enforcement include the costs of preparing administrative enforcement, insofar as these were incurred after the expiry of the period within which the order should have been executed.

- 4 The costs of preparing administrative enforcement are also due if, as a result of subsequently executing the order, no administrative enforcement has been imposed.
- 5 The costs of administrative enforcement also include the costs of compensation for damages pursuant to [Article 5:27, sixth paragraph](#).
- 6 The administrative body shall determine the amount of the costs due within five years after the administrative enforcement has been applied.

Article 5:26

[Expired as of July 1, 2009]

Article 5:27

- 1 In order to apply administrative enforcement, persons designated by the administrative body have access to any place, to the extent that this is reasonably necessary for the performance of their duties.
- 2 To enter a home without the resident's permission, the administrative body that applies administrative enforcement is authorised to issue an authorisation as referred to in [Article 2 of the General Act on Entry](#).
- 3 A place not involved in the violation shall not be entered until the administrative body has notified the person entitled to do so in writing at least forty-eight hours in advance.
- 4 The third paragraph does not apply if timely notification is not possible due to the urgency of the matter. In that case, the notification shall be made as soon as possible.
- 5 The notice describes the manner in which entry will take place.
- 6 The administrative body shall compensate for any damage caused by entering a place as referred to in the third paragraph, insofar as this cannot reasonably be charged to the rightful owner, without prejudice to the right to recover this damage from the offender pursuant to [Article 5:25, fifth paragraph](#).

Article 5:28

The administrative body that applies administrative enforcement is authorised to seal buildings, grounds and anything located therein or thereon.

Article 5:29

- 1 To the extent that the application of administrative enforcement so requires, the administrative body may take and store items.
- 2 The administrative body must draw up a report of the transport and storage. A copy of the report will be provided to the person who had the items under their care.
- 3 The administrative body shall ensure the safekeeping of the stored items and shall return these items to the rightful owner.
- 4 The administrative body may suspend the refund until the costs due pursuant to [Article 5:25 have been paid](#).
- 5 If the rightful owner is not also the offender, the administrative body may suspend the return until the costs of storage have been paid.

Article 5:30

- 1 If an item that has been transported and stored cannot be returned within thirteen weeks after it was transported, the administrative body may sell the item.
- 2 The administrative body may sell the item earlier if the costs payable pursuant to [Article 5:25](#), plus the costs estimated for the sale, become disproportionately high in relation to the value of the item.
- 3 However, sales will not take place within two weeks of the provision of a copy of the report of transport and storage, unless the substances are hazardous or substances that are more likely to spoil.
- 4 For three years after the date of sale, the owner at that time is entitled to the proceeds of the property, minus the costs due under [Article 5:25](#) and the costs of the sale. After this period, any surplus will be forfeited to the administrative body.
- 5 If the administrative body deems sale impossible, it may transfer ownership of the property to a third party free of charge or have it destroyed. The first through third paragraphs apply accordingly.

Article 5:31

- 1 An administrative body authorized to impose an administrative enforcement order may, in urgent cases, decide that administrative enforcement will be applied without prior notice. [Article 5:24, first and third paragraphs](#), apply mutatis mutandis to this decision.
- 2 If the situation is so urgent that a decision cannot be awaited, administrative enforcement may be applied immediately, but a decision as referred to in the first paragraph will be announced as soon as possible afterwards.

Article 5:31a

- 1 The applicant for an order subject to administrative enforcement, or another interested party who is disadvantaged by the violation, may request the administrative body to apply administrative enforcement.

- 2 The request may be made after the expiry of the period referred to in [Article 5:24, paragraph 2](#).
- 3 The administrative body will decide on the request within four weeks. The decision is a ruling.

Article 5:31b

The decision regarding the application shall lapse if the order is withdrawn or annulled under administrative enforcement.

Article 5:31c

- 1 The objection, appeal or further appeal against the order subject to administrative enforcement also relates to a decision that aims to apply administrative enforcement or to a decision determining the costs of administrative enforcement, insofar as the interested party disputes this decision.
- 2 However, the administrative court may refer the decision on the appeal or further appeal against the decision to apply administrative enforcement or the decision to determine the costs to another body if it is desirable for the case to be dealt with by that body.
- 3 In the event of an appeal or further appeal, the interested party shall, if possible, submit a copy of the decision he is contesting.
- 4 The first to third paragraphs apply mutatis mutandis to a request for interim relief.

Section 5.3.2. Order subject to penalty**Article 5:31d**

The penalty under penalty of a fine is understood as: the recovery sanction, which includes:

- a. an order to fully or partially remedy the violation, and
- b. the obligation to pay a sum of money if the order is not carried out or is not carried out on time.

Article 5:32

- 1 An administrative body that is authorised to impose an order subject to administrative coercion may instead impose an order subject to a penalty payment on the offender.
- 2 A penalty payment order will not be imposed if the interest that the relevant provision aims to protect opposes this.
- 3 If the order subject to a penalty payment is intended to enforce the provisions of or pursuant to a regulation referred to in Chapter 2, 3 or 4 of the [Administrative Jurisdiction Authority Regulations annexed to this Act](#) or in the [Reduced Court Fees Regulations](#) annexed to this Act, the order subject to a penalty payment shall, for the application of the latter two regulations, be deemed to be a decision taken on the basis of the first-mentioned regulation.

Article 5:32a

- 1 The penalty payment order describes the remedial measures to be taken.
- 2 In the case of an order subject to a penalty payment aimed at undoing an infringement or preventing further infringement, a period is set during which the offender can comply with the order without forfeiting a penalty payment.

Article 5:32b

- 1 The administrative body shall determine the penalty either as a lump sum, or as an amount per unit of time during which the order has not been complied with, or per violation of the order.
- 2 The administrative body also determines an amount above which no further penalty will be forfeited.
- 3 The amounts are in reasonable proportion to the seriousness of the interest violated and to the intended effect of the penalty.

Article 5:33

A forfeited penalty shall be paid within six weeks after it has been forfeited by operation of law.

Article 5:34

- 1 The administrative body that has imposed an order subject to a penalty payment may, at the request of the offender, lift the order, suspend its duration for a specified period or reduce the penalty payment in the event of permanent or temporary total or partial impossibility for the offender to meet his obligations.
- 2 The administrative body that has imposed an order subject to a penalty may, at the request of the offender, lift the order if the decision has been in force for one year without the penalty having been forfeited.

Article 5:35

- 1 By way of exception to [Article 4:104, first paragraph](#), the right of action for payment of a forfeited penalty sum shall lapse one year after the date on which it was forfeited.
- 2 If on the day on which the legal action expires an objection, appeal or further appeal is open or pending against the order subject to a penalty, the limitation period will be extended until an irrevocable decision

has been made on the objection, appeal or further appeal.

Article 5:36

[Expired as of July 1, 2009]

Article 5:37

- 1 Before issuing a reminder to pay the penalty, the administrative body shall decide by means of a decision on the collection of a penalty.
- 2 The administrative body shall also issue a decision regarding the collection of the penalty if an interested party so requests.
- 3 The administrative body shall decide on the request within four weeks.

Article 5:37a

- 1 A decision to collect a penalty payment interrupts the statute of limitations.
- 2 If on the day on which the legal action expires a request as referred to in [Article 5:37, second paragraph](#) , is pending, the limitation period shall be extended until a final decision has been made on the request.
- 3 If on the day on which the legal action expires an objection, appeal or further appeal is open or pending against the rejection of a request as referred to in [Article 5:37, second paragraph](#) , or against the failure to take a decision on such a request in time, the limitation period shall be extended until:
 - a. the period for filing an objection or appeal or further appeal has expired unused;
 - b. the objection, appeal or further appeal has been irrevocably decided; or
 - c. the administrative body has subsequently issued a decision to collect a penalty.
- 4 If, on the day on which the legal action expires, the order for collection has been suspended by a ruling of the interim relief judge, the limitation period will be extended by the duration of the suspension.

Article 5:38

- 1 If a decision to revoke or amend the order subject to a penalty payment results in a decision already issued to collect that penalty payment not being upheld, that decision shall lapse.
- 2 The administrative body may issue a new collection decision that is in accordance with the amended order subject to a penalty.

Article 5:39

- 1 The objection, appeal or further appeal against the order subject to a penalty also relates to a decision aimed at collecting the penalty, insofar as the interested party disputes this decision.
- 2 However, the administrative court may refer the decision on the appeal or further appeal against the collection decision to another body if it is desirable for this body to handle the case.
- 3 In the event of an appeal or further appeal, the interested party shall, if possible, submit a copy of the decision he is contesting.
- 4 The first to third paragraphs apply mutatis mutandis to a request for interim relief.

Title 5.4. Administrative fine**Section 5.4.1. General provisions****Article 5:40**

- 1 An administrative fine is defined as: a punitive sanction, consisting of an unconditional obligation to pay a sum of money.
- 2 This Title does not apply to the withdrawal or modification of a claim to financial resources.

Article 5:41

The administrative body shall not impose an administrative fine if the violation cannot be attributed to the offender.

Article 5:42

- 1 The administrative body shall not impose an administrative fine if the offender has died.
- 2 An administrative fine expires if it is not final at the time of the offender's death. An irrevocable administrative fine expires if it has not yet been paid at that time.

Article 5:43

The administrative body shall not impose an administrative fine if the offender has already been given an administrative fine for the same offence, or if a notice as referred to in [Article 5:50, second paragraph, opening sentence and subparagraph a](#) , has been issued.

Article 5:44

- 1 The administrative body shall not impose an administrative fine if criminal proceedings have been instituted against the offender for the same conduct and the investigation has begun in court, or a penalty order has

been issued.

- 2 If the conduct also constitutes a criminal offence, it shall be submitted to the public prosecutor, unless a statutory provision provides otherwise, or an agreement has been reached with the Public Prosecution Service, that this may be waived.
- 3 For an act that must be submitted to the public prosecutor, the administrative body will only impose an administrative fine if:
 - a. the public prosecutor has informed the administrative body that he will not prosecute the offender, or
 - b. the administrative body has not received a response from the public prosecutor within thirteen weeks.

Article 5:45

- 1 If Article 5:53 applies, the authority to impose an administrative fine expires five years after the violation occurred.
- 2 In other cases, the authority to impose an administrative fine expires three years after the violation has occurred.
- 3 If an objection or appeal is lodged against the administrative fine, the expiry period will be suspended until a final decision has been made on the objection or appeal.

Article 5:46

- 1 The law determines the maximum administrative fine that may be imposed for a specific violation.
- 2 Unless the amount of the administrative fine is established by statutory provision, the administrative body will tailor the administrative fine to the severity of the violation and the extent to which it can be attributed to the offender. Where necessary, the administrative body will take into account the circumstances under which the violation was committed.
- 3 If the amount of the administrative fine is established by statutory provision, the administrative body shall nevertheless impose a lower administrative fine if the offender demonstrates that the administrative fine imposed is too high due to special circumstances.
- 4 Article 1, paragraph 2, of the Criminal Code applies accordingly.

Article 5:47

An administrative fine imposed for an act that is also a criminal offence shall lapse if the Court of Appeal, applying Article 12i of the Code of Criminal Procedure, orders the prosecution of the offender for that act.

Section 5.4.2. The procedure

Article 5:48

- 1 The administrative body and the supervisor responsible for the violation may draw up a report on the violation.
- 2 The report is dated and states:
 - a. the name of the offender;
 - b. the violation as well as the regulation violated;
 - c. if necessary, an indication of the place and time at which the violation was observed.
- 3 A copy of the report will be sent or handed over to the offender no later than the time the decision to impose the administrative fine is announced.
- 4 If a report as referred to in Article 152 of the Code of Criminal Procedure has been drawn up of the offence, this report shall replace the report for the purposes of this Section.

Article 5:49

- 1 The administrative body shall, upon request, provide the offender with the opportunity to inspect the data on which the imposition of the administrative fine, or the intention to do so, is based and to make copies thereof.
- 2 If it appears that the defence of the offender reasonably requires this, the administrative body shall ensure as far as possible that this information is communicated to the offender in a language he or she understands.

Article 5:50

- 1 If the offender is given the opportunity to express his views on the intention to impose an administrative fine,
 - a. the report is already sent or handed to the offender when the invitation is given;
 - b. the administrative body shall provide assistance by an interpreter if it appears that the defence of the offender reasonably requires this.
- 2 If, after the offender has submitted his views, the administrative body decides that:

- a. no administrative fine will be imposed for the violation, or
- b. the violation will still be submitted to the public prosecutor,

this will be communicated to the offender in writing.

Article 5:51

- 1 If a report has been drawn up of the violation, the administrative body shall decide on the imposition of the administrative fine within thirteen weeks of the date of the report.
- 2 The decision period is suspended from the day on which the conduct is submitted to the Public Prosecution Service, until the day on which the administrative body again becomes authorised to impose an administrative fine.

Article 5:52

The decision to impose the administrative fine states:

- a. the name of the offender;
- b. the amount of the fine.

Article 5:53

- 1 This article applies if an administrative fine of more than €340 may be imposed for the violation, unless otherwise provided by statutory provision.
- 2 By way of exception to [Article 5:48](#), a report or official report shall always be drawn up of the violation.
- 3 By way of exception to [Section 4.1.2](#), the offender shall always be given the opportunity to express his or her views.

Article 5:54

This Title applies mutatis mutandis to other punitive sanctions, to the extent that this is provided for by statutory provision.

Chapter 6. General provisions on objections and appeals

Section 6.1. Introductory provisions

Article 6:1

Chapters [6](#) and [7](#) apply mutatis mutandis if provision is made for the possibility of objection or appeal against acts of administrative bodies other than decisions.

Article 6:2

For the application of statutory provisions on objections and appeals, the following are considered equivalent to a decision:

- a. the written refusal to make a decision, and
- b. the failure to make a decision in a timely manner.

Article 6:3

A decision concerning the procedure for preparing a decision is not subject to objection or appeal, unless that decision directly affects the interested party in his interests, irrespective of the decision to be prepared.

Section 6.2. Other general provisions

Article 6:4

- 1 An objection is made by submitting a letter of objection to the administrative body that took the decision.
- 2 An administrative appeal is lodged by submitting a notice of appeal to the appeals body.
- 3 An appeal to an administrative court is lodged by submitting a notice of appeal to that court.

Article 6:5

- 1 The notice of objection or appeal must be signed and contain at least:

- a. the name and address of the applicant;
 - b. the date;
 - c. a description of the decision against which the objection or appeal is directed;
 - d. the grounds for the objection or appeal.
- 2 If possible, a copy of the decision to which the dispute relates must be submitted with the notice of appeal.
 - 3 If the objection or appeal is written in a foreign language and a translation is necessary for the proper handling of the objection or appeal, the submitter must provide a translation.

Article 6:6

The objection or appeal may be declared inadmissible if:

- a. Article 6:5 or any other statutory requirement for considering the objection or appeal has not been met , or
- b. the objection or appeal has been rejected in whole or in part on the basis of Article 2:15 ,

provided that the applicant has had the opportunity to correct the error within a period set for that purpose.

Article 6:7

The period for submitting an objection or appeal is six weeks.

Article 6:8

- 1 The term commences on the day following the day on which the decision is announced in the prescribed manner.
- 2 The period for filing an objection against a decision against which an administrative appeal could only be lodged by one or more specific interested parties commences on the day after the appeal period expires unused.
- 3 The period for filing an appeal against a decision subject to approval commences on the day following the day on which the decision approving that decision is announced in the prescribed manner.
- 4 The period for filing an appeal against a decision addressed to one or more interested parties and prepared in accordance with Section 3.4 commences on the day following the day on which the decision is made available for inspection in accordance with Article 3:44, first paragraph, subparagraph a .

Article 6:9

- 1 An objection or appeal is submitted on time if it is received before the end of the term.
- 2 If sent by post, an objection or appeal is submitted on time if it is delivered by post before the end of the period, provided that it is received no later than one week after the end of the period.

Article 6:10

- 1 An objection or appeal submitted before the start of the term will not be declared inadmissible on that basis if the decision at the time of submission:
 - a. had already been achieved, or
 - b. had not yet been achieved, but the applicant could reasonably believe that this was already the case.
- 2 The consideration of the objection or appeal may be suspended until the start of the term.

Article 6:11

An objection or appeal submitted after the deadline will not be declared inadmissible on that basis if it cannot reasonably be judged that the submitter was in default.

Article 6:12

- 1 If the appeal is directed against the failure to take a decision in time or the failure to announce a decision granted by operation of law in time, it is not bound by a time limit.
- 2 The appeal may be filed as soon as:
 - a. the administrative body fails to take a decision in a timely manner or to announce a decision granted by operation of law, and
 - b. two weeks have passed since the day on which the interested party notified the administrative body in writing that it is in default.
- 3 If it cannot reasonably be expected of the interested party to give notice of default to the administrative body, the notice of appeal may be lodged as soon as the administrative body fails to take a decision in a timely manner.
- 4 The appeal will be inadmissible if the notice of appeal is submitted unreasonably late.

Article 6:13

No appeal may be lodged with the administrative court by an interested party who can reasonably be accused of not having submitted views as referred to in Article 3:15 , not having lodged an objection or not having lodged an administrative appeal.

Article 6:14

- 1 The body to which the objection or appeal has been lodged shall confirm receipt thereof in writing.

- 2 The body to which the appeal is lodged shall notify the administrative body that took the contested decision as soon as possible.

Article 6:15

- 1 If the objection or appeal is filed with an incompetent administrative body or with an incompetent administrative court, it shall be forwarded to the competent body as soon as possible, stating the date of receipt, and simultaneously informing the sender thereof.
- 2 The first paragraph applies accordingly if an appeal has been lodged instead of an objection or vice versa.
- 3 The time of submission to the incompetent body determines whether the objection or appeal has been submitted on time, except in the case of manifestly unreasonable use of procedural law.

Article 6:16

The objection or appeal does not suspend the effect of the decision against which it is directed, unless otherwise provided by or pursuant to statutory provision.

Article 6:17

If a person is represented, the body competent to decide on the objection or appeal shall in any case make the documents relating to the case available to the representative.

Article 6:18

[Expired as of January 1, 2013]

Article 6:19

- 1 The objection or appeal automatically also relates to a decision to withdraw, amend or replace the contested decision, unless the parties have insufficient interest in doing so.
- 2 The first paragraph also applies if the objection is made or the appeal is filed after the administrative body has withdrawn, amended or replaced the contested decision.
- 3 The administrative body shall without delay make the new decision available to the body before which the appeal is pending.
- 4 If another body receives an objection or appeal against the new decision, it shall forward it in accordance with Article 6:15, first and second paragraphs.
- 5 However, the administrative judge may refer the appeal against the new decision to another body if it is desirable for the appeal to be dealt with by this body.
- 6 Withdrawal or replacement of the contested decision does not prevent the annulment of that decision if the person submitting the objection or appeal has an interest in it.

Article 6:20

- 1 If the appeal is directed against the failure to take a decision in a timely manner, the administrative body remains obliged to take this decision, unless the interested party no longer has an interest in it as a result of the decision on the appeal.
- 2 The administrative body shall without delay make a decision as referred to in the first paragraph available to the body before which the appeal is pending.
- 3 The appeal against the failure to take a decision on time also concerns the decision subsequently taken, unless this decision fully satisfies the appeal.
- 4 However, the decision on the appeal may be referred to another body where an objection or appeal against the subsequent decision is pending or can or could be made or lodged.
- 5 An appeal against the failure to take a decision on time may still be upheld if the person submitting the appeal has an interest in this.

Article 6:21

- 1 The objection or appeal can be withdrawn in writing.
- 2 The withdrawal may also be made orally during the hearing.

Article 6:22

A decision against which an objection has been lodged or an appeal has been filed may, despite a violation of a written or unwritten legal rule or general legal principle, be upheld by the body deciding on the objection or appeal if it is plausible that the interested parties have not been disadvantaged thereby.

Article 6:23

- 1 If an appeal may be lodged against the decision on the objection or appeal, this will be stated when the decision is announced.
- 2 This states by whom, within what time period and to which body an appeal may be lodged.

Article 6:24

This section applies mutatis mutandis, with the exception of [Article 6:12](#), if an appeal, incidental appeal, appeal in cassation or incidental appeal in cassation may be lodged.

Chapter 7. Special provisions on objections and administrative appeals

Section 7.1. Notice of objection prior to an appeal to the administrative court

Article 7:1

- 1** The person who has been granted the right to appeal to an administrative court must file an objection before filing the appeal, unless:
 - a.** the decision has been taken in objection or administrative appeal,
 - b.** the decision is subject to approval,
 - c.** the decision contains an approval or a refusal thereof,
 - d.** the decision was prepared in accordance with [Section 3.4](#) ,
 - e.** the decision was taken on the basis of a ruling in which the administrative court, applying [Article 8:72, fourth paragraph, part a](#) , has determined that [Section 3.4](#) will not apply in whole or in part,
 - f.** the appeal is directed against the failure to take a decision in a timely manner,
 - g.** the decision was taken on the basis of a provision as referred to in the Direct Appeal Regulation annexed to this Act, or the decision is otherwise described in that regulation.
- 2** An appeal may be lodged against the decision on the objection, applying the regulations that apply to lodging an appeal against the decision against which the objection has been lodged.

Article 7:1a

- 1** In the notice of objection, the submitter may request the administrative body to agree to a direct appeal to the administrative court, in deviation from [Article 7:1](#) .
- 2** The administrative body shall in any event reject the request if another objection has been lodged against the decision in which the same request is not included, unless that other objection is manifestly inadmissible.
- 3** The administrative body may agree to the request if the case is suitable for this.
- 4** The administrative body shall decide on the request as soon as possible. A decision to grant approval shall be made as soon as it can reasonably be assumed that no new objections will be filed. [Articles 4:7](#) and [4:8](#) do not apply.
- 5** If the administrative body agrees to the request, it shall immediately forward the notice of objection, stating the date of receipt, to the competent court.
- 6** An objection received after approval will also be forwarded without delay to the competent court. If this objection does not contain a request as referred to in the first paragraph, no court fee will be charged, notwithstanding [Article 8:41, first paragraph](#) .

Section 7.2. Special provisions regarding objections

Article 7:2

- 1** Before an administrative body decides on the objection, it shall give interested parties the opportunity to be heard.
- 2** The administrative body shall in any case inform the submitter of the objection and the interested parties who submitted their views during the preparation of the decision.

Article 7:3

An interested party may be waived from being heard if:

- a.** the objection is clearly inadmissible,
- b.** the objection is clearly unfounded,
- c.** the interested party has stated that he or she does not wish to exercise the right to be heard,
- d.** the interested party does not declare within a reasonable period set by the administrative body that he wishes to exercise the right to be heard, or
- e.** the objection is fully met and the interests of other interested parties cannot be harmed as a result.

Article 7:4

- 1** Interested parties may submit additional documents up to ten days before the hearing.
- 2** The administrative body shall make the notice of objection and all other documents relating to the case available for inspection by interested parties for at least one week prior to the hearing.
- 3** When summoned to the hearing, interested parties are referred to the first paragraph and it is stated where and when the documents will be available for inspection.
- 4** Interested parties may obtain copies of these documents for a fee not exceeding the costs.
- 5** If the interested parties agree, the application of the second paragraph may be omitted.

- 6 The administrative body may, whether or not at the request of an interested party, refrain from applying the second paragraph if confidentiality is required for compelling reasons. The application of this provision shall be notified.
- 7 In any event, there are no compelling reasons to the extent that the Open Government Act obliges to comply with a request for information contained in these documents.
- 8 If there is a compelling reason to fear damage to the physical or mental health of an interested party, access to the relevant documents may be reserved for an authorized representative who is either a lawyer or a physician.

Article 7:5

- 1 Unless the hearing is conducted by or partly by the administrative body itself or the chairperson or a member thereof, the hearing shall be conducted by:
 - a. a person who was not involved in the preparation of the contested decision, or
 - b. more than one person, the majority of whom, including the person conducting the hearing, were not involved in the preparation of the decision.
- 2 Unless otherwise provided by statutory provision, the administrative body shall decide whether the hearing will take place in public.

Article 7:6

- 1 Stakeholders are heard in each other's presence.
- 2 Interested parties may be heard separately, either ex officio or upon request, if it is reasonable to assume that a joint hearing would impede careful consideration of the matter or if facts or circumstances become known during the hearing which must be kept confidential for important reasons.
- 3 Where interested parties have been heard separately, each of them shall be informed of the proceedings at the hearing without their being present.
- 4 The administrative body may, whether or not at the request of an interested party, refrain from applying the third paragraph if confidentiality is required for compelling reasons. Article 7:4, sixth paragraph, second sentence, seventh and eighth paragraphs , apply accordingly.

Article 7:7

A report will be made of the hearing.

Article 7:8

At the request of the interested party, witnesses and experts brought by him may be heard.

Article 7:9

If, after the administrative body has been heard, facts or circumstances become known that could be of significant importance to the decision to be taken on the objection, interested parties will be informed of this and given the opportunity to be heard on the matter.

Article 7:10

- 1 The administrative body shall decide within six weeks or – if a committee as referred to in Article 7:13 has been established – within twelve weeks, calculated from the day after the deadline for submitting the notice of objection has expired.
- 2 The period shall be suspended from the day after the day on which the submitter was requested to rectify an error as referred to in Article 6:6 , until the day on which the error has been rectified or the period set for this purpose has expired unused.
- 3 The administrative body may adjourn the decision for a maximum of six weeks.
- 4 Further postponement is possible to the extent that:
 - a. all stakeholders agree to this,
 - b. the submitter of the objection agrees to this and other interested parties cannot be harmed in their interests as a result, or
 - c. this is necessary in connection with compliance with legal procedural requirements.
- 5 If the second, third or fourth paragraph has been applied, the administrative body shall notify interested parties of this in writing.

Article 7:11

- 1 If the objection is admissible, the contested decision will be reconsidered on that basis.
- 2 To the extent that the reconsideration gives reason to do so, the administrative body shall revoke the contested decision and, if necessary, take a new decision in its place.

Article 7:12

- 1 The decision on the objection must be based on sound reasoning, which must be stated when the decision is announced. If a hearing has been waived pursuant to Article 7:3, the grounds for this waiver must also be stated.
- 2 The decision will be announced by sending or delivering it to those to whom it is addressed. If the decision is not addressed to one or more interested parties, the decision will also be announced in the same manner as that decision was announced, unless the contested decision is upheld.
- 3 As soon as possible after the decision has been announced, the interested parties who submitted their views in the objection or in the preparation of the contested decision will be informed of this.
- 4 Article 6:23 shall apply mutatis mutandis to the notification referred to in the third paragraph, and, with a view to the commencement of the appeal period, it shall be indicated as clearly as possible when the decision was announced in accordance with the second paragraph.

Article 7:13

- 1 This article applies if an advisory committee has been established for the purpose of deciding on the objection:
 - a. which consists of a chairman and at least two members,
 - b. whose chairman is not part of and does not work under the responsibility of the governing body and
 - c. that meets any other requirements imposed by statutory regulation.
- 2 If a committee will advise on the objection, the administrative body will inform the submitter of the objection as soon as possible.
- 3 The hearing will be conducted by the committee. The committee may assign the hearing to the chairperson or a member who is not a member of, or does not work under, the responsibility of the governing body.
- 4 The Commission decides on the application of Article 7:4, sixth paragraph, of Article 7:5, second paragraph, and, unless otherwise provided by statutory provision, of Article 7:3.
- 5 A representative of the administrative body will be invited to the hearing and will be given the opportunity to explain the administrative body's position.
- 6 The committee's advice shall be given in writing and shall include a report of the hearing.
- 7 If the decision on the objection deviates from the committee's advice, the reason for that deviation will be stated in the decision and the advice will be sent with the decision.

Article 7:14

Article 3:6, second paragraph, Section 3.4, Articles 3:41 to and including 3:45, Section 3.7, with the exception of Article 3:49 and Title 4.1, with the exception of Articles 4:14, first paragraph, and 4:15, first paragraph, part b, second paragraph, parts b and c, third paragraph and fourth paragraph and paragraph 4.1.3.2, do not apply to decisions pursuant to this Section.

Article 7:14a

If an objection has been lodged against a decision on an application by a person other than the applicant, the applicant shall be deemed to be the person who submitted the objection for the purposes of paragraph 4.1.3.2.

Article 7:15

- 1 No fee is payable for the handling of the objection.
- 2 The costs that the interested party reasonably had to incur in connection with the handling of the objection will be reimbursed by the administrative body only at the request of the interested party, insofar as the contested decision is revoked due to unlawfulness attributable to the administrative body.
- 3 The request is submitted before the administrative body has decided on the objection. The administrative body will decide on the request when deciding on the objection.
- 4 Further rules shall be established by general administrative order concerning the costs to which the compensation may exclusively relate and the manner in which the amount of the costs is determined.
- 5 If the interested party has been granted legal aid under the Legal Aid Act in connection with the objection, the administrative body will pay the legal aid provider the compensation to be awarded. The legal aid provider will compensate the interested party as much as possible for the personal contribution paid by the latter. The legal aid provider will notify the Legal Aid Board of any reimbursement of costs from the administrative body.

Section 7.3. Special provisions on administrative appeals**Article 7:16**

- 1 Before an appeal body decides on the appeal, it shall give interested parties the opportunity to be heard.
- 2 The appeals body shall in any case inform the person who submitted the appeal, as well as the administrative body that took the decision and the interested parties who submitted their views during the preparation of the decision or during the consideration of the objection.

Article 7:17

An interested party may be waived from being heard if:

- a. the appeal is manifestly inadmissible,
- b. the appeal is clearly unfounded,
- c. the interested party has declared that he or she does not wish to exercise the right to be heard, or
- d. the interested party does not declare within a reasonable period set by the administrative body that he wishes to exercise the right to be heard.

Article 7:18

- 1 Interested parties may submit additional documents up to ten days before the hearing.
- 2 The appeals body shall make the notice of appeal and all other documents relating to the case available for inspection by interested parties for at least one week prior to the hearing.
- 3 When summoned to the hearing, interested parties are referred to the first paragraph and it is stated where and when the documents will be available for inspection.
- 4 Interested parties may obtain copies of these documents for a fee not exceeding the costs.
- 5 If the interested parties agree, the application of the second paragraph may be omitted.
- 6 The professional body may, whether or not at the request of an interested party, waive the application of the second paragraph if confidentiality is required for compelling reasons. The application of this provision shall be notified.
- 7 In any event, there are no compelling reasons to the extent that the Open Government Act obliges to comply with a request for information contained in these documents.
- 8 If there is a compelling reason to fear damage to the physical or mental health of an interested party, access to the relevant documents may be reserved for an authorized representative who is either a lawyer or a physician.

Article 7:19

- 1 The hearing shall be conducted by the appeal body.
- 2 By or pursuant to law, the hearing may be assigned to an advisory committee in which one or more members sit who are not part of and do not work under the responsibility of the professional body.
- 3 The hearing shall be held in public, unless the appeals body decides otherwise at the request of an interested party or ex officio for important reasons.

Article 7:20

- 1 Stakeholders are heard in each other's presence.
- 2 Interested parties may be heard separately, either ex officio or upon request, if it is reasonable to assume that a joint hearing would impede careful consideration of the matter or if facts or circumstances become known during the hearing which must be kept confidential for important reasons.
- 3 Where interested parties have been heard separately, each of them shall be informed of the proceedings at the hearing without their being present.
- 4 The professional body may, whether or not at the request of an interested party, waive the application of the third paragraph to the extent that confidentiality is required for compelling reasons. Article 7:18, sixth paragraph, second sentence, seventh and eighth paragraphs , apply accordingly.

Article 7:21

A report will be made of the hearing.

Article 7:22

At the request of the interested party, witnesses and experts brought by him may be heard.

Article 7:23

If, after the hearing, the appeals body becomes aware of facts or circumstances that could be of significant importance for the decision to be taken on the appeal, interested parties shall be informed of this and shall be given the opportunity to be heard on the matter.

Article 7:24

- 1 The appeals body shall decide within sixteen weeks, calculated from the day after the deadline for submitting the appeal has expired.
- 2 However, if the appeal body belongs to the same legal entity as the administrative body against whose decision the appeal is directed, it shall decide within six weeks or – if a committee as referred to in Article 7:19, paragraph 2 , has been established – within twelve weeks, calculated from the day after the date on which the period for submitting the notice of appeal has expired.

- 3 The period shall be suspended from the day after the day on which the submitter was requested to rectify an error as referred to in [Article 6:6](#) , until the day on which the error has been rectified or the period set for this purpose has expired unused.
- 4 The appeals body may postpone the decision for a maximum of ten weeks.
- 5 In the case referred to in the second paragraph, the appeal body may, however, adjourn the decision for a maximum of six weeks.
- 6 Further postponement is possible to the extent that:
 - a. all stakeholders agree to this,
 - b. the appellant agrees to this and the interests of other interested parties cannot be harmed as a result, or
 - c. this is necessary in connection with compliance with legal procedural requirements.
- 7 If the third, fourth, fifth or sixth paragraph has been applied, the appeals body shall notify the interested parties thereof in writing.

Article 7:25

If the appeal body finds the appeal admissible and well-founded, it shall annul the contested decision and, if necessary, take a new decision in its place.

Article 7:26

- 1 The decision on the appeal must be based on sound reasoning, which must be stated when the decision is announced. If a hearing has been waived pursuant to [Article 7:17](#) , the grounds for this waiver must also be stated.
- 2 If the decision deviates from the advice of a committee as referred to in [Article 7:19, paragraph 2](#) , the reasons for that deviation shall be stated in the decision and the advice shall be sent with the decision.
- 3 The decision will be announced by sending or handing it over to those to whom it is addressed. If the decision was not addressed to one or more interested parties, the decision will be announced in the same manner as the decision itself.
- 4 As soon as possible after the decision has been announced, the administrative body against whose decision the appeal was lodged, the addressees of the contested decision, and the interested parties who submitted their views on the appeal shall be notified thereof.
- 5 [Article 6:23](#) shall apply mutatis mutandis to the notification referred to in the fourth paragraph, and, with a view to the commencement of the appeal period, it shall be indicated as clearly as possible when the decision was announced in accordance with the third paragraph.

Article 7:27

[Article 3:6, second paragraph](#) , [Section 3.4](#) , [Articles 3:41 to and including 3:45](#) , [Section 3.7](#) , with the exception of [Article 3:49](#) and [Title 4.1](#) , with the exception of [Articles 4:14, first paragraph](#) , and [4:15, first paragraph, part b, second paragraph, parts b and c, third paragraph and fourth paragraph](#) and [paragraph 4.1.3.2](#) , do not apply to decisions pursuant to this Section.

Article 7:27a

If an appeal against a decision on an application has been lodged by a person other than the applicant, the applicant shall, for the purposes of [paragraph 4.1.3.2](#) , be deemed to be equivalent to the person who lodged the appeal.

Article 7:28

- 1 No fee is payable for the consideration of the appeal.
- 2 The administrative body will reimburse the costs reasonably incurred by the interested party in connection with the appeal process only at the request of the interested party if the contested decision is revoked due to unlawfulness attributable to the administrative body. In that case, the appeals body will determine the compensation owed by the administrative body.
- 3 If the interested party has been granted legal aid under the [Legal Aid Act](#) in connection with the appeal , the administrative body will pay the legal aid provider the compensation to be awarded. The legal aid provider will compensate the interested party as much as possible for the personal contribution paid by the latter. The legal aid provider will notify the Legal Aid Board of any reimbursement from the administrative body.
- 4 The request must be submitted before the appeals body has decided on the appeal. The appeals body will decide on the request when it decides on the appeal.
- 5 Further rules shall be established by general administrative order concerning the costs to which the compensation may exclusively relate and the manner in which the amount of the costs is determined.

Chapter 8. Special provisions regarding the manner of proceedings before the administrative court

Title 8.1. General provisions on appeals in first instance

Section 8.1.1. Authority**Article 8:1**

An interested party may appeal against a decision to the administrative court.

Article 8:2

1 A decision is equivalent to:

- a. another act of an administrative body in which a person, in relation to his capacity as referred to in Article 3 of the Civil Servants Act 2017 , his surviving relatives or his legal successors, is an interested party,
 - b. another public law act of the Social and Economic Council.
- 2 A written decision containing the refusal of approval of:
- a. a decision containing a generally binding regulation or a policy rule or the withdrawal or the determination of the entry into force of a generally binding regulation or a policy rule,
 - b. a decision in preparation for a private law legal act.

Article 8:3

1 No appeal may be lodged against a decision:

- a. containing a generally binding regulation or a policy rule,
 - b. containing the withdrawal or the establishment of the entry into force of a generally binding regulation or a policy rule,
 - c. containing the approval of a decision containing a generally binding regulation or a policy rule or the withdrawal or the establishment of the entry into force of a generally binding regulation or a policy rule.
- 2 No appeal may be lodged against a decision taken in preparation for a private law legal act.

Article 8:4

1 No appeal may be lodged against a decision:

- a. containing a refusal on the basis of Article 2:15 ,
 - b. containing a notice as referred to in Article 4:112 or a writ of execution,
 - c. as referred to in Article 7:1a, fourth paragraph , 7:10, second, third or fourth paragraph , or 7:24, third to sixth paragraph ,
 - d. containing the suspension or annulment of a decision of another administrative body,
 - e. as referred to in Article 3:21, first paragraph, part b ,
 - f. regarding compensation for damages due to unlawful administrative actions.
- 2 Without prejudice to Chapter 2 of the Administrative Jurisdiction Regulations annexed to this Act, no appeal may be lodged against a decision:
- a. taken in accordance with a power granted or an obligation imposed in any statutory provision in the event of exceptional circumstances in these circumstances,
 - b. taken on the basis of a legal provision to protect the military interests of the Kingdom or its allies,
 - c. taken on the basis of a statutory provision concerning compulsory military service, insofar as it concerns examination, re-examination, actual service, long leave or termination of service, unless the decision concerns an extension of actual service or breadwinner's allowance.
- 3 No appeal may be lodged against a decision:
- a. to appointment or appointment, unless an appeal is lodged by a person with regard to his capacity as referred to in Article 3 of the Civil Servants Act 2017 , his surviving relatives or his legal successors,
 - b. containing an assessment of the knowledge or skills of a candidate or student who has been examined or tested in this regard in any other way, or containing the establishment of assignments, assessment standards or additional rules for that examination or test,
 - c. containing a technical assessment of a vehicle or an aircraft, or a measuring instrument, a part thereof or an auxiliary device therefor.
- 4 No appeal may be lodged against a decision:
- a. concerning the numbering of candidate lists, the voting process, the counting of votes, the determination of the vote values and the determination of the results in elections of members of representative bodies, the declaration of appointment to vacancies, as well as the admission of new members of the Provincial Council, of the electoral college for the Senate for Dutch nationals who are not residents, of the municipal council and of the general board of a water board, as well as the granting of temporary leave due to pregnancy and childbirth or illness,

- b. containing an official act of a bailiff or notary.

Article 8:5

- 1 No appeal may be lodged against a decision as referred to in Article 1 of the Administrative Jurisdiction Authority Regulation annexed to this Act .
- 2 No appeal may be lodged against a decision against which an administrative appeal may be lodged or could have been lodged by the interested party.

Article 8:6

- 1 The appeal may be lodged with the district court, unless another administrative court has jurisdiction pursuant to Chapter 2 of the Administrative Jurisdiction Regulations annexed to this Act or pursuant to another statutory provision.
- 2 An appeal may be lodged with any of the administrative courts referred to in Chapter 2 of the Administrative Jurisdiction Regulations annexed to this Act against a decision on which that court rules on appeal, if it has applied Article 8:113, second paragraph .

Article 8:7

- 1 If an appeal is lodged against a decision of an administrative body of a province, a municipality or a water board, or against a decision of a joint body, a board of a business management organisation or an administrative body of a public body established in accordance with the Joint Regulations Act , the court within whose jurisdiction the administrative body has its seat has jurisdiction.
- 2 If an appeal is lodged against a decision of another administrative body, the court within whose jurisdiction the appellant resides in the Netherlands has jurisdiction. If the appellant does not reside in the Netherlands, the court within whose jurisdiction the administrative body has its registered office has jurisdiction.
- 3 If an appeal is lodged against a decision as referred to in Chapter 3 of the Administrative Jurisdiction Regulations annexed to this Act , notwithstanding the first and second paragraphs, only the court designated by that Chapter shall have jurisdiction.
- 4 The first and second paragraphs apply mutatis mutandis if an appeal in first instance may be lodged with a court of appeal.

Article 8:8

- 1 If an appeal against the same decision has been filed with more than one competent court, the cases will be dealt with by the competent court to which the first appeal was filed. If an appeal has been filed simultaneously with more than one competent court, the cases will be dealt with by the competent court first listed in Article 1 of the Judicial Organization Act .
- 2 The other court or courts shall refer the case or cases pending there to the court that will continue to hear them. The documents relating to the case or cases shall be sent to the court that will continue to hear them.
- 3 If an appeal against the same decision has been lodged with more than one court, the administrative body shall without delay inform those courts thereof.
- 4 If the administrative body forwards two or more objections pursuant to Article 7:1a, fifth or sixth paragraph , the administrative body shall forward them to the court that will hear the case pursuant to the second sentence of the first paragraph.
- 5 The first to fourth paragraphs apply accordingly if an appeal in first instance can be lodged with a court of appeal.

Article 8:9

The Administrative Jurisdiction Division of the Council of State, the Central Appeals Tribunal, and the Trade and Industry Appeals Tribunal, respectively, shall adjudicate in the final instance on disputes between the courts concerning the application of Article 8:7 in cases over which they have jurisdiction in appeal.

Section 8.1.2. Treatment by a single, multiple or large chamber**Article 8:10**

- 1 Cases brought before the court are heard by a single-member chamber.
- 2 If the single-judge chamber deems a case unsuitable for hearing by a single judge, it refers it to a multi-judge chamber. The single-judge chamber may also refer a case to a multi-judge chamber in other cases.
- 3 If the multi-judge chamber considers a case suitable for further hearing by a single judge, it may refer it to a single-judge chamber.
- 4 Referrals can be made at any stage of the proceedings. A referred case will continue at its current stage.

Article 8:10a

- 1 Cases brought before an administrative judge other than the district court are handled by a multi-member chamber.

- 2 If the multi-judge chamber considers a case suitable for further hearing by a single judge, it may refer it to a single-judge chamber.
- 3 If the single-judge chamber considers a case unsuitable for hearing by a single judge, it refers it to a multi-judge chamber.
- 4 The multi-member chamber may also refer a case to a Grand Chamber if it deems this advisable in the interests of legal unity or development. The first sentence does not apply if the case is pending before a court of appeal.
- 5 Referrals can be made at any stage of the proceedings. A referred case will continue at its current stage.

Article 8:11

- 1 The regulations concerning the handling of appeals shall apply to the handling of appeals by each of the chambers referred to in [Articles 8:10](#) and [8:10a](#).
- 2 A person who sits in a single chamber also has the powers and obligations of the president.

Article 8:12

The administrative judge may instruct an examining magistrate to conduct the preliminary investigation or part thereof.

Section 8.1.2a. Conclusion**Article 8:12a**

- 1 The President of the Administrative Jurisdiction Division of the Council of State, the President of the Central Appeals Tribunal, and the President of the Trade and Industry Appeals Tribunal may, in cases pending before their court in a multi-member or grand chamber, request a member of the relevant court to issue an opinion.
- 2 Such a request may also be addressed to a member of any of the other colleges in agreement with the Chairman or President of that college, respectively.
- 3 The conclusion shall be made in writing, shall be reasoned and shall state:
 - a. the name of the one who took her and
 - b. the day it was taken.
- 4 The conclusion will be brought to the attention of the board no later than six weeks after the hearing has concluded and a copy will be sent to the parties. [Article 8:64](#) need not be applied in this case.
- 5 Parties may submit their written comments to the Board within two weeks of dispatch of the copy of the conclusion.
- 6 [Article 8:79, second paragraph](#), applies accordingly.
- 7 The person who has reached the conclusion shall not take part in the deliberations on the case.
- 8 The conclusion does not bind the board.

Section 8.1.2b. Comments by persons other than parties**Article 8:12b**

- 1 The Administrative Jurisdiction Division of the Council of State, the Central Appeals Tribunal, and the Trade and Industry Appeals Tribunal may, in cases pending before their board in a multi-member or large chamber, allow parties other than the parties to submit written observations within a period to be determined by the board.
- 2 This announcement will be made in a manner determined by the board.
- 3 The board shall notify the parties of its intention to implement the first paragraph. The board may give the parties the opportunity to submit their wishes regarding this intention in writing within a period to be determined by the board.
- 4 Parties may submit their views on the written comments in writing within four weeks of the date they are sent. The board may extend this period.
- 5 The Board may invite those who have submitted written comments to appear at the hearing in order to be heard on their comments.
- 6 If the board applies the fifth paragraph, the parties will be notified of this in the invitation referred to in [Article 8:56](#).

Section 8.1.3. Referral, joinder and division**Article 8:13**

- 1 The court may refer a case pending before it for further hearing to the court seised of another case if it considers it desirable for those cases to be heard by a single court.
- 2 A request for referral can be made up until the commencement of the hearing.
- 3 If the court to which a case has been referred agrees to the referral, the documents relating to the case will be made available to it.

- 4 The first to third paragraphs apply accordingly if an appeal in first instance can be lodged with a court of appeal.

Article 8:13a

[Expired as of January 1, 2013]

Article 8:14

- 1 The administrative judge may join cases on the same or a related subject and may split the hearing of joined cases.
- 2 A request to this effect may be made until the close of the hearing.

Section 8.1.4. Disqualification and exoneration of judges**Article 8:15**

At the request of a party, any of the judges hearing a case may be recused on the grounds of facts or circumstances which might prejudice judicial impartiality.

Article 8:16

- 1 The request shall be made as soon as the facts or circumstances become known to the applicant.
- 2 The request must be submitted in writing and include reasons. It may also be submitted orally after the hearing begins, or after the hearing of parties or witnesses begins in the preliminary investigation.
- 3 All facts or circumstances must be presented simultaneously.
- 4 A subsequent request for disqualification of the same judge will not be considered unless facts or circumstances are presented that only became known to the applicant after the previous request.
- 5 If the request is made at the hearing, the hearing will be suspended.

Article 8:17

A judge whose recusal has been requested may agree to the recusal.

Article 8:18

- 1 The request for recusal will be dealt with as soon as possible at a hearing by a multi-member chamber in which the judge whose recusal has been requested is not a member.
- 2 The applicant and the judge whose recusal has been requested will be given the opportunity to be heard. The administrative judge may, ex officio or at the request of the applicant or the judge whose recusal has been requested, determine that they will not be heard in each other's presence.
- 3 The administrative judge will decide as soon as possible. The administrative judge will pronounce the decision publicly. The decision will be reasoned and communicated without delay to the applicant, the other parties, and the judge whose recusal was requested.
- 4 In the event of abuse, the administrative court may decide that a subsequent request will not be processed. This will be stated in the decision.
- 5 There is no legal remedy against this decision.

Article 8:19

- 1 On the basis of facts or circumstances as referred to in [Article 8:15](#), any of the judges hearing a case may request to be excused.
- 2 The request must be submitted in writing and include reasons. It can also be submitted orally after the hearing begins, or after the hearing of parties or witnesses begins in the preliminary investigation.
- 3 If the request is made at the hearing, the hearing will be suspended.

Article 8:20

- 1 The request for a waiver will be dealt with as soon as possible by a multi-member chamber in which the judge who requested the waiver is not sitting.
- 2 The administrative judge will decide as soon as possible. The decision will be reasoned and communicated without delay to the parties and the judge who requested a hearing.
- 3 There is no legal remedy against this decision.

Section 8.1.5. Parties**Article 8:21**

- 1 Natural persons who are incapacitated are represented in legal proceedings by their legal representatives. The legal representative does not require the authorization of the subdistrict court judge, as referred to in [Article 349 of Book 1 of the Civil Code](#).
- 2 The persons referred to in the first paragraph may themselves appear in the proceedings if they can be considered capable of a reasonable assessment of their interests.
- 3 If no legal representative is present or unavailable and the case is urgent, the administrative court may appoint a provisional representative. The appointment will lapse as soon as a legal representative is

present or the legal representative becomes available again.

Article 8:22

- 1 In the event of bankruptcy or suspension of payments or application of the debt restructuring scheme for private individuals, Articles 25 , 27 and 31 of the Bankruptcy Act apply accordingly.
- 2 Articles 25, paragraph 2 , and 27 shall not apply if the parties have been invited to appear at a hearing of the administrative court before the bankruptcy is declared.

Article 8:23

- 1 An administrative body that is a board is represented in the proceedings by one or more members appointed by the administrative body.
- 2 The Crown shall be represented in the proceedings by Our Minister whom it may concern or by one or more of Our Ministers whom it may concern.

Article 8:24

- 1 Parties may be assisted or represented by an attorney.
- 2 The administrative judge may request written authorization from an authorized representative.
- 3 The second paragraph does not apply to lawyers.

Article 8:25

- 1 The administrative judge may refuse assistance or representation by a person against whom there are serious objections.
- 2 The party concerned and the person referred to in the first paragraph shall be informed without delay of the refusal and the reasons therefor.
- 3 The first paragraph does not apply to lawyers.

Article 8:26

- 1 Until the hearing is closed, the administrative judge may, ex officio, at the request of a party, or at their own request, grant interested parties the opportunity to participate in the proceedings as parties.
- 2 If the administrative court suspects that there are unknown interested parties, it can publish an announcement in the *Government Gazette that a case is pending before it. Besides the announcement in the Government Gazette*, another means of announcement may also be used.

Article 8:27

- 1 Parties summoned by the administrative court to appear in person, either in person or by proxy, whether or not to provide information, are obligated to appear and provide the requested information. Parties are reminded of this, as well as of Article 8:31 .
- 2 If it concerns a legal entity or an administrative body that is a board, the administrative judge may summon one or more specific directors or one or more specific members respectively.

Article 8:28

Parties requested by the administrative court to provide written information are obligated to provide the requested information. The parties are reminded of this, as well as of Article 8:31 .

Article 8:28a

- 1 If the appeal has been lodged against an administrative fine, by way of exception to Articles 8:27 and 8:28 , the party on whom the administrative fine has been imposed is not obliged to make statements regarding the violation.
- 2 Before the administrative judge hears this party, he informs her that she is not obliged to answer.

Article 8:29

- 1 Parties who are obliged to provide information or to submit documents may, if there are important reasons for doing so, refuse to provide information or to submit documents or inform the administrative judge that only he may take cognizance of the information or documents.
- 2 In any event, there are no compelling reasons for an administrative body to comply with a request for information contained in the documents to be submitted, insofar as the Open Government Act would require it to do so.
- 3 The administrative judge shall decide whether the refusal or restriction of access referred to in the first paragraph is justified.
- 4 If the administrative judge has decided that the refusal is justified, the obligation lapses.
- 5 If the administrative judge has decided that the restriction of access is justified, he may only issue a ruling based on that information or those documents with the consent of the other parties. If consent is refused, the case will be referred to another chamber.

- 6 In the event of an appeal against a decision under the Open Government Act , and insofar as this deviates from the first and third paragraphs, only the administrative court shall hear the documents for which disclosure or provision has been requested under the Open Government Act. The permission referred to in the fifth paragraph is granted automatically.

Article 8:30

Parties are obligated to cooperate with an investigation as referred to in Article 8:47, paragraph 1. The parties are reminded of this, as well as of Article 8:31 .

Article 8:31

If a party fails to comply with the obligation to appear, to provide information, to submit documents or to cooperate in an investigation as referred to in Article 8:47, first paragraph , the administrative court may draw such conclusions as it deems appropriate.

Article 8:32

- 1 If there are concerns that a party's access to documents could harm their physical or mental health, the administrative judge may determine that such access is reserved for an authorized representative who is a lawyer or physician, or who has received special permission from the administrative judge to do so.
- 2 If the inspection of documents by one party would disproportionately harm the privacy of another, the administrative court may determine that such inspection is reserved for an authorized representative who is a lawyer or physician or who has received special permission from the administrative court to do so.

Article 8:32a

The administrative judge may disregard information and documents provided by the parties if they do not, at the judge's request, indicate to explain or substantiate which statement the information and documents are intended to support and which part is relevant for that purpose.

Section 8.1.6. Witnesses, experts and interpreters**Article 8:33**

- 1 Anyone summoned as a witness by the administrative judge is obliged to respond to the summons and testify.
- 2 The summons shall state the place and time at which the witness will be heard, the facts to which the hearing will relate and the consequences of failure to appear.
- 3 Articles 165, second and third paragraphs , 172 , 173, first paragraph, first sentence, second and third paragraphs , 174, first paragraph , 175 , 176, first and third paragraphs , 177, first paragraph and 178 of the Code of Civil Procedure shall apply mutatis mutandis.
- 4 The administrative judge may determine that witnesses will not be heard until they have taken an oath or made an affirmation. In that case, they take an oath or made an affirmation that they will tell the whole truth and nothing but the truth.

Article 8:34

- 1 The expert who has accepted his appointment is obliged to carry out his duties impartially and to the best of his knowledge.
- 2 Article 165, paragraph 2, subparagraph b, and paragraph 3, of the Code of Civil Procedure shall apply mutatis mutandis.

Article 8:35

- 1 An interpreter who has accepted their appointment and is summoned by the administrative court is obligated to respond to the summons and to perform their duties impartially and to the best of their ability. Articles 172 and 178 of the Code of Civil Procedure apply accordingly.
- 2 The summons shall state the place and time at which the assignment must be performed and the consequences of failure to appear.

Article 8:36

- 1 Witnesses, experts, and interpreters summoned by the administrative court, and experts who conducted an investigation as referred to in Article 8:47, paragraph 1 , will be awarded compensation at the expense of the State. The provisions of and pursuant to the Criminal Cases Tariffs Act apply accordingly.
- 2 The party who brought or summoned a witness or expert, or to whom an expert report has been issued, is liable to pay compensation. The provisions of and pursuant to the Criminal Cases Fees Act apply accordingly.

Section 8.1.6a. Electronic communication with the administrative judge**Article 8:36a**

[Editor's note: This article came into effect in connection with the introduction of digital proceedings. For the procedures and courts to which digital proceedings apply, see the Overview of phased implementation at www.rijksoverheid.nl/KEI.]

- 1 An appeal shall be lodged electronically.
- 2 Parties and other involved parties must also submit other documents electronically, unless the administrative court determines otherwise. Article 6:9 applies accordingly.
- 3 The first and second paragraphs apply mutatis mutandis to the submission of requests and the filing of objections.
- 4 The first paragraph applies accordingly if an administrative body forwards an objection on the basis of Article 7:1a, fifth or sixth paragraph.
- 5 If the obligations arising from the first through third paragraphs or the general administrative measure referred to in Article 8:36f, first paragraph, have not been met, the administrative court shall give the relevant party or other involved party the opportunity to rectify this omission within a period to be determined by the court. If the party or other involved party does not avail itself of this opportunity, the appeal may be declared inadmissible, or the administrative court may disregard the document.
- 6 By way of exception to the fifth paragraph, the administrative court may determine that the proceedings shall continue in accordance with the rules applicable to the exchange of documents on paper.
- 7 After the expiry of the period, the administrative judge will take into account the documents submitted as referred to in the second paragraph in his decision if it cannot reasonably be judged that the submitter was in default.

Article 8:36b

[Editor's note: This article came into effect in connection with the introduction of digital proceedings. For the procedures and courts to which digital proceedings apply, see the Overview of phased implementation at www.rijksoverheid.nl/KEI.]

- 1 The obligation to conduct proceedings electronically does not apply to natural persons and associations whose articles of association are not included in a notarial deed, unless they are represented by a third party providing professional legal assistance.
- 2 Other exceptions to the obligation to exchange documents electronically as referred to in Article 8:36a may be made by general administrative measure.
- 3 If a party is not required to proceed electronically and does not proceed electronically, they will submit their documents on paper. The court clerk will make the documents and communications available to them on paper, or electronically if the party so chooses, and will make the documents submitted by this party available to the other parties.

Article 8:36c

[Editor's note: This article has been amended in connection with the introduction of digital proceedings. For the procedures and courts to which digital proceedings apply, see the Overview of phased implementation at www.rijksoverheid.nl/KEI.]

- 1 The time at which a notice is received electronically by the administrative court is the time at which the notice reaches the administrative court's digital data processing system. After each electronic submission, the submitter receives a confirmation of receipt in the digital data processing system.
- 2 The time at which a message placed by the administrative court in the digital data processing system referred to in the first paragraph is received by the addressee shall be the time at which the administrative court sent the addressee a notification thereof outside the digital data processing system.
- 3 The time at which a message placed by a party or another person involved in the proceedings in the digital data processing system referred to in the first paragraph is received by the other parties and persons involved in the proceedings shall be the time at which the administrative court sent a notification thereof to the persons involved outside the digital data processing system.
- 4 If a party or other person involved in the proceedings waives digital accessibility outside the digital data processing system referred to in the first paragraph, so that the notification referred to in the second and third paragraphs cannot be sent, the time at which a message referred to in those paragraphs is received by him shall be the time at which the message became accessible to him in the digital data processing system.

[Editor's note: For other cases, the article reads as follows:]

Article 8:36c.

- 1 The time at which a message is received electronically by the administrative court is the time at which the message reaches the administrative court's digital data processing system.
- 2 The time at which a message placed by the administrative court in the digital data processing system referred to in the first paragraph is received by the addressee shall be the time at which the administrative court sent the addressee a notification thereof outside the digital data processing system.
- 3 The time at which a message placed by a party or another person involved in the proceedings in the digital data processing system referred to in the first paragraph is received by the other parties and persons involved in the proceedings shall be the time at which the administrative court sent a notification thereof to the persons involved outside the digital data processing system.
- 4 If a party or other person involved in the proceedings waives digital accessibility outside the digital data processing system referred to in the first paragraph, so that the notification referred to in the second and third paragraphs cannot be sent, the time at which a message referred to in those paragraphs is received by him shall be the time at which the message became accessible to him in the digital data processing system.

Article 8:36d

- 1 Where Chapters 6 and 8 prescribe a signature for communications with the administrative court, this requirement is met if the document is signed with an electronic signature that meets the requirements to be established by or pursuant to general administrative measures.
- 2 An appeal or petition submitted electronically in the digital data processing system of the administrative court is considered signed.

Article 8:36e

The administrative judge may determine that an image or sound recording made by or on behalf of him of a business summary of:

- a. the provision of information referred to in Article 8:44 ,
- b. making oral comments as referred to in Article 8:45a, paragraph 2 ,
- c. the on-site investigation referred to in Articles 8:50 and 8:51 , and
- d. the hearing referred to in Article 8:61 ,

the minutes referred to in these Articles, or the note of the proceedings at the hearing referred to in Article 8:61, second paragraph , replaces.

Article 8:36f

- 1 By or pursuant to a general administrative measure, further rules may be established regarding electronic communication with the administrative court, the digital data processing system and the excusability of exceeding deadlines due to disruption of the digital data processing system of the judicial authorities or of access to this system.
- 2 Rules regarding the use of image and sound recordings may be established by or pursuant to general administrative measures.

Section 8.1.7. Dispatch of documents

Article 8:36g

[Editor's note: This article came into effect in connection with the introduction of digital proceedings. For the procedures and courts to which digital proceedings apply, see the Overview of phased implementation at www.rijksoverheid.nl/KEI.]

The registrar shall send messages electronically, with the exception of messages sent to a party as referred to in Article 8:36b , who has indicated that he wishes to receive them on paper.

Article 8:37

- 1 Summonses, invitations to appear at a hearing of the administrative court, invitations to state whether the right to be heard at the hearing is being exercised, as well as the sending of a copy of the judgment and of the official record of the oral judgment to an addressee to whom the obligation to proceed digitally as referred to in Article 8:36a does not apply and who does not proceed digitally, shall be effected by the clerk of the court by registered letter, unless the administrative court determines otherwise.
- 2 In all other respects, the registrar shall send documents to the addressees referred to in the first paragraph by ordinary letter, unless the administrative court determines otherwise.
- 3 A letter mentions the date of dispatch.

Article 8:38

- 1 If the clerk receives a document sent by registered mail and it appears that the addressee was registered in the Personal Records Database at the address stated on the document on the day of dispatch or at the

latest one week thereafter, he will send the document as soon as possible by regular mail.

- 2 In other cases where the clerk receives a document sent by registered mail, he will, if possible, correct the address stated on the document and send the document again by registered mail.

Article 8:39

- 1 The clerk of the court shall send the documents relating to the case to the parties as soon as possible, unless the administrative court has decided otherwise pursuant to [Articles 8:29](#) or [8:32](#) or unless the documents concerned have been requested for publication or provision pursuant to the [Open Government Act](#).
- 2 The court clerk may omit the dispatch of very voluminous documents or documents that are difficult to reproduce. He shall notify the parties thereof, stating that these documents will be available for inspection at the court clerk's office for a period of at least one week, to be determined by the clerk.
- 3 Parties may obtain copies of or extracts from the documents referred to in the second paragraph. With regard to costs, the provisions of and pursuant to the [Criminal Cases Tariffs Act](#) apply accordingly.

Article 8:40

If the notice of appeal has been filed by two or more persons, it is sufficient to send the summons, the invitation to appear at a hearing of the administrative court, the documents relating to the case and a copy of the ruling or the minutes of the oral ruling to the person first mentioned in the notice of appeal.

Article 8:40a

[Editor's note: This article has been amended in connection with the introduction of digital proceedings. For the procedures and courts to which digital proceedings apply, see the Overview of phased implementation at www.rijksoverheid.nl/KEI.]

[Editor's note: Expired.]

[Editor's note: For other cases, the article reads as follows:]

Article 8:40a

- 1 [Section 2.3](#) applies mutatis mutandis to communications with the administrative court.
- 2 Further rules regarding electronic communication with the administrative court may be established by or pursuant to general administrative order.
- 3 Further rules regarding the use of videoconferencing may be established by or pursuant to general administrative measures.

Title 8.2. Treatment of the appeal in first instance

Section 8.2.1. Court fees

Article 8:41

- 1 The registrar shall levy a court fee from the person who files the appeal.
- 2 The court fee is:
 - a. €50 if an appeal has been lodged by a natural person against a decision as described in the [Reduced Court Fee Regulation](#) annexed to this Act ,
 - b. €184 if an appeal has been lodged by a natural person against another decision,
 - c. €365 if the appeal is lodged by a person other than a natural person.
- 3 If the appeal concerns two or more related decisions, or if two or more applicants appeal against the same decision, a single court fee is due. This fee is equal to the highest of the amounts that would have been due if the second paragraph had been applied.
- 4 The registrar shall inform the person filing the appeal of the court fee payable and shall refer him/her to the provisions of the fifth and sixth paragraphs.
- 5 The court fee must be credited to the court's account or paid to the court registry within four weeks of the date of dispatch of the notice by the clerk of the court.
- 6 If the amount has not been credited or deposited on time, the appeal will be inadmissible, unless it cannot reasonably be judged that the applicant was in default.
- 7 If the appeal is withdrawn because the administrative body has fully or partially complied with the appellant's request, the administrative body will reimburse the appellant for the court fee paid by him/her.
- 8 In other cases, if the appeal is withdrawn, the administrative body may reimburse all or part of the court fee paid.

Section 8.2.1a. General provision

Article 8:41a

The administrative judge shall settle the dispute submitted to him as definitively as possible.

Section 8.2.2. Preliminary investigation**Article 8:42**

- 1 Within four weeks of the date the grounds for the appeal are sent to the administrative body, the body must send the documents relating to the case to the administrative court and may file a statement of defense. If the administrative court has requested a statement of defense, the administrative body must file one within four weeks.
- 2 The administrative judge may extend the terms referred to in the first paragraph.

Article 8:43

- 1 The administrative court may give the appellant the opportunity to submit a written reply. In that case, the administrative body will be given the opportunity to submit a written rejoinder. The administrative court will set the deadlines for the reply and rejoinder.
- 2 The administrative judge shall give parties other than those referred to in the first paragraph the opportunity to submit at least one written statement regarding the case. He shall set a deadline for this.

Article 8:44

- 1 The administrative court may summon parties to appear in person, either in person or by proxy, for a hearing, whether or not to provide information. If not all parties are summoned, those not summoned will be given the opportunity to attend the hearing and present their case.
- 2 The clerk will draw up a report of the information provided.
- 3 It is signed by the chairperson and the clerk. If the chairperson or clerk is unable to attend, this will be noted in the minutes.

Article 8:45

- 1 The administrative judge may request parties and others to provide written information and to submit documents in their possession within a period to be determined by the judge.
- 2 Administrative bodies, even if they are not a party, are obligated to comply with the request referred to in the first paragraph. Article 8:29 applies accordingly.
- 3 Employers of parties, even if they are not parties, are obligated to comply with the request referred to in the first paragraph. Article 8:29 applies accordingly.
- 4 The parties shall be notified of the administrative court's intention to request information or advice from the European Commission pursuant to the first paragraph of Article 15 of Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ L 1, 2003, p. 1). The administrative court may give the parties the opportunity to submit their wishes regarding the information or advice to be requested in writing within a period to be determined by the court.
- 5 Article 8:29 applies mutatis mutandis to the provision of information or advice by the European Commission.
- 6 Parties may submit their views on the information or advice from the European Commission in writing within four weeks of its dispatch. The administrative court may extend this period.

Article 8:45a

- 1 The European Commission and the Netherlands Authority for Consumers and Markets (ACM), acting as non-parties, may submit written observations pursuant to the first subparagraph of Article 15, paragraph 3, of the regulation referred to in Article 8:45, paragraph 4, if they have expressed their wish to do so. The administrative court may set a deadline for this.
- 2 With the permission of the administrative court, the European Commission and the Netherlands Authority for Consumers and Markets may also submit oral submissions. The administrative court may invite the European Commission and the Netherlands Authority for Consumers and Markets to submit oral submissions. The parties shall be given the opportunity to be present. Article 8:44, paragraphs two and three, apply accordingly.
- 3 The administrative court shall notify the parties in writing of the documents which it shall provide to the European Commission or the Netherlands Authority for Consumers and Markets (ACM) pursuant to the second subparagraph of the third paragraph of Article 15 of the Regulation with a view to their observations.
- 4 Parties may submit their written views on the comments or the official report of the comments from the European Commission or the Netherlands Authority for Consumers and Markets (ACM) within four weeks of the date of dispatch to them. The administrative court may extend this period.

Article 8:46

- 1 The administrative judge may summon witnesses.

- 2 The administrative judge shall inform the parties at least one week in advance of the names and addresses of the witnesses, the place and time at which they will be heard and the facts to which the hearing will relate.
- 3 Articles 179, first, second and third paragraphs, first sentence , and 180, first to third and fifth paragraphs, of the Code of Civil Procedure shall apply mutatis mutandis.

Article 8:47

- 1 The administrative judge may appoint an expert to conduct an investigation.
- 2 The appointment shall state the task to be fulfilled and the term referred to in the fourth paragraph.
- 3 The parties shall be notified of the intention to appoint an expert as referred to in the first paragraph. The administrative court may give the parties the opportunity to submit their wishes regarding the investigation in writing within a period to be determined by the court.
- 4 The administrative judge sets a time limit within which the expert must submit a written report of the investigation to him.
- 5 The parties may submit their views on the report in writing within four weeks after the date of dispatch to them.
- 6 The administrative judge may extend the term referred to in the fifth paragraph.

Article 8:48

- 1 The physician who must examine a person in order to initiate an investigation as referred to in Article 8:47, first paragraph , may obtain information about that person that is relevant to the investigation from the treating physician or physicians, the insurance physician and the advisory physician of the administrative body.
- 2 They shall provide the requested information provided that this does not disproportionately harm the personal privacy of the person concerned.

Article 8:49

The administrative judge can appoint interpreters.

Article 8:50

- 1 The administrative judge may conduct an on-site investigation. He or she may access any location reasonably necessary to perform his or her duties.
- 2 Administrative bodies shall provide the cooperation required in the interests of the investigation.
- 3 The parties will be notified of the location and time of the investigation. They may be present at the investigation.
- 4 The clerk shall draw up a report of the investigation.
- 5 It is signed by the chairperson and the clerk. If the chairperson or clerk is unable to attend, this will be noted in the minutes.

Article 8:51

- 1 The administrative judge may instruct the court clerk to conduct an on-site investigation. The clerk has access to any location reasonably necessary to perform the assigned task. The administrative judge is authorized to issue a warrant for entry.
- 2 Article 8:50, second and third paragraphs , apply accordingly.
- 3 The clerk shall draw up a report of the investigation and sign it.

Section 8.2.2a. Administrative loop**Article 8:51a**

- 1 The administrative court may give the administrative body the opportunity to rectify or have rectified a defect in the contested decision. The previous sentence does not apply if interested parties who are not participating as parties to the proceedings could be disproportionately disadvantaged as a result.
- 2 The administrative court determines the period within which the administrative body can remedy the deficiency. This period can be extended.

Article 8:51b

- 1 The administrative body shall inform the administrative court as soon as possible whether it will use the opportunity to remedy the defect or have it remedied.
- 2 If the administrative body decides to remedy the deficiency, it shall inform the administrative court in writing as soon as possible of the manner in which the deficiency has been remedied.
- 3 Within four weeks of the dispatch of the notification referred to in the second paragraph, the parties may submit their written views on how the defect has been remedied. The administrative court may extend this period.

Article 8:51c

The administrative judge will inform the parties how the appeal will be further handled within four weeks after:

- a. receipt of the notification from the administrative body that it will not use the opportunity to remedy the defect or have it remedied;
- b. the unused expiry of the period referred to in [Article 8:51a, second paragraph](#) ;
- c. receipt of the views; or
- d. the unused expiry of the period referred to in [Article 8:51b, third paragraph](#) .

Article 8:51d

If the highest administrative court issues a ruling, it may order the administrative body to rectify or have rectified a defect in the contested decision. [Articles 8:51a, paragraph 1, second sentence, and paragraph 2](#) , [8:51b, paragraphs 2 and 3](#) , and [8:51c, introductory sentence and parts b through d](#) , apply.

Section 8.2.3. Accelerated treatment**Article 8:52**

- 1 If the case is urgent, the administrative judge may determine that it be dealt with expeditiously.
- 2 In that case, the administrative judge can:
 - a. shorten the period referred to in [Article 8:41, fifth paragraph](#) ,
 - b. shorten the terms referred to in [Article 8:42, first paragraph](#) ,
 - c. disregard [Article 8:43, paragraph 2](#) , in whole or in part,
 - d. disregard [Article 8:47, third paragraph](#) , in whole or in part,
 - e. shorten the period referred to in [Article 8:47, fifth paragraph](#) , and
 - f. shorten the period referred to in [Article 8:58, first paragraph](#) .
- 3 If the administrative judge decides that the case will be handled expeditiously, he or she will also determine the hearing date as soon as possible and notify the parties thereof without delay. [Article 8:56](#) does not apply.

Article 8:53

If the administrative judge finds during the hearing that the case is not sufficiently urgent to justify expedited treatment or that the case requires ordinary treatment, he will determine that the case will continue to be handled in the ordinary manner.

Section 8.2.4. Simplified treatment**Article 8:54**

- 1 Until the parties have been invited to appear at a hearing before the administrative court, the administrative court may close the investigation if further investigation is not necessary because:
 - a. the administrative judge is apparently incompetent,
 - b. the appeal is manifestly inadmissible,
 - c. the appeal is clearly unfounded, or
 - d. the appeal is clearly well-founded.
- 2 In the decision following application of the first paragraph, the parties are referred to [Article 8:55, first paragraph](#) .

Article 8:54a

- 1 Until the parties have been invited to appear at a hearing before the administrative court, the administrative court may close the investigation if further investigation is not necessary because the administrative body has manifestly wrongly agreed to a direct appeal to the administrative court.
- 2 In that case, the ruling requires the administrative body to treat the appeal as an objection. [Article 7:10](#) applies accordingly.

Article 8:55

- 1 An interested party and the administrative body may appeal against the decision referred to in [Article 8:54, second paragraph](#) , to the administrative court.
- 2 [Articles 6:4, third paragraph](#) , [6:5 to 6:9](#) , [6:11](#) , [6:14](#) , [6:15](#) , [6:17](#) and [6:21](#) apply accordingly.
- 3 If the effect of a judgment is suspended by law until the period for lodging an appeal has expired or, if an appeal has been lodged, a decision has been made on the appeal, the effect of the judgment referred to in [Article 8:54, second paragraph](#) , shall be suspended accordingly.
- 4 Before issuing a ruling on the objection, the administrative court will grant the person who has requested the objection the opportunity to be heard at a hearing, unless the court finds the objection well-founded. In other cases, the administrative court may grant the person who has requested the hearing.

- 5 The administrative judge may also give the other parties the opportunity to be heard at the hearing referred to in the fourth paragraph.
- 6 If the decision against which an appeal has been lodged was rendered by a full-member chamber, the decision on the appeal will be rendered by a full-member chamber. The chamber ruling on the appeal will not include anyone who sat in the chamber that rendered the decision against which the appeal has been lodged.
- 7 The ruling extends to:
 - a. declaration of inadmissibility of the objection,
 - b. declaration of the objection as unfounded, or
 - c. declaration of the objection's validity.
- 8 If the administrative court declares the objection inadmissible or unfounded, the decision against which the objection was lodged remains in force.
- 9 If the administrative court declares the objection well-founded, the decision against which the objection was lodged will be vacated and the investigation will continue at the stage it was in.
- 10 If the administrative judge finds the objection well-founded, he may also rule on the appeal, provided that:
 - a. further investigation cannot reasonably contribute to the assessment of the case, and
 - b. the parties have been given the opportunity to be heard at a hearing and have been informed of the authority to also rule on the appeal.

Section 8.2.4a. Appeal for failure to act in a timely manner

Article 8:55a

[Expired as of October 1, 2009]

Article 8:55b

- 1 If the appeal is directed against the failure to take a decision in a timely manner, the administrative court shall issue a ruling within eight weeks after the notice of appeal has been received and the requirements of [Article 6:5](#) have been met, applying [Article 8:54](#) , unless the administrative court deems a hearing necessary.
- 2 If the administrative judge deems an investigation at a hearing necessary, he shall inform the parties of this as soon as possible.
- 3 If the administrative court deems a hearing necessary, it will, if possible, handle the appeal in accordance with [Article 8:52](#) . In that case, the administrative court will, if possible, issue a ruling within thirteen weeks.

Article 8:55c

If the appeal is well-founded, the administrative court will, upon request, also determine the amount of the penalty forfeited pursuant to [Section 4.1.3](#) . [Articles 611c](#) and [611g of the Code of Civil Procedure](#) apply accordingly.

Article 8:55d

- 1 If the appeal is well-founded and no decision has yet been announced, the administrative court will determine that the administrative body will announce a decision within two weeks of the date on which the ruling is sent.
- 2 The administrative court will attach an additional penalty to its ruling for each day the administrative body fails to comply with the ruling. [Articles 611c](#) and [611g of the Code of Civil Procedure](#) apply accordingly.
- 3 In special cases or if compliance with other statutory provisions so requires, the administrative court may determine a different term or make other arrangements.

Article 8:55e

- 1 If an objection is lodged against the decision made pursuant to [Article 8:54](#) , the administrative court shall decide on the matter within six weeks.
- 2 [Article 8:55, third paragraph](#) , does not apply.
- 3 If the objection is well-founded, the administrative judge will decide on the appeal as soon as possible.

Article 8:55f

- 1 If an interested party fails to make a decision by operation of law public in a timely manner, he or she may appeal to the administrative court.
- 2 This section applies accordingly.

Section 8.2.5. Examination at the hearing

Article 8:56

After the preliminary investigation, the parties will be invited at least three weeks in advance to appear at a hearing before the administrative court at a time and place specified in the invitation.

Article 8:57

- 1 The administrative judge may order that the hearing be omitted if none of the parties, after having been informed of their right to be heard at the hearing, has stated within a reasonable period set by the judge that they wish to exercise this right.
- 2 If the appeal has already been heard at a hearing, the administrative court may, after applying [Article 8:51a](#), determine that a further hearing will not take place if:
 - a. the administrative body has stated that it will not use the opportunity to remedy the defect or have it remedied;
 - b. the term referred to in [Article 8:51a, second paragraph](#), has expired unused;
 - c. the parties have presented their views on the manner in which the defect has been remedied; or
 - d. the period referred to in [Article 8:51b, third paragraph](#), has expired unused, unless the parties could be disadvantaged as a result.
- 3 If the administrative judge decides that the investigation or further investigation at the hearing will not take place, he will close the investigation.

Article 8:58

- 1 Parties may submit additional documents up to ten days before the hearing.
- 2 The parties shall be informed of this authority in the invitation referred to in [Article 8:56](#).

Article 8:59

The administrative judge may summon a party to appear in person or by proxy, whether or not to provide information.

Article 8:60

- 1 The administrative judge can summon witnesses and appoint experts and interpreters.
- 2 The summoned witness and the expert or interpreter who has accepted their appointment and is summoned by the administrative court are obligated to comply with the summons. [Articles 172 and 178 of the Code of Civil Procedure](#) apply accordingly. The summons for the expert shall specify the task to be performed, the place and time at which the task must be performed, and the consequences of failure to appear.
- 3 The names and places of residence of the witnesses and experts summoned and the facts to be heard and the assignment to be performed shall be communicated to the parties as much as possible in the invitation referred to in [Article 8:56](#).
- 4 Parties may bring witnesses and experts or summon them by registered letter or bailiff's writ, provided that the administrative court and the other parties are notified of this no later than ten days before the hearing date, stating their names and addresses. The parties are informed of this right in the invitation referred to in [Article 8:56](#).

Article 8:60a

- 1 The written comments of the European Commission or the Netherlands Authority for Consumers and Markets, referred to in [Article 8:45a, first paragraph](#), may be submitted up to ten days before the hearing.
- 2 If the European Commission or the Netherlands Authority for Consumers and Markets (ACM) appears at the hearing to make oral submissions, the parties will be notified of this as much as possible when they are invited to the hearing. [Article 8:45a, paragraph 3](#), applies accordingly.

Article 8:61

- 1 The President shall preside over the meeting.
- 2 The clerk keeps notes of the proceedings at the hearing.
- 3 The clerk shall keep minutes of the hearing:
 - a. if the administrative judge so determines ex officio or at the request of a party with an interest therein, or
 - b. at the request of the higher court of appeal or the Supreme Court.
- 4 It contains the names of the judge or judges hearing the case, those of the parties and their representatives or agents who appeared at the hearing and of those who assisted them, and those of the witnesses, experts and interpreters who appeared at the hearing.
- 5 It contains a record of what occurred at the hearing with regard to the case.
- 6 It is signed by the chairperson and the clerk. If the chairperson or clerk is unable to attend, this will be noted in the minutes.
- 7 Submitted statements of defense may be attached to the minutes.
- 8 The administrative judge may order that the statement of a party, witness, or expert be included in its entirety in the official report. In that case, the statement will be immediately put in writing and read aloud to

the party, witness, or expert. The party, witness, or expert may make amendments to it, which will be put in writing and read aloud to the party, witness, or expert. The statement will be signed by the party, witness, or expert. If the statement is not signed, the reason will be stated in the official report.

- 9 After the administrative court has applied Article 8:36e, the higher court of appeal or the Supreme Court may request that a written transcript of the spoken text of the image or sound recording be drawn up.
- 10 The clerk who draws up a report shall make it available to the parties if the third paragraph, opening sentence and under a, applies.

Article 8:62

- 1 The hearing is public.
- 2 The administrative judge may determine that the hearing will take place in camera, either wholly or partially:
 - a. in the interest of public order or morality,
 - b. in the interest of state security,
 - c. if the interests of minors or respect for the privacy of the parties so require, or
 - d. if publicity would seriously harm the interests of sound legal proceedings.

Article 8:63

- 1 Article 179, paragraphs two and three, first sentence, of the Code of Civil Procedure applies mutatis mutandis to the hearing of witnesses and experts. Article 179, paragraph one, of the Code of Civil Procedure applies mutatis mutandis to the hearing of witnesses.
- 2 The administrative judge may refrain from hearing witnesses and experts brought or summoned by a party if he or she believes that this cannot reasonably contribute to the assessment of the case.
- 3 If a witness or expert summoned by a party has not appeared, the administrative court may summon them. In that case, the administrative court will suspend the hearing.

Article 8:64

- 1 The administrative judge may suspend the hearing. He may also order the preliminary investigation to resume.
- 2 If no date for the additional hearing is set at the time of the suspension, the administrative judge will set one as soon as possible. The court clerk will notify the parties of the date of the additional hearing as soon as possible.
- 3 In cases where the hearing has been suspended, the case will be resumed at the next hearing in the same state as it was.
- 4 The administrative judge may determine that the investigation will be resumed at the hearing.
- 5 The administrative court may order that the additional hearing be omitted if none of the parties, after being informed of their right to be heard at the hearing, has declared within a reasonable period set by the court that they wish to exercise this right. Article 8:57, paragraphs two and three, apply.

Article 8:65

- 1 The administrative judge will close the investigation at the hearing when he or she is of the opinion that it has been completed.
- 2 Before the hearing is closed, the parties have the right to speak for the last time.
- 3 Once the hearing is closed, the presiding judge will announce when the decision will be made.

Section 8.2.6. Ruling

Article 8:66

- 1 Unless an oral decision is made, the administrative judge shall make a written decision within six weeks after the closure of the investigation.
- 2 In exceptional circumstances, the administrative court may extend this period by a maximum of six weeks.
- 3 The parties will be notified of this extension.

Article 8:67

- 1 The administrative judge may issue an oral ruling immediately after the hearing has concluded. The ruling may be postponed for a maximum of one week, with notice to the parties of the ruling's timing.
- 2 The oral decision consists of the decision and the grounds for the decision.
- 3 The registrar shall draw up a record of the oral decision.
- 4 It is signed by the chairperson and the clerk. If the chairperson or clerk is unable to attend, this will be noted in the minutes.
- 5 The administrative court shall pronounce the decision referred to in the second paragraph publicly, in the presence of the court clerk. The decision shall specify by whom, within what timeframe, and before which administrative court which legal remedy may be sought.

- 6** The notification referred to in the second sentence of the fifth paragraph shall be included in the official report.

Article 8:68

- 1** If the administrative judge finds the investigation incomplete, he or she may reopen it. The administrative judge will then determine how the investigation will proceed.
- 2** The registrar shall notify the parties thereof as soon as possible.

Article 8:69

- 1** The administrative judge will render a decision based on the notice of appeal, the documents submitted, the preliminary investigation and the hearing.
- 2** The administrative judge supplements the legal grounds ex officio.
- 3** The administrative judge may supplement the facts ex officio.

Article 8:69a

The administrative court shall not annul a decision on the grounds that it is contrary to a written or unwritten legal rule or a general legal principle if that rule or principle is clearly not intended to protect the interests of the person invoking it.

Article 8:70

The ruling extends to:

- a.** declaration of incompetence of the administrative judge,
- b.** declaration of inadmissibility of the appeal,
- c.** dismissal of the appeal, or
- d.** declaration of the appeal's well-founded.

Article 8:71

If a claim can only be filed with the civil court, this will be stated in the ruling. The civil court is bound by that decision.

Article 8:72

- 1** If the administrative court finds the appeal well-founded, it shall annul the contested decision in whole or in part.
- 2** The annulment of a decision or part of a decision entails the annulment of the legal consequences of that decision or of the annulled part thereof.
- 3** The administrative judge may determine that:
- a.** the legal consequences of the annulled decision or the annulled part thereof remain in force in whole or in part, or
 - b.** his decision replaces the annulled decision or the annulled part thereof.
- 4** If application of the third paragraph is not possible, the administrative court may order the administrative body to take a new decision or perform another act in accordance with its instructions. In doing so, it may:
- a.** determine that statutory provisions concerning the preparation of the new decision or other act shall not apply in whole or in part;
 - b.** set a time limit for the administrative body to take the new decision or perform the other act.
- 5** If necessary, the administrative judge may issue interim relief. In doing so, he or she will determine the date on which the interim relief expires.
- 6** The administrative court may determine that, if or as long as the administrative body fails to comply with a ruling, the administrative body will owe a penalty to be determined in the ruling to a party designated by the court. Articles 611a, paragraph 4 , 611b through 611d , and 611g of the Code of Civil Procedure apply accordingly.

Article 8:72a

If the administrative court annuls a decision to impose an administrative fine, it shall make a decision on the imposition of the fine and shall determine that its judgment shall replace the annulled decision in that respect.

Article 8:73

[Expired as of July 1, 2013]

Article 8:73a

[Expired as of July 1, 2013]

Article 8:74

- 1 If the administrative court finds the appeal well-founded, the ruling also stipulates that the administrative body will reimburse the appellant for the court fees paid by him.
- 2 In other cases, the ruling may stipulate that the administrative body will reimburse the court fees paid in full or in part.

Article 8:75

- 1 The administrative court has exclusive jurisdiction to order a party to pay the costs reasonably incurred by another party in connection with the handling of the appeal to the administrative court, the objection, or the administrative appeal. Articles 7:15, second through fourth paragraphs , and 7:28, second, fourth, and fifth paragraphs , apply. A natural person may only be ordered to pay costs in the event of manifestly unreasonable use of procedural law. Further rules shall be established by general administrative order concerning the costs to which an order as referred to in the first sentence may exclusively relate and the manner in which the amount of the costs is determined in the judgment.
- 2 In the event of an award of costs on behalf of a party who has been granted legal aid under the Legal Aid Act in connection with an appeal to the administrative court, an objection, or an administrative appeal , the amount of the costs will be paid to the legal aid provider. The legal aid provider will compensate the interested party as much as possible for the personal contribution paid by the latter. The legal aid provider will notify the Legal Aid Board of any reimbursement of costs from the administrative body.

Article 8:75a

- 1 If the appeal is withdrawn because the administrative body has fully or partially complied with the appellant's request, the administrative body may, at the appellant's request, be ordered to pay the costs in a separate decision pursuant to Article 8:75 . The request must be submitted simultaneously with the withdrawal of the appeal. If this requirement is not met, the request will be declared inadmissible.
- 2 The administrative court will, if necessary, give the applicant the opportunity to explain the request in writing and the administrative body the opportunity to submit a defense. They will set deadlines for this. If the request is submitted orally, the administrative court may order that the explanation of the request and the defense be conducted orally immediately.
- 3 If the request has been explained orally and the defense has been presented orally, the administrative court will close the investigation. In other cases, Sections 8.2.4 and 8.2.5 apply accordingly.

Article 8:76

To the extent that a judgment provides for compensation for court fees, legal costs or damages as referred to in Articles 8:74 , 8:75 , 8:75a , 8:82, fourth paragraph , 8:87, third paragraph , or 8:95, it constitutes an enforceable title which can be enforced in accordance with the provisions of the Code of Civil Procedure .

Article 8:77

- 1 The written decision states:
 - a. the names of the parties and of their representatives or agents,
 - b. the grounds for the decision,
 - c. the decision,
 - d. the name of the judge or judges who heard the case,
 - e. the day on which the decision is pronounced, and
 - f. by whom, within what time period and before which administrative court which legal remedy can be used.
- 2 If the decision upholds the appeal, it shall state which written or unwritten legal rule or general legal principle is deemed to have been violated.
- 3 The ruling is signed by the presiding judge and the clerk of the court. If the presiding judge or the clerk is unable to attend, this will be noted in the ruling.

Article 8:78

The verdict will be pronounced in public.

Article 8:79

- 1 Within two weeks of the date of the judgment, the registrar shall make a copy of the judgment or the minutes of the oral judgment available to the parties free of charge.
- 2 Persons other than the parties may obtain copies or extracts of the judgment or the transcript of the oral judgment. With regard to costs, the provisions of and pursuant to the Criminal Cases Tariffs Act apply accordingly.
- 3 By way of exception to the second paragraph, if the judgment concerns the application of Articles 101 or 102 of the Treaty on the Functioning of the European Union, the registrar shall, in accordance with the second paragraph of Article 15 of the regulation referred to in Article 8:45, fourth paragraph , provide a copy of the judgment or of the minutes of the oral judgment to the European Commission without delay and

free of charge. This provision shall be made through the Judicial Council, unless it concerns a judgment of the Supreme Court or the Administrative Jurisdiction Division of the Council of State.

Article 8:80

- 1 If the administrative court annuls, in whole or in part, a decision that is not addressed to one or more interested parties, the competent administrative body shall communicate the ruling in the manner prescribed for the publication of that decision.
- 2 The first paragraph also applies if the administrative court annuls another decision in whole or in part and in doing so applies Article 8:72, third paragraph, opening sentence and under b.

Section 8.2.7. Interim decision

Article 8:80a

- 1 If the administrative judge applies Article 8:51a, he will issue an interim decision.
- 2 The interim decision shall state as much as possible how the defect can be remedied.
- 3 Articles 8:72, fourth paragraph, second sentence, opening sentence and under a, 8:77, 8:78, 8:79 and 8:119 apply accordingly.

Article 8:80b

- 1 The administrative court may also issue an interim decision before the parties have been invited to appear at a hearing before the administrative court.
- 2 The administrative court may also issue an interim ruling orally. Article 8:67, paragraphs two through five, applies accordingly.
- 3 If necessary, the administrative judge may issue interim relief. In that case, the judge will determine when the interim relief expires.
- 4 The interim measure referred to in the third paragraph shall in any event lapse as soon as:
 - a. the appeal has been withdrawn; or
 - b. the administrative court has rendered a decision as referred to in Article 8:66, first paragraph, unless a different time has been specified in that decision.

Title 8.3. Interim relief and immediate judgment in the main case

Article 8:81

- 1 If an appeal has been lodged against a decision with the administrative court or, prior to a possible appeal to the administrative court, an objection has been lodged or an administrative appeal has been lodged, the interim relief judge of the administrative court that has or may become competent in the main proceedings may, upon request, grant interim relief if urgent action, given the interests involved, so requires.
- 2 If an appeal has been lodged with the administrative court, a request for interim relief may be made by a party to the main proceedings.
- 3 If an objection has been lodged or an administrative appeal has been filed prior to a possible appeal to the administrative court, a request for interim relief may be submitted by the submitter of the objection, the submitter of the appeal, or the interested party who is not entitled to lodge an administrative appeal.
- 4 Articles 6:4, third paragraph, 6:5, 6:6, 6:14, 6:15, 6:17, 6:19, and 6:21 apply mutatis mutandis. The petitioner who has filed an objection or appeal must submit a copy of the notice of objection or appeal.
- 5 If a request for interim relief is submitted after an objection has been filed or an administrative appeal has been lodged, and a decision is made on this objection or appeal before the hearing, the applicant will be given the opportunity to appeal to the administrative court. A request for interim relief is considered equivalent to a request submitted pending the appeal to the administrative court.

Article 8:82

- 1 The registrar shall levy a court fee from the applicant.
- 2 The court fee is equal to the court fee that the applicant is or would be liable to pay for the main proceedings at the time the application is filed.
- 3 Article 8:41, paragraphs three through six, applies accordingly, provided that the period for crediting or depositing the court fee is two weeks. The interim relief judge may set a shorter period.
- 4 The registrar will refund the court fee if the request is withdrawn:
 - a. because the administrative body has notified the interim relief judge in writing that it will suspend the implementation of the contested decision during the main proceedings, or
 - b. because the interested party to whom the contested decision is addressed has informed the interim relief judge in writing that he will take the requested interim measures.
- 5 The ruling may stipulate that the administrative body will reimburse all or part of the court fees paid.
- 6 In other cases, the administrative body may reimburse the court fees paid in full or in part.

Article 8:83

- 1 The parties shall be invited as soon as possible to appear at a hearing at a time and place specified in the invitation. Within a period to be determined by the interim relief judge, the administrative body shall send the documents relating to the case to him. Articles 8:45, fourth through sixth paragraphs , and 8:45a shall apply mutatis mutandis, with the understanding that the interim relief judge may order that the views referred to in these articles be presented orally at the hearing. Article 8:58 shall apply mutatis mutandis, with the understanding that additional documents may be submitted up to one day before the hearing. Articles 8:59 , 8:60 , 8:60a, second paragraph , and 8:61 through 8:65 shall apply mutatis mutandis, with the understanding that witnesses and experts may be brought or summoned without the notification referred to in the first sentence of Article 8:60, fourth paragraph , shall be given.
- 2 If an administrative appeal has been filed, the appeals body will also be invited to appear at the hearing. The appeals body will be given the opportunity to present its case at the hearing.
- 3 If the interim relief judge is manifestly incompetent or the application is manifestly inadmissible, manifestly unfounded or manifestly well-founded, the interim relief judge may give a decision without applying the first paragraph.
- 4 If urgent action is required and the interests of the parties are not thereby prejudiced, the interim relief judge may also give a ruling in other cases without applying the first paragraph.

Article 8:84

- 1 The interim relief judge shall render a decision as soon as possible, either in writing or orally.
- 2 The ruling extends to:
 - a. declaration of incompetence of the interim relief judge,
 - b. declaration of inadmissibility of the request,
 - c. rejection of the request, or
 - d. full or partial granting of the request.
- 3 The interim relief judge may make the full or partial granting of the request subject to the condition that the petitioner provides financial security for the benefit of the legal entity to which the administrative body belongs.
- 4 The registrar shall without delay send a copy of the judgment or of the minutes of the oral judgment to the parties free of charge.
- 5 Articles 8:67, second to fifth paragraphs , 8:68 , 8:69 , 8:72, fourth paragraph, second sentence, opening sentence and under b, and sixth paragraph , 8:75 , 8:75a , 8:76 , 8:77, first and third paragraphs , 8:78 , Article 8:79, second and third paragraphs , and 8:80 apply accordingly.

Article 8:85

- 1 The interim relief judge may determine in his ruling when the interim measure will lapse.
- 2 In any event, the interim measure shall lapse as soon as:
 - a. the period for filing an appeal with the administrative court against the decision taken on objection or in administrative appeal has expired unused,
 - b. the objection or appeal has been withdrawn, or
 - c. the administrative judge has made a decision.

Article 8:86

- 1 If the request is made when an appeal has been lodged with the administrative court and the interim relief judge is of the opinion that further investigation cannot reasonably contribute to the assessment of the case after the hearing referred to in Article 8:83, first paragraph , he may immediately give judgment in the main case.
- 2 If the administrative court in first and highest instance issues a ruling, the first paragraph may only be applied if the parties have given their consent.
- 3 In the invitation referred to in Article 8:83, first paragraph , the parties are informed of the jurisdiction referred to in the first paragraph and, if the administrative court in first and highest instance issues a decision, also of the condition referred to in the second paragraph.

Article 8:87

- 1 The interim relief judge may, also ex officio, lift or amend an interim measure, even if it was imposed pursuant to Article 8:72, fifth paragraph .
- 2 Articles 8:81, paragraphs two, three, and four , and 8:82 through 8:86 apply mutatis mutandis. If an objection or administrative appeal has been filed prior to a possible appeal to the administrative court, a request for revocation or amendment may also be submitted by an interested party directly affected by the interim measure, by the administrative body, or by the appeals body.
- 3 If a request for cancellation or amendment has been made by the administrative body or the appeals body and the request is granted in whole or in part, the decision may include a refund of the court fee paid by the

registrar to the administrative body.

Title 8.4. Compensation

Article 8:88

- 1 The administrative court is authorised, at the request of an interested party, to order an administrative body to compensate the interested party for damage suffered or to be suffered as a result of:
 - a. an unlawful decision;
 - b. another unlawful act in preparation for an unlawful decision;
 - c. the failure to make a decision in a timely manner;
 - d. another unlawful act by an administrative body in which a person referred to in [Article 8:2, first paragraph, under a](#), his surviving relatives or his legal successors are interested parties.
- 2 The first paragraph does not apply if the decision on appeal to the administrative court is exempt.

Article 8:89

- 1 If the damage is caused by a decision on which the Central Appeals Tribunal or the Supreme Court rules in any or the highest instance, the administrative court has exclusive jurisdiction.
- 2 In other cases, the administrative court has jurisdiction provided that the requested compensation does not exceed €25,000, including interest accrued up to the date of the request, and without prejudice to the right of the interested party to claim compensation on the basis of other statutory provisions.
- 3 In the cases referred to in the second paragraph, the administrative court shall not have jurisdiction if the interested party submitted the request after initiating proceedings in the civil court concerning the damage.
- 4 As long as the interested party's request is pending before the administrative court, the civil court will declare a claim for compensation for damages inadmissible.

Article 8:90

- 1 The request must be submitted in writing to the administrative court judge who is competent to hear the appeal against the decision.
- 2 At least eight weeks before submitting the petition referred to in the first paragraph, the interested party shall request the administrative body concerned in writing for compensation for the damage, unless this cannot reasonably be expected of him.

Article 8:91

- 1 If the request is made during the appeal against or the further appeal concerning the decision causing the damage, it will be submitted to the administrative court where the appeal or further appeal is pending.
- 2 In that case, [Article 8:90, second paragraph](#), does not apply.
- 3 If the request is made on appeal, the higher court of appeal will decide on the request, unless the court of appeal refers the request to the district court because it considers it necessary to be dealt with by the district court.

Article 8:92

- 1 The petition shall be signed and contain at least:
 - a. the name and address of the applicant;
 - b. the date;
 - c. an indication of the cause of the damage;
 - d. a statement of the nature of the damage suffered or to be suffered and, to the extent reasonably possible, the amount of the damage and a specification thereof;
 - e. the grounds for the request.
- 2 If possible, a copy of the damaging decision to which the petition relates and of the request referred to in [Article 8:90, paragraph 2](#), shall be submitted with the petition.
- 3 [Article 6:5, third paragraph](#), applies accordingly.

Article 8:93

[Article 310 of Book 3 of the Civil Code](#) applies mutatis mutandis to claims for damages under this title. However, the limitation period does not begin until the day after:

- a. the annulment of the damaging decision has become final, or
- b. the administrative body has acknowledged the unlawfulness of the decision.

Article 8:94

- 1 [Articles 6:6](#), [6:14](#), [6:15](#), [6:17](#), [6:21](#), [6:24](#), [8:8 to 8:28](#), [8:29 to 8:51](#), [8:52 to 8:55](#), [8:56 to 8:69](#), [8:71](#), [8:74 to 8:80](#) and [8:81 to 8:87](#) apply mutatis mutandis to the request and the handling thereof, provided that

Chapter V of the General Act on State Taxes applies mutatis mutandis if the damage was caused by a decision as referred to in Article 26 of that Act .

- 2 By way of exception to the first paragraph , no court fees are due when submitting the request in accordance with Article 8:91 .

Article 8:95

If the administrative court grants the request in whole or in part, it shall order the administrative body to pay compensation for damages.

Title 8.5. Appeal

Article 8:104

- 1 An interested party and the administrative body may appeal against:

- a. a decision as referred to in Article 8:66, first paragraph , or Article 8:67, first paragraph , of the court,
- b. a decision as referred to in Article 8:86, first paragraph , of the interim relief judge of the district court,
- c. a court decision on a request as referred to in Article 8:88, first paragraph .

- 2 No appeal may be lodged against:

- a. a court decision after applying Article 8:54, first paragraph ,
 - b. a court decision as referred to in Article 8:54a, second paragraph ,
 - c. a court decision as referred to in Article 8:55, seventh paragraph ,
 - d. a decision of the interim relief judge as referred to in Article 8:84, first paragraph ,
 - e. a decision of the interim relief judge as referred to in Article 8:75a, first paragraph , in conjunction with Article 8:84, fifth paragraph , and
 - f. a decision of the interim relief judge as referred to in Article 8:87 .
- 3 At the same time as the appeal against the decision referred to in the first paragraph, an appeal may be lodged against:
- a. an interim decision as referred to in Article 8:80a , or
 - b. another decision of the court.
- 4 No appeal may be lodged against the interim measure referred to in Article 8:72, fifth paragraph .

Article 8:105

- 1 The appeal shall be lodged with the Administrative Jurisdiction Division of the Council of State, unless another higher court has jurisdiction pursuant to Chapter 4 of the Administrative Jurisdiction Regulations annexed to this Act or pursuant to another statutory provision.
- 2 The appeal referred to in Article 8:104, first paragraph, opening sentence and under c , shall be lodged with the higher court that, pursuant to the first paragraph, is or would be competent to rule on a decision of the district court regarding the decision that caused the damage.

Article 8:106

- 1 The effect of a judgment of the district court or the interim relief judge shall be suspended until the time limit for lodging an appeal has expired or, if an appeal has been lodged, until a decision has been made on the appeal, if:
- a. the ruling concerns a decision as referred to in Article 9 of the Administrative Jurisdiction Authority Regulation accompanying this Act , or
 - b. an appeal against the decision may be lodged with a court of appeal.
- 2 The first paragraph does not apply if the decision concerns an appeal against the failure to take a decision in a timely manner.

Article 8:107

- 1 The clerk of the court of appeal shall notify the clerk of the court that rendered the judgment of the appeal as soon as possible.
- 2 The clerk of the court shall make the case documents, together with the notes of the hearing, insofar as they relate to the case, and a copy of the judgment available to the clerk of the higher court within one week of receipt of the notification referred to in the first paragraph.
- 3 At the request of the higher court of appeal, the clerk of the district court shall make the official report of the hearing or the transcript of a video or audio recording referred to in Article 8:36e , which replaces the official report, available to the clerk of the higher court of appeal within a period to be determined by the higher court of appeal. The clerk of the higher court of appeal shall make this official report or transcript available to the parties.

Article 8:108

- 1 Unless otherwise provided in this Title, Titles 8.1 to 8.3 apply mutatis mutandis to the appeal, with the exception of Articles 8:1 to 8:10, 8:41, second paragraph, and 8:74.
- 2 Furthermore, Sections 8.2.2a, 8.2.4a and 8.2.7 and Articles 8:28a, 8:70 and 8:72 do not apply to the appeal referred to in Article 8:104, first paragraph, opening sentence and under c.
- 3 If an appeal can be lodged with a court of appeal, Chapter V of the General Tax Act also applies.

Article 8:109

- 1 The court fee for the appeal is:
 - a. €136 if an appeal has been lodged by a natural person against a ruling concerning a decision as described in the Reduced Court Fee Regulation annexed to this Act,
 - b. €274 if an appeal has been lodged by a natural person against a ruling on another decision, or
 - c. €548 if the appeal is lodged by a person other than a natural person.
- 2 If the administrative body has lodged an appeal and the contested decision is upheld, a court fee equal to the amount referred to in the first paragraph, sub c, will be levied on the administrative body.

Article 8:110

- 1 If an appeal has been filed, the person who could also have filed an appeal may also file a cross-appeal. The regulations regarding appeals apply, unless otherwise provided in this Title.
- 2 The incidental appeal must be lodged within six weeks after the court of appeal has sent the grounds of appeal to the party concerned.
- 3 Within four weeks after the higher court has sent the grounds of the incidental appeal to the parties, these parties may submit their views on the incidental appeal in writing.
- 4 The court of appeal may extend the periods referred to in the second and third paragraphs or, if it hears the appeal in accordance with Section 8.2.3, shorten them.
- 5 No court fees are due for an incidental appeal.

Article 8:111

- 1 Inadmissibility of the appeal does not affect the admissibility of the incidental appeal, unless such inadmissibility is the result of:
 - a. exceeding the time limit for filing an appeal,
 - b. exceeding the deadline for payment of court fees, or
 - c. the circumstance that the person who lodged the appeal was not authorised to do so.
- 2 Withdrawal of the appeal after the period for filing an incidental appeal has commenced has no consequences for the admissibility of the incidental appeal.

Article 8:112

- 1 An incidental appeal may be lodged on the condition that the appeal is well-founded.
- 2 A conditional incidental appeal lapses if the appeal is inadmissible, unfounded, or withdrawn. In the latter case, the clerk of the court informs the submitter that their appeal has lapsed.

Article 8:113

- 1 The court of appeal shall confirm the judgment of the district court, either by adopting or improving the grounds, or by setting aside the judgment in whole or in part, as the district court should have done.
- 2 If the decision of the higher court of appeal requires the administrative body to take a new decision, the decision may also state that an appeal against that decision can only be lodged with the higher court of appeal.

Article 8:114

- 1 If the higher court of appeal sets aside the judgment of the district court in whole or in part, the judgment also stipulates that the administrative body must reimburse the appellant for the court fees paid by him, unless the higher court of appeal determines that the court clerk must reimburse the appellant for the court fees.
- 2 In other cases, the ruling may stipulate that the administrative body or the registrar will reimburse the court fee paid in full or in part.

Article 8:115

- 1 The Court of Appeal shall refer the case back to the court which heard it at first instance if:
 - a. the court has declared its incompetence or the inadmissibility of the appeal and the higher court of appeal quashes this decision by declaring the court competent or the appeal admissible, respectively, or

- b. the higher court, for other reasons, is of the opinion that the case should be heard again by the district court.
- 2 The clerk of the court shall send the case documents and a copy of the judgment to the clerk of the court as soon as possible.

Article 8:116

In the cases referred to in [Article 8:115, first paragraph, subparagraph a](#) , the higher court may dispose of the case without referral back if, in its opinion, it does not require further consideration by the district court.

Article 8:117

If the judgment was rendered by a court other than the competent court, the higher court may consider the judgment to have been rendered competently.

Article 8:118

- 1 In the event of withdrawal of the appeal by the administrative body, the administrative body may, at the request of a party, be ordered to pay the costs by separate decision with corresponding application of [Article 8:75](#) .
- 2 If the appeal is withdrawn orally, the request must be submitted orally by the party present at the time of the withdrawal. If this requirement is not met, the request is inadmissible.
- 3 If the appeal is withdrawn in writing, the request must be submitted in writing. In that case, [Articles 6:5 through 6:9](#) , [6:11](#) , [6:14](#) , [6:15](#) , [6:17](#) , and [6:21](#) apply accordingly.
- 4 [Article 8:75a, second and third paragraphs](#) , apply accordingly.

Title 8.6. Revision**Article 8:119**

- 1 The administrative judge may, at the request of a party, revise a final decision on the basis of facts or circumstances that:
 - a. have taken place before the verdict,
 - b. were not known and could not reasonably have been known to the petitioner before the judgment, and
 - c. If they had been known to the administrative judge earlier, they could have led to a different ruling.
- 2 [Chapter 6, Title 8.1](#) , with the exception of [Section 8.1.1](#) , and [Article 8:13](#) , [Title 8.2](#) , with the exception of [Article 8:41, second paragraph](#) , [Title 8.3](#) and [Title 8.5](#) , with the exception of [Article 8:109](#) , apply accordingly to the extent necessary.
- 3 The court fee is equal to the court fee that would have been due at the time the request was filed for the appeal or further appeal that led to the decision whose review is requested.
- 4 If the decision is revised, the registrar will refund the court fee.

Chapter 9. Complaints handling**Title 9.1. Complaint handling by an administrative body****Section 9.1.1. General provisions****Article 9:1**

- 1 Everyone has the right to lodge a complaint with an administrative body about the way in which an administrative body has conducted itself towards him or another person in a particular matter.
- 2 An act of a person working under the responsibility of an administrative body is considered to be an act of that administrative body.

Article 9:2

The administrative body shall ensure that oral and written complaints about its conduct and the conduct of administrative bodies operating under its responsibility are properly handled.

Article 9:3

No appeal may be lodged against a decision regarding the handling of a complaint about the conduct of an administrative body.

Section 9.1.2. The handling of complaints**Article 9:4**

- 1 If a written complaint relates to an act against the complainant and meets the requirements of the second paragraph, [Articles 9:5 to 9:12](#) apply.
- 2 The complaint must be signed and contain at least:
 - a. the name and address of the applicant;
 - b. the date;

c. a description of the conduct against which the complaint is directed.

3 Article 6:5, third paragraph , applies accordingly.

Article 9:5

Once the administrative body has resolved the complainant's complaint to his or her satisfaction, the obligation to continue to apply this title ceases to exist.

Article 9:6

The administrative body shall confirm receipt of the complaint in writing.

Article 9:7

- 1 The complaint will be handled by a person who was not involved in the conduct to which the complaint relates.
- 2 The first paragraph does not apply if the complaint relates to the conduct of the administrative body itself or its chairperson or a member.

Article 9:8

- 1 The administrative body is not obliged to handle the complaint if it relates to an act:
 - a. about which a complaint has previously been lodged and dealt with in accordance with Articles 9:4 et seq.;
 - b. which occurred more than one year prior to the filing of the complaint;
 - c. which the complainant could have objected to,
 - d. against which an appeal may be lodged by the complainant, unless the conduct consists of a failure to take a decision in a timely manner, or an appeal could have been lodged;
 - e. which, by initiating proceedings, is or has been subject to the judgment of a judicial body other than an administrative court, or,
 - f. as long as an investigation ordered by the public prosecutor or a prosecution is underway in this regard, or if the conduct is part of the investigation or prosecution of a criminal offence and an investigation ordered by the public prosecutor or a prosecution is underway in this regard.
- 2 The administrative body is not obliged to consider the complaint if the complainant's interests or the seriousness of the conduct are manifestly insufficient.
- 3 The complainant will be notified in writing as soon as possible, but no later than four weeks after receipt of the complaint, that the complaint will not be processed. Article 9:12, paragraph 2 , applies accordingly.

Article 9:9

A copy of the complaint and any accompanying documents will be sent to the person whose conduct is the subject of the complaint.

Article 9:10

- 1 The administrative body shall give the complainant and the person whose conduct is the subject of the complaint the opportunity to be heard.
- 2 The complainant may be waived from being heard if:
 - a. the complaint is clearly unfounded,
 - b. the complainant has stated that he or she does not wish to exercise the right to be heard, or
 - c. the complainant does not declare within a reasonable period set by the administrative body that he wishes to exercise the right to be heard.
- 3 A report will be made of the hearing.

Article 9:11

- 1 The administrative body shall handle the complaint within six weeks or – if Section 9.1.3 applies – within ten weeks of receipt of the complaint.
- 2 The administrative body may adjourn the handling of the complaint for a maximum of four weeks. Written notice of the adjournment will be given to the complainant and the person whose conduct is the subject of the complaint.
- 3 Further postponement is possible provided the complainant agrees to it in writing.

Article 9:12

- 1 The administrative body shall inform the complainant in writing and with reasons of the findings of the investigation into the complaint, its judgment thereon and any conclusions it draws from it.
- 2 The notification will state to which ombudsman and within what time period the complainant may subsequently submit a petition.

Article 9:12a

The governing body is responsible for registering written complaints submitted to it. Registered complaints are published annually.

Section 9.1.3. Additional provisions for a complaints advice procedure**Article 9:13**

The procedure for handling complaints provided for in this section shall be followed in addition to Section 9.1.2 if this is determined by statutory provision or by decision of the administrative body.

Article 9:14

- 1 By statutory provision or by decision of the administrative body, a person or committee is charged with handling and advising on complaints.
- 2 The governing body may only give general instructions to the person or committee.

Article 9:15

- 1 The acknowledgement of receipt referred to in Article 9:6 shall state that a person or committee will advise on the complaint.
- 2 The hearing will be conducted by the person or committee referred to in Article 9:14. If a committee has been established, it may assign the hearing to the chairperson or a member of the committee.
- 3 The person or committee decides on the application of Article 9:10, second paragraph.
- 4 The person or committee sends a report of findings, along with their advice and any recommendations, to the governing body. The report includes the minutes of the hearing.

Article 9:16

If the conclusions of the administrative body deviate from the advice, the reasons for that deviation shall be stated in the conclusions and the advice shall be sent with the notification referred to in Article 9:12.

Title 9.2. Complaint handling by an ombudsman**Section 9.2.1. General provisions****Article 9:17**

Ombudsman means:

- a. the National Ombudsman, or
- b. an ombudsman or ombudsman committee established under the Municipalities Act, the Provincial Act, the Water Board Act or the Joint Arrangements Act.

Article 9:18

- 1 Everyone has the right to request the Ombudsman in writing to initiate an investigation into the way in which an administrative body has acted towards him or another person in a particular matter.
- 2 If the petition is submitted to an incompetent ombudsman, it shall be forwarded to the competent ombudsman as soon as possible after the date of receipt has been recorded thereon, and the petitioner shall be informed of this at the same time.
- 3 The Ombudsman is obliged to comply with a request as referred to in the first paragraph, unless Article 9:22, 9:23 or 9:24 applies.

Article 9:19

- 1 If, in the Ombudsman's opinion, the applicant has the right to lodge an objection, appeal or complaint against the conduct referred to in the petition, he shall inform the applicant of this possibility as soon as possible and, after recording the date of receipt, shall transfer the petition to the competent authority, unless the applicant has indicated that the petition should be returned to him.
- 2 Article 6:15, third paragraph, applies accordingly.

Article 9:20

- 1 Before submitting a request to an ombudsman, the applicant must lodge a complaint about the conduct with the administrative body concerned, unless this cannot reasonably be expected of him.
- 2 The first paragraph does not apply if the request relates to the manner in which complaints are handled by the administrative body concerned.

Article 9:21

Chapter 2 applies mutatis mutandis to communications with the Ombudsman, with the exception of Article 2:3, first paragraph.

Section 9.2.2. Authority

Article 9:22

The Ombudsman is not authorised to initiate or continue an investigation if the request relates to:

- a. a matter that pertains to general government policy, including general policy for the maintenance of legal order, or to the general policy of the administrative body concerned;
- b. a generally binding regulation;
- c. an act against which a complaint or appeal may be lodged, unless that act consists of the failure to take a decision in a timely manner, or against which a complaint or appeal procedure is pending;
- d. an act in respect of which a decision has been made by an administrative judge;
- e. an act in respect of which proceedings are pending before a judicial body other than an administrative court, or an appeal may be lodged against a decision rendered in such proceedings;
- f. an act that is supervised by the judiciary.

Article 9:23

The Ombudsman is not obliged to initiate or continue an investigation if:

- a. the petition does not meet the requirements referred to in Article 9:28, first and second paragraph ;
- b. the request is manifestly unfounded;
- c. the applicant's interest in an investigation by the ombudsman or the seriousness of the conduct is manifestly insufficient;
- d. the applicant is someone other than the person against whom the act was committed;
- e. the request relates to an act against which an objection may be lodged, unless that act consists of the failure to take a decision in a timely manner, or against which an objection procedure is pending;
- f. the request relates to an act against which the applicant could have lodged an objection, appealed or complained;
- g. the request relates to an act in respect of which a decision has been made by a judicial body other than an administrative court;
- h. the requirement of Article 9:20, first paragraph , has not been met ;
- i. a request concerning the same conduct is being dealt with by him or – unless a new fact or circumstance has become known and this could have led to a different assessment of the conduct in question – has been dealt with by him;
- j. with regard to an act of the administrative body that is closely related to the subject of the petition, proceedings are pending before a judicial authority or, pursuant to an objection, administrative appeal or complaint, before another authority;
- k. the request relates to an act that is closely related to a subject that is subject to the judgment of a judicial body other than an administrative court as a result of the institution of proceedings;
- l. after intervention by the Ombudsman, in the Ombudsman's opinion, the applicant's grievances have been adequately addressed;
- m. the request, concerning the same conduct, is being dealt with or has been dealt with by an independent complaints body other than an ombudsman under a legally regulated complaints procedure.

Article 9:24

1 Furthermore, the Ombudsman is not obliged to initiate or continue an investigation if the request is submitted later than one year:

- a. after notification by the administrative body of the findings of the investigation, or
 - b. after the complaint handling by the administrative body has ended in some other way or should have been ended in accordance with statutory provisions.
- 2** By way of exception to the first paragraph, the period ends one year after the conduct has occurred if the applicant cannot reasonably be expected to first file a complaint with the administrative body. If, within one year of the conduct's occurrence, the conduct is subject to the judgment of a judicial body other than an administrative court, or if an objection, administrative appeal, or complaint has been lodged against it, the period ends one year after the date on which:
- a. a decision has been made in those proceedings against which no further appeal may be lodged, or
 - b. the proceedings ended in a different way.

Article 9:25

- 1** If the Ombudsman does not initiate or continue an investigation pursuant to Article 9:22 , 9:23 or 9:24 , he shall inform the applicant of this in writing as soon as possible, stating the reasons.
- 2** If he does not continue an investigation, he shall also make the notification referred to in the first paragraph to the administrative body and, where appropriate, to the person whose conduct is the subject of the

investigation.

Article 9:26

Unless [Article 9:22](#) applies, the Ombudsman is authorised to initiate an investigation on his own initiative into the manner in which an administrative body has conducted itself in a particular matter.

Article 9:27

- 1 The Ombudsman assesses whether or not the administrative body has behaved properly in the matter under investigation.
- 2 If a judicial body has given a ruling on the conduct to which the Ombudsman's investigation relates, the Ombudsman shall take into account the legal grounds on which that ruling is based or partly based.
- 3 The ombudsman may make recommendations to the administrative body based on the investigation he has conducted.

Section 9.2.3. Procedure**Article 9:28**

- 1 The petition shall be signed and contain at least:
 - a. the name and address of the applicant;
 - b. the date;
 - c. a description of the conduct against which the request is directed, an indication of the person who acted in that manner, and an indication of the person against whom the conduct was committed, if this person is not the applicant;
 - d. the grounds for the request;
 - e. the manner in which a complaint was submitted to the administrative body, and, if possible, the findings of the administrative body's investigation into the complaint, its judgment on the complaint and any conclusions the administrative body has drawn from it.
- 2 If the application is written in a foreign language and a translation is necessary for the proper processing of the application, the applicant shall provide a translation.
- 3 If the requirements set out in this Article have not been met, or if the petition has been refused in whole or in part on the basis of [Article 2:15](#), the Ombudsman shall give the petitioner the opportunity to rectify the omission within a period set by him for that purpose.

Article 9:29

Any person involved in the conduct to which the request relates will not cooperate in processing the request.

Article 9:30

- 1 The ombudsman gives the administrative body, the person whose conduct is the subject of the request, and the applicant the opportunity to explain their position.
- 2 The Ombudsman decides whether the explanation is given in writing or orally and whether or not in each other's presence.

Article 9:31

- 1 The administrative body, persons working under its responsibility – even after their work has ended – witnesses, and the petitioner shall provide the ombudsman with the necessary information and appear before him upon being invited to do so. Similar obligations apply to each body, provided that the body determines which of its members will fulfill the obligations, unless the ombudsman designates one or more specific members. The ombudsman may order those summoned to appear in person.
- 2 The ombudsman may obtain information relating to the policy implemented under the responsibility of a minister or another administrative body from the individuals and bodies involved only through the minister or that administrative body, respectively. The body through which the information is obtained may be represented at the hearing of the officials.
- 3 Within a period to be determined by the Ombudsman, the documents held by the administrative body, the person whose conduct the request relates to, and others shall be submitted to him for the purpose of an investigation after he has requested this in writing.
- 4 The persons summoned pursuant to the first paragraph or those obliged to submit documents pursuant to the third paragraph may, if there are important reasons for doing so, refuse to provide information or to submit documents or inform the Ombudsman that only he may take cognizance of the information or documents.
- 5 The Ombudsman shall decide whether the refusal or restriction of access referred to in the fourth paragraph is justified.
- 6 If the ombudsman has decided that the refusal is justified, the obligation lapses.

Article 9:32

- 1 The Ombudsman may commission experts to assist with the investigation. He may also summon experts and interpreters in the interest of the investigation.
- 2 Experts or interpreters summoned by the ombudsman appear before him and provide their services impartially and to the best of their knowledge. Article 9:31, paragraphs two through six , applies mutatis mutandis to experts, who are also civil servants.
- 3 The Ombudsman may determine that witnesses will not be heard and interpreters will not be permitted to perform their duties until they have taken an oath or affirmed their intention. In that case, witnesses will take an oath or affirmation that they will tell the whole truth and nothing but the truth, and interpreters will perform their duties as interpreters conscientiously.

Article 9:33

- 1 Compensation will be granted to petitioners, witnesses, experts, and interpreters summoned by the ombudsman. This compensation will be paid by the legal entity to which the administrative body whose conduct the request pertains belongs, if it concerns a municipality, province, water board, or joint arrangement. In other cases, compensation will be paid by the State. The provisions of and pursuant to the Criminal Cases Tariffs Act apply accordingly.
- 2 The persons referred to in the first paragraph who are in public service shall not receive any remuneration if they have been called up in connection with their duties as such.

Article 9:34

- 1 The ombudsman may conduct an on-site investigation. He or she may access any location, except a residence, without the resident's permission, to the extent reasonably necessary to perform his or her duties.
- 2 Administrative bodies shall provide the cooperation required in the interests of the investigation referred to in the first paragraph.
- 3 A report will be made of the investigation.

Article 9:35

- 1 Before closing the investigation, the ombudsman shall communicate his findings in writing to:
 - a. the administrative body concerned;
 - b. the person whose conduct the request relates to;
 - c. the applicant.
- 2 The Ombudsman will give them the opportunity to express their views on the findings within a period to be determined by him.

Article 9:36

- 1 When an investigation is concluded, the ombudsman prepares a report outlining his findings and judgment. In doing so, he observes Article 5.1 of the Open Government Act .
- 2 If, in the Ombudsman's opinion, the conduct is not appropriate, he shall state in the report which requirement of appropriateness has been violated.
- 3 The Ombudsman shall send his report to the administrative body concerned, as well as to the applicant and to the person whose conduct the request relates to.
- 4 If the ombudsman makes a recommendation to the administrative body as referred to in Article 9:27, paragraph 3 , the administrative body shall inform the ombudsman within a reasonable period of time how the recommendation will be implemented. If the administrative body considers not implementing the recommendation, it shall inform the ombudsman of this, giving reasons.
- 5 Information held by the Ombudsman regarding the complaint and the investigation that is not included in the report is not public.

Article 9:36a

To the extent that a request addressed to the Ombudsman under the Open Government Act relates to information provided by an administrative body for the purpose of an investigation as referred to in Article 9:18 , the Ombudsman shall forward the request to the administrative body for processing.

Chapter 10. Provisions on administrative bodies**Title 10.1. Mandate, delegation and attribution****Section 10.1.1. Mandate****Article 10:1**

Mandate means: the authority to make decisions on behalf of an administrative body.

Article 10:2

A decision taken by the mandated person within the limits of his or her authority is deemed to be a decision of the mandator.

Article 10:3

- 1 An administrative body may grant a mandate, unless otherwise provided by law or the nature of the authority opposes the granting of a mandate.
- 2 In any case, a mandate will not be granted if it concerns a power:
 - a. to establish generally binding regulations, unless provision has been made for a mandate when that authority is granted;
 - b. to take a decision which has been determined to be taken by a reinforced majority or the nature of the prescribed decision-making procedure otherwise precludes the granting of a mandate;
 - c. to annul or to withhold approval of a decision of another administrative body.
- 3 A mandate to decide on an objection or on a request as referred to in [Article 7:1a, first paragraph](#), shall not be granted to the person who, by virtue of a mandate, took the decision against which the objection is directed.
- 4 If [Article 5:53](#) applies, the authority to impose an administrative fine shall not be granted to the person who drew up a report or official report of the violation.

Article 10:4

- 1 If the mandated person does not work under the responsibility of the principal, the granting of the mandate requires the consent of the mandated person and, where applicable, of the person under whose responsibility he or she works.
- 2 The first paragraph does not apply if the authority to grant the mandate is provided for by statutory provision.

Article 10:5

- 1 An administrative body may grant either a general mandate or a mandate for a specific case.
- 2 A general mandate is granted in writing. A mandate for a specific case is granted in writing in any case if the mandated party does not work under the responsibility of the principal.

Article 10:6

- 1 The principal may give instructions to the mandated party, on a case-by-case basis or in general, regarding the exercise of the delegated power.
- 2 The mandated party shall, at the request of the principal, provide the principal with information regarding the exercise of the authority.

Article 10:7

The principal remains authorised to exercise the delegated power.

Article 10:8

- 1 The principal may revoke the mandate at any time.
- 2 A general mandate shall be revoked in writing.

Article 10:9

- 1 The principal may allow sub-mandates to be granted.
- 2 The other articles of this section apply mutatis mutandis to sub-delegations.

Article 10:10

A decision taken under mandate states on behalf of which administrative body the decision was taken.

Article 10:11

- 1 An administrative body may determine that decisions taken by it may be signed on its behalf, unless otherwise provided by law or the nature of the authority precludes this.
- 2 In that case, the decision must show that it was taken by the administrative body itself.

Article 10:12

This section applies accordingly if an administrative body grants another person, working under its responsibility, power of attorney to perform private-law legal acts, or grants authorization to perform acts that are neither a decision nor a private-law legal act.

Section 10.1.2. Delegation**Article 10:13**

Delegation means the transfer by an administrative body of its decision-making authority to another person who exercises this authority under his own responsibility.

Article 10:14

Delegation is not done to subordinates.

Article 10:15

Delegation shall only take place if the authority to do so is provided for by statutory provision.

Article 10:16

- 1 The administrative body may only issue policy rules regarding the exercise of the delegated power.
- 2 The person to whom the power has been delegated shall, at the request of the administrative body, provide it with information regarding the exercise of the power.

Article 10:17

The administrative body can no longer exercise the delegated power itself.

Article 10:18

The administrative body may revoke the delegation decision at any time.

Article 10:19

A decision taken on the basis of a delegated power shall mention the delegation decision and its source.

Article 10:20

- 1 This section, with the exception of Article 10:16 , applies mutatis mutandis to the transfer by an administrative body of the power of another administrative body to take decisions to a third party.
- 2 A statutory provision or the transfer decision may stipulate that the administrative body whose authority has been transferred may issue policy rules on the exercise of that authority.
- 3 The person to whom the authority has been transferred shall, at the request of the transferring and the originally competent administrative body, provide information on the exercise of the authority.

Article 10:21

This section applies accordingly if an administrative body transfers its authority to perform acts other than decisions to another person who exercises this authority under its own responsibility, provided that Article 10:19 applies accordingly to the extent that the nature of the act does not preclude this.

Section 10.1.3. Attribution**Article 10:22**

- 1 If a power to take decisions has been assigned by statutory provision to a person or body working under the responsibility of an administrative body, that administrative body may issue instructions on a case-by-case or general basis regarding the exercise of the assigned power.
- 2 The person to whom the authority has been delegated shall, at the request of the administrative body, provide information regarding the exercise of the authority.

Article 10:23

Article 10:22 applies accordingly if, by statutory provision, an authority to perform acts other than decisions has been assigned to a person or body working under the responsibility of an administrative body.

Title 10.2. Supervision of administrative bodies**Section 10.2.1. Approval****Article 10:25**

In this Act, approval means: the permission of another administrative body required for the entry into force of a decision of one administrative body.

Article 10:26

Decisions may only be subject to approval in cases determined by or pursuant to law.

Article 10:27

Approval may only be withheld because of conflict with the law or on a ground laid down in the law in or by virtue of which approval is prescribed.

Article 10:28

A decision on which a court has already given a judgment or in which a court judgment that has become final and binding is implemented cannot be withheld approval on legal grounds that conflict with those on which the

judgment is based or partly based.

Article 10:29

- 1 A decision may only be partially approved if partial entry into force is consistent with the nature and content of the decision.
- 2 Approval may neither be granted for a specified period or subject to conditions, nor may it be withdrawn.

Article 10:30

- 1 Partial approval or withholding of approval shall not take place until the administrative body that took the decision has been given the opportunity to consult.
- 2 The reasoning for the approval decision refers to what was discussed during the consultation.

Article 10:31

- 1 Unless otherwise provided by statutory provision, the decision on approval shall be made known for approval to the administrative body that took the decision subject to approval within thirteen weeks of its dispatch.
- 2 The decision on approval may be adjourned once for a maximum of thirteen weeks.
- 3 By way of exception to the second paragraph, the decision on approval may be postponed once for a maximum of six months if advice from an advisor as referred to in [Article 3:5](#) is required in respect of that decision.
- 4 Unless otherwise provided by statutory provision, [paragraph 4.1.3.3](#) applies accordingly.

Article 10:32

- 1 This section applies mutatis mutandis if the consent of another administrative body is required for the taking of a decision by an administrative body.
- 2 The permission may include a time limit within which the decision must be made.

Section 10.2.2. Destruction**Article 10:33**

This section applies if an administrative body is authorised to annul a decision of another administrative body without an administrative appeal.

Article 10:34

The power of destruction can only be granted by law.

Article 10:35

Annulment may only occur because of conflict with law or the public interest.

Article 10:36

A decision may only be partially annulled if partial maintenance is consistent with the nature and content of the decision.

Article 10:37

A decision on which a court has given a judgment or in which a court judgment which has become final and binding is implemented cannot be annulled on legal grounds which are in conflict with those on which the judgment is based or partly based.

Article 10:38

- 1 A decision that still requires approval cannot be annulled.
- 2 A decision against which an objection or appeal is open or pending cannot be annulled.

Article 10:39

- 1 A decision to perform a private law legal act cannot be annulled if thirteen weeks have passed since it was announced.
- 2 If suspension has taken place within the period referred to in the first paragraph in accordance with [Article 10:43](#), annulment within the duration of the suspension remains possible.
- 3 If a decision referred to in the first paragraph is subject to approval, the period referred to in the first paragraph commences after the approval decision has been announced. The first and second paragraphs apply mutatis mutandis to the approval decision.
- 4 This Article shall not apply if annulment occurs due to conflict with the obligations incumbent on the Netherlands under or pursuant to the Treaty on the Functioning of the European Union, the Treaty establishing the European Atomic Energy Community or the Treaty on European Union.

Article 10:40

A decision that has been suspended in accordance with [Article 10:43](#) may no longer be annulled after the suspension has ended.

Article 10:41

- 1 Annulment shall not take place until the administrative body that took the decision has been given the opportunity to consult.
- 2 The reasoning for the annulment decision refers to what was discussed in the consultation.

Article 10:42

- 1 The annulment of a decision extends to all the legal consequences to which it was aimed.
- 2 The annulment decision may determine that the legal consequences of the annulled decision will remain in force in whole or in part.
- 3 If a decision to enter into an agreement is annulled, the agreement, if it has already been entered into and unless otherwise provided in the annulling decision, shall not be performed or shall not be performed further, without prejudice to the other party's right to compensation.

Section 10.2.3. Suspension**Article 10:43**

Pending the investigation into whether there are grounds for annulment, a decision may be suspended by the administrative body authorised to annul it.

Article 10:44

- 1 The decision to suspend determines its duration.
- 2 The suspension of a decision can be extended once.
- 3 Even after extension, the suspension may not last longer than one year.
- 4 If an objection or appeal has been lodged against the suspended decision, the suspension will nevertheless continue until thirteen weeks after a final decision has been made on the objection or appeal.
- 5 The suspension may be lifted.

Article 10:45

[Articles 10:36](#) , [10:37](#) , [10:38, first paragraph](#) , [10:39, first and third paragraphs](#) , and [10:42, third paragraph](#) , apply mutatis mutandis to the decision on suspension .

Chapter 11. Final Provisions**Article 11:1**

[Expired as of January 1, 2013]

Article 11:2

- 1 The amount of the compensation referred to in [Article 4:113, first paragraph](#) , and the amounts established in [Articles 8:41, second paragraph](#) , and [8:109, first paragraph](#) , and pursuant to [Articles 7:15, fourth paragraph](#) , [7:28, fifth paragraph](#) , and [8:75, first paragraph](#) , shall be amended annually with effect from 1 January by regulation of Our Minister of Security and Justice to the extent that the consumer price index gives reason to do so. The amounts shall be rounded arithmetically to whole euros.
- 2 The other amounts established by or pursuant to this Act may be amended by regulation of Our Minister of Security and Justice to the extent that the consumer price index gives reason to do so.

Article 11:3

In the event of an amendment to an Annex to this Act, the [Annex](#) as it read before the date of entry into force of the amendment shall continue to apply to an appeal or further appeal against a decision or ruling notified before that date.

Article 11:4

This Act may be cited as: General Administrative Law Act.

Original closing form and signature

Appendix 1. Regulation on direct appeal ([Article 7:1, first paragraph, part g](#))

No objection may be lodged against a decision taken on the basis of a provision referred to in these regulations or otherwise described in these regulations.

[Archives Act 1995](#) : [Article 38](#) , if corresponding application has been given to [Articles 124](#) , [124a](#) and [Chapter XVII of the Municipalities Act](#)

[Publication Act](#) : [Article 21](#) , if corresponding application has been given to [Article 121 of the Provincial Act](#)

Private Law Obstacles Act : Articles 2, fifth paragraph , and 3, second paragraph , insofar as the obligation is necessary for the execution of works as referred to in Article 2.3, second paragraph, parts a and b, of the Crisis and Recovery Act or for the execution of one or more decisions as referred to in:

- a. Article 21, paragraph 2, of the Tracé Act
- b. Articles 3.30, paragraph 1, under a , 3.33, paragraph 1, under a , and 3.35, paragraph 1, under b, of the Spatial Planning Act
- c. Article 15, paragraph 2, of the Emergency Road Widening Act : the relocation of cables and pipes, related to the implementation of a road adjustment decision

Electricity Act 1998 : Article 51

Gas Act : Article 19

Municipal Act :

- a. Articles 85, paragraph 2 , 124 , 124a , 151d, paragraph 3 , 155d and 268, paragraph 1
- b. a detention order as referred to in Article 154a
- c. Articles 278a, fourth paragraph , and 281, second paragraph , if Articles 124 and 124a have been applied accordingly

Framework Act on Conscription : Article 13

Electoral Act :

- a. Articles D 7 , G 1 to G 4 , I 4 , K 8 , L 11 , M 4 , Q 6 , S 2 , X 4, third paragraph , X 4a, third paragraph , X 5, third paragraph , X 7, fourth paragraph , X 7a, fourth paragraph , and X 8, fourth paragraph
- b. Article Y 2 in conjunction with Article D 7 , G 1 , G 4 , I 4 , K 8 , L 11 or M 4
- c. Articles Y 32 and Y 33

Agricultural Quality Act : a decision of a disciplinary court or a central disciplinary court, established by a control body as referred to in Article 13

Competition Act : Articles 37, first paragraph , 44, first paragraph , and 47, first paragraph

Postal Act 2009 : Chapter 3A and Article 58

Provincial law :

- a. Articles 83, paragraph 2 , 121 , 151d and 261, paragraph 1
- b. Articles 271a, fourth paragraph , and 274, second paragraph , if Article 121 has been applied accordingly

Railways Act : Chapter 5 , Section 2 , and Article 71, second paragraph

Telecommunications Act , insofar as it concerns a decision of the Netherlands Authority for Consumers and Markets, taken on the basis of:

- a. chapter 5
- b. Chapter 6 , unless an objection could be lodged before the entry into force of the Act implementing the European regulatory framework for the electronic communications sector 2002
- c. chapters 6A , 6B and 12

Temporary Experiments Act on New Ballot Papers : Articles 5 to 10

Temporary Act on Administrative Measures to Combat Terrorism : Articles 2 to 4

EU Seaport Regulation Implementation Act : Article 7 , insofar as it concerns a decision of the Netherlands Authority for Consumers and Markets

Implementing Act European Citizens' Initiative Regulation : Article 2, introductory sentence and under c

Regulation (EU) No 806/2014 of the European Parliament and of the Council of 15 July 2014 establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework

of a Single Resolution Mechanism and a Single Bank Resolution Fund and amending Regulation (EU) No 1093/2010 of the European Parliament and of the Council (OJ L 225, 2014): Articles 16, 18 and 21

Regulation (EU) 2017/1129 of the European Parliament and of the Council of 14 June 2017 on the prospectus to be published when securities are offered to the public or admitted to trading on a regulated market, and repealing Directive 2003/71/EC (OJ L 168, 2017): Articles 20, first and fifth paragraphs, and 23, first paragraph

Regulation (EU) 2021/23 of the European Parliament and of the Council of 16 December 2020 on a framework for the recovery and resolution of central counterparties and amending the Regulations (EU) No 1095/2010, (EU) No 648/2012, (EU) No 600/2014, (EU) No 806/2014 and (EU) 2015/2365, and the Directives 2002/47/EC, 2004/25/EC, 2007/36/EC, 2014/59 /EU and (EU) 2017/1132 (OJ 2021 L 22): Articles 21 to 58

Aliens Act 2000 :

- a. Article 54, third paragraph
- b. an indication as referred to in Article 55, paragraph 1
- c. a notification as referred to in Article 62a, paragraph 1, or 62b
- d. an entry ban as referred to in Article 66a, first or second paragraph, issued by means of an independent decision
- e. the lifting or temporary lifting of an entry ban
- f. sections 3 and 5 of Chapter 7

Water Board Act : Articles 31, third paragraph , 33, fourth paragraph , and 41, fifth paragraph

Water Act : Article 3.13, third paragraph , if corresponding application has been given to Article 121 of the Provincial Act

Traffic Regulations Administrative Enforcement Act : Article 32

General Provisions of Environmental Law Act :

- a. a decision on a declaration as referred to in Article 2.27
- b. a designation decision as referred to in Article 2.34 or 3.13, second paragraph
- c. Article 5.2a, first paragraph, if corresponding application has been given to Article 121 of the Provincial Act
- d. Article 5.2a, second paragraph, if Articles 124 and 124a of the Municipal Act have been applied accordingly
- e. Article 5.2a, third paragraph, if Chapter XVIII of the Provincial Act has been applied accordingly
- f. Article 5.2a, fourth paragraph, if Chapter XVII of the Municipal Act has been applied accordingly

Joint Arrangements Act :

- a. a dismissal decision as referred to in Article 16, paragraph 4
- b. Articles 25, eighth paragraph, 32b, 32c, 36, first paragraph, 45a read in conjunction with Article 32b, 49 read in conjunction with Article 36, first paragraph, and 50h, first paragraph
- c. Articles 39c, fourth paragraph, and 39e, second paragraph, if corresponding application has been given to Articles 32b and 32c, and Article 49 read in conjunction with this section

Aviation Act : Articles 8.25ea, fourth paragraph , 8.25f, second, fourth and fifth paragraphs , 8.40f, fourth paragraph , and 8.40g, second, fourth and fifth paragraphs

Environmental Management Act :

- a. Article 16.31, second paragraph
- b. Article 17.15, second paragraph, if corresponding application has been given to Article 121 of the Provincial Act

Compliance with European Regulations on Public Entities Act : Articles 2, first paragraph , 3 and 5

Financial Supervision Act :

- a. sections 3A.1.3, 3A.1.4 and 3A.1.5, 3A:85 and 3A: 86
- b. Articles 5:77, first paragraph, and 5:81, third paragraph

- c. a decision regarding the provisions laid down in Article 5:76, second paragraph , or 5:80b, fifth paragraph , with the exception of a decision to impose an administrative fine as referred to in Article 1:80
- d. Articles 6:1 and 6:2

Police Data Act : Articles 25 and 28

Spatial Planning Act :

- a. a decision on a request for reimbursement of costs as referred to in Article 6.8 or 6.9
- b. a decision regarding the revision of an operating plan that has not been prepared in accordance with Section 3.4 of the General Administrative Law Act, a decision regarding the settlement and recalculated operating contributions of an operating plan, as well as a decision not to establish an operating plan as referred to in Article 6.12, paragraph 2
- c. a designation decision as referred to in Article 3.8, sixth paragraph , or Article 3.26, second paragraph , in conjunction with Article 3.8, sixth paragraph
- d. an exemption as referred to in Article 4.1a or 4.3a

Temporary Restraining Order Act

Appendix 2. Administrative Jurisdiction Regulation (Articles 8:5 , 8:6 , 8:7 , 8:105 and 8:106)

Chapter 1. Decisions exempt from appeal (Article 8:5)

Article 1. No appeal

No appeal may be lodged against a decision taken on the basis of a provision referred to in this Article or otherwise described in this Article.

Archives Act 1995 :

- a. Article 38 , if Article 124 of the Municipalities Act has been applied accordingly insofar as the appeal is not lodged by the executive board or the general board of a water board, and if Article 124a of the Municipalities Act has been applied accordingly insofar as the appeal is not lodged by the Provincial Executive
- b. Article 38 , if corresponding application has been given to Chapter XVII of the Municipal Act , insofar as it concerns the refusal to take a decision to annul and the failure to take a decision to annul in a timely manner and insofar as it concerns the refusal to submit a recommendation for annulment

Publication Act : Article 21 , if Article 121 of the Provincial Act has been applied accordingly , insofar as the appeal is not lodged by the executive board or the general board of a water board

Civil Code:

- a. Book 1 :
 - 1. Article 7, first and second paragraphs
 - 2. title 14, section 4
- b. Book 2 : Articles 63d, paragraph 2 , 156 and 266 , insofar as the application has been granted
- c. Book 7 : article 671a .

Electricity Act 1998 : Articles 9b, fourth paragraph , 9c, third paragraph , 9d, second and third paragraphs , 9f, sixth paragraph , 20a, third paragraph , 20b, third paragraph , Article 20c, second and third paragraphs and Article 20ca

Bankruptcy Act : Article 285

Financial Relations Act : Article 9

Gas Act : Articles 39b, third paragraph , 39c, third paragraph , and 39d, second and third paragraphs

Municipal Act :

- a. article 49
- b. Article 85, paragraph 2 , insofar as it concerns the refusal to take a decision to annul and the failure to take a decision to annul in a timely manner
- c. Article 124 , insofar as the appeal is not lodged by the council, the municipal executive, or the mayor, respectively

- d. Article 124a , insofar as the appeal is not lodged by the Provincial Executive or the King's Commissioner, respectively
- e. Articles 169, third paragraph , 180, third paragraph , and 234, second paragraph, point (a).
- f. Article 268 , insofar as it concerns the refusal to take a decision to annul and the failure to take a decision to annul in a timely manner
- g. Article 278 , insofar as it concerns the refusal to make a motion for annulment
- h. Articles 278a, fourth paragraph , and 281, second paragraph , if Article 124 of the Municipalities Act has been applied accordingly insofar as the appeal is not lodged by the council, the municipal executive, or the mayor, respectively, and if Article 124a of the Municipalities Act has been applied accordingly insofar as the appeal is not lodged by the provincial executive, or the King's Commissioner, respectively.

Medicines Act : Article 17, section a

Bailiffs Act : Article 3a, second paragraph

Consumer and Markets Authority Establishment Act : Article 12h, first paragraph , to the extent that the application has been rejected

Collection Act 1990 , with the exception of Articles 30 , 49 and 62a

Youth Act :

- a. Article 3.5, first paragraph
- b. Articles 6.1.5 , 6.1.6, second and third paragraphs , 6.1.12, fifth paragraph , 6.3.1 to 6.3.5 , 6.3.7 and 6.4.1

Framework Act on Independent Administrative Bodies : Article 21a, first and second paragraphs

Costs Act for the Collection of National Taxes , with the exception of Article 7

Vacancy Act :

- a. Article 15, paragraph 1 , insofar as it concerns a refusal of the permit
- b. Article 15, sixth paragraph , insofar as it concerns a rejection of the request for extension
- c. Article 16, tenth paragraph, first sentence, and eleventh paragraph, first sentence

Mining Act : Articles 141a, third paragraph , 141b, third paragraph , and 141c, second and third paragraphs

Expropriation Act

Excavation Act : notification as referred to in Article 10, second and third paragraphs

Participation Act : Articles 52 and 81 and paragraph 6.5

Police Act 2012 : Articles 18 , 20 , 34 , 35 , 36, first paragraph , 37, first paragraph , 39, third and fifth paragraphs , and 52

Provincial law :

- a. article 49
- b. Article 83, paragraph 2 , insofar as it concerns the refusal to take a decision to annul and the failure to take a decision to annul in a timely manner
- c. Article 121 , insofar as the appeal is not lodged by the Provincial Executive or the King's Commissioner, respectively
- d. Articles 167, third paragraph , and 179, third paragraph
- e. Article 261 , insofar as it concerns the refusal to take a decision to annul and the failure to take a decision to annul in a timely manner
- f. Article 271 , insofar as it concerns the refusal to submit a motion for annulment
- g. Articles 271a, fourth paragraph , and 274, second paragraph , if Article 121 of the Provincial Act has been applied accordingly , insofar as the appeal is not lodged by the Provincial Council, the Provincial Executive or the King's Commissioner, respectively

Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe (OJ L 152, 2008): a notification as referred to in Article 22, paragraph 4

Dutch Safety Board Act , with the exception of decisions regarding the general secretary and the office's employees

Telecommunications Act : Articles 3.5 , 3.5a , 3.5b , 3.22 and 18.9, first and second paragraphs

Temporary Experiments Act on New Ballot Papers : Articles 2 and 4

Route Act : Articles 2, first paragraph , 4, first paragraph, part c , and 23, first paragraph

Extradition Act

Residential Rents Implementation Act : Articles 7, second, third, fifth, eighth and ninth paragraphs , and 7a, third paragraph

Regulation (EU) No 806/2014 of the European Parliament and of the Council of 15 July 2014 establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Bank Resolution Fund and amending Regulation (EU) No 1093/2010 of the European Parliament and of the Council (OJ L 225, 2014): Articles 16, 18 and 21, insofar as they concern a refusal to take a decision or the failure to take a decision in a timely manner;

Regulation (EU) 2021/23 of the European Parliament and of the Council of 16 December 2020 on a framework for the recovery and resolution of central counterparties and amending the Regulations (EU) No 1095/2010 , (EU) No 648/2012 , (EU) No 600/2014 , (EU) No 806/2014 and (EU) 2015/2365 , and the Directives 2002/47/EC , 2004/25/EC , 2007/36/EC , 2014/59 /EU and (EU)2017/1132 (OJ 2021 L 22): Articles 21 to 58, insofar as it concerns a refusal to take a decision or the failure to take a decision in good time

Water Board Act : Article 156, first paragraph , insofar as it concerns the refusal to promote an annulment and the failure to take a timely decision to annul

Water Act : Article 3.13, third paragraph , if corresponding application has been given to Article 121 of the Provincial Act , insofar as the appeal is not lodged by the executive board or the general board of a water board

Water Act : Articles: 4.1 ; 4.4 ; 4.6 ; 5.1 , except insofar as they establish or amend the location of a water storage area or protection zone as referred to in that Act; 5.5 ; 6.17, second paragraph , 6.28 ;

Road Traffic Act 1994 : Articles 132c, fifth paragraph , and 132d, second paragraph

Traffic Regulations Administrative Enforcement Act

General Provisions of Environmental Law Act :

- a. Articles 2.27, first paragraph , and 2.34, first paragraph , with the exception of appeals lodged by the authority competent with regard to the decision to which the statement or designation relates
- b. Article 5.2a, first paragraph , if Article 121 of the Provincial Act has been applied accordingly , insofar as the appeal is not lodged by the executive board or the general board of a water board
- c. Article 5.2a, second paragraph , if Article 124 of the Municipalities Act has been applied accordingly , insofar as the appeal is not lodged by the executive board or the general board of a water board, and if Article 124a of the Municipalities Act has been applied accordingly , insofar as the appeal is not lodged by the Provincial Executive
- d. Article 5.2a, third paragraph , if Chapter XVIII of the Provincial Act has been applied accordingly , insofar as it concerns the refusal to take a decision to annul and the failure to take a decision to annul in a timely manner and insofar as it concerns the refusal to make a recommendation for annulment
- e. Article 5.2a, fourth paragraph , if Chapter XVII of the Municipal Act has been applied accordingly , insofar as it concerns the refusal to take a decision to annul and the failure to take a decision to annul in a timely manner and insofar as it concerns the refusal to submit a recommendation for annulment
- f. Article 5.8, first paragraph, last sentence

Financial Supervision Funding Act 2019 : a decision regarding the approval referred to in Articles 6 and 9

Soil Protection Act : Article 43 , insofar as it concerns the rejection of a request

Human Rights Act , with the exception of Articles 14 to 18

Joint Arrangements Act :

- a. Articles 32b and 45a read in conjunction with Article 32b, insofar as the appeal is not lodged by the board of the public body, the board of the operational management organisation or the joint body
- b. Article 32c , insofar as the appeal is not lodged by the Provincial Executive
- c. Articles 36, paragraph 1 , 49 read in conjunction with Article 36, paragraph 1 , and 50h, paragraph 1 , insofar as they concern the refusal to take a decision to annul and the failure to take a decision to annul in a timely manner
- d. Articles 39b and 49 read in conjunction with Article 39b, insofar as they concern the refusal to make a recommendation for annulment
- e. Articles 39c, fourth paragraph , and 39e, second paragraph , if Article 32b has been applied accordingly insofar as the appeal is not lodged by the board of the public body, the board of the operational management organisation or the joint body, and if Article 32c has been applied accordingly , insofar as the appeal is not lodged by the Provincial Executive, and Article 49 read in conjunction with this section

Odour Nuisance and Livestock Farming Act : Article 7

Plant Protection Products and Biocides Act : Article 108

Aviation Act :

- a. Articles 8.4 , 8.15 and 8.25fa
- b. Articles 8.70, first paragraph , and 10.15, first paragraph , as far as they concern Lelystad, Rotterdam and Eindhoven airports
- c. Article 10.27, first paragraph , insofar as it concerns a permit for civilian co-use through the intervention of a civilian operator for Eindhoven Airport.

Collective Dismissal Notification Act

Environmental Management Act :

- a. Articles 4.3 , 4.6 , 4.9 , 4.12 , 4.15a , 4.16 and 4.19
- b. a decision on a programme as referred to in Article 5.12, first paragraph , or 5.13, first paragraph , or on an agreement as referred to in Article 5.12, thirteenth paragraph
- c. Articles 10.3 , 11A.2, third paragraph, parts b and c , 11.5 , 11.18 and 15.51, third paragraph
- d. Article 16.24, first paragraph , with the exception of a decision allocating greenhouse gas emission allowances for an individual greenhouse gas installation
- e. Article 17.15, second paragraph , if Article 121 of the Provincial Act has been applied accordingly , insofar as the appeal is not lodged by the executive board or the general board of a water board

Compliance with European Regulations for Public Entities Act :

- a. Article 2, paragraph 1 , insofar as it concerns the refusal to give an instruction
- b. Article 3 , insofar as it concerns the refusal to give an instruction
- c. Article 5 , insofar as it concerns the refusal to take a decision

Expertise Centres Act : Article 123, fourth paragraph , as long as the municipal council has not yet ratified the amendment

Judicial Organisation Act : Articles 46a, first paragraph , 62a, first paragraph , and 100

Act on the abolition of private lending banks : Article 2

Financial Supervision Act :

- a. a binding recommendation from one supervisor to the other supervisor
- b. Articles 1:75, first and second paragraph , and 1:76, first and third paragraph
- c. Sections 3A.1.3 , 3A.1.4 and 3A.1.5 insofar as they concern a refusal to take a decision or the failure to take a decision in a timely manner
- d. Article 3A:127
- e. Articles 6:1 and 6:2 , insofar as they concern a refusal to take a decision or the failure to take a decision in a timely manner

Higher Education and Scientific Research Act : Article 7.61

Primary Education Act : Article 128, fourth paragraph , as long as the municipal council has not yet ratified the amendment

Public Health Act : Articles 31 and 35

Judicial Officers' Legal Position Act :

- a. a decision to appoint, place or designate as referred to in Chapter 2 , unless the appeal is lodged by a judicial officer or judicial officer in training as such, his surviving relatives or his legal successors
- b. a decision of the Supreme Court as referred to in Chapter 6A
- c. a claim as referred to in Article 46o

Spatial Planning Act :

- a. Articles 2.1 , 2.2 , 2.3 and 3.7
- b. Articles 3.30, first paragraph , 3.33, first paragraph , and 3.35, first paragraph , insofar as it concerns an indication
- c. Article 4.1, fifth paragraph
- d. Article 4.2, first paragraph , unless the designation relates to a specifically indicated location from which no deviation is possible
- e. Articles 4.2, third paragraph , and 4.3, fourth paragraph
- f. Article 4.4, first paragraph , unless the designation relates to a specifically indicated location from which no deviation is possible
- g. Article 4.4, third paragraph
- h. Article 6.15, first paragraph , insofar as the revision relates exclusively to parts referred to in the third paragraph

Temporary Toll Levy Blankenburg Connection and ViA15 Act : Article 4, first paragraph , and Article 16, first paragraph

Financial Reporting Supervision Act : Articles 2, first paragraph , 3, first and second paragraph , 4 , 9 , 12 and 30

Act of 18 December 2008 amending the Aviation Act with regard to the renewal of the regulations for civil and military airports and the decentralisation of powers for civil airports to the provincial authorities (Regulations for civil and military airports) (Stb. 2008, 561): Article X

Act on the Reduction of Payment of Wage Tax and National Insurance Contributions : Article 30, paragraph 2

Compulsory Mental Health Care Act , with the exception of Articles 5:2 and 13:4

Dangerous Goods Transport Act : Articles 13, first paragraph , and 14, first, second and fourth paragraphs

Secondary Education Act 2020 : Article 5.23, fourth paragraph , as long as the municipal council has not yet ratified the amendment

Truck Levy Act : Articles 8, paragraph 2 , 9, paragraph 2 , and 12, paragraph 1

Offshore Wind Energy Act : Article 9, first paragraph

Act on Care and Compulsion for Psychogeriatric and Intellectually Disabled Clients , with the exception of Article 61

Health Insurance Act :

- a. Article 9a
- b. Article 18f, paragraph 1 , in conjunction with Article 18d or 18e , to the extent that a decision is taken on the liability to pay the administrative premium or the amount thereof

Chapter 2. Appeal in first instance to a special administrative court (Articles 8:4, second paragraph , and 8:6)

Article 2. Appeal to the Administrative Jurisdiction Division of the Council of State

An appeal against a decision taken pursuant to a provision referred to in this Article or otherwise described in this Article may be lodged with the Administrative Jurisdiction Division of the Council of State.

Archives Act 1995 : Article 38 , if corresponding application has been given to:

- a. Article 124 of the Municipalities Act , insofar as the appeal is lodged by the executive board or the general board of a water board;
- b. Article 124a of the Municipal Act , insofar as the appeal is lodged by the Provincial Executive, and
- c. Chapter XVII of the Municipal Act

Publication Act : Article 21 , if Article 121 of the Provincial Act has been applied accordingly , insofar as the appeal is lodged by the executive board or the general board of a water board

Private Law Obstacles Act : Articles 2, fifth paragraph , and 3, second paragraph , insofar as the obligation is necessary for the execution of works as referred to in Article 2.3, second paragraph, parts a and b, of the Crisis and Recovery Act or for the execution of one or more decisions as referred to in:

- a. Article 21, paragraph 2, of the Tracé Act
- b. Articles 3.30, paragraph 1, under a , 3.33, paragraph 1, under a , and 3.35, paragraph 1, under b, of the Spatial Planning Act
- c. Article 15, paragraph 2, of the Emergency Road Widening Act : the relocation of cables and pipes, related to the implementation of a road adjustment decision

Crisis and Recovery Act :

- a. Article 2.3 , insofar as it concerns a decision to establish a zoning plan
- b. Article 2.10, first paragraph

Education Experiments Act

Commission Delegated Regulation (EU) 2019/331 of 19 December 2018 determining transitional Union-wide rules for the harmonised free allocation of emission allowances pursuant to Article 10a of Directive 2003/87/EC of the European Parliament and of the Council (OJ L 59, 2019): as regards decisions of the Dutch emissions authority referred to in Article 2.1 of the Environmental Management Act

Municipal Act :

- a. Article 85, paragraph 2
- b. Article 124 , insofar as the appeal is lodged by the council, the municipal executive, or the mayor, respectively
- c. Article 124a , insofar as the appeal is lodged by the Provincial Executive or the King's Commissioner, respectively
- d. Article 125 , insofar as the decision relates to the enforcement of the provisions of or pursuant to the laws or statutory provisions referred to in Article 20.3, first paragraph, of the Environmental Management Act , or the Earth Removal Act
- e. Article 268, first paragraph
- f. Articles 278a, fourth paragraph , and 281, second paragraph , if Article 124 of the Municipalities Act has been applied accordingly insofar as the appeal is lodged by the council, the municipal executive, or the mayor, respectively, and if Article 124a of the Municipalities Act has been applied accordingly insofar as the appeal is lodged by the provincial executive or the King's Commissioner, respectively.

Interim law on urban and environmental approach :

- a. Articles 2 and 3
- b. a decision regarding the approval of a decision as referred to in Article 9

Framework Act on Conscription : Articles 10, first paragraph , 11 and 13

Nuclear Energy Act

Electoral Act :

- a. Articles D 7 , G 1 to G 4 , I 4 , K 8 , L 11 , M 4 , Q 6 , S 2 , X 4, third paragraph , X 4a, third paragraph , X 5, third paragraph , X 7, fourth paragraph , X 7a, fourth paragraph , and X 8, fourth paragraph
- b. Article Y 2 in conjunction with Article D 7 , G 1 , G 4 , I 4 , K 8 , L 11 or M 4
- c. Articles Y 32 and Y 33

Mining Act :

- a. a decision applicable to the continental shelf, other than a decision under sections 5.1.1 , 5.1.2 , 5.3 , 5.4 or 5.5
- b. a decision on a mining environmental permit pursuant to Article 40 , approval of an extraction plan pursuant to Article 34 , approval of an extraction plan or a storage plan pursuant to Article 39, paragraph 1 , and the adoption of an operational strategy pursuant to Article 52d

Excavation Act : Chapter II and Articles 26a, first paragraph, 27 and 29a, first paragraph

Participation Act : Article 76, first and second paragraphs

Provincial law :

- a. Article 83, paragraph 2
- b. Article 121 , insofar as the appeal is lodged by the Provincial Executive or the King's Commissioner, respectively
- c. Article 122 , insofar as the decision relates to the enforcement of the provisions of or pursuant to the laws or statutory provisions referred to in Article 20.3, first paragraph, of the Environmental Management Act , or the Earth Removal Act
- d. Article 261, first paragraph
- e. Articles 271a, fourth paragraph , and 274, second paragraph , if Article 121 of the Provincial Act has been applied accordingly , insofar as the appeal is lodged by the Provincial Council, the Provincial Executive or the King's Commissioner, respectively

Reconstruction Act Concentration Areas , insofar as it concerns a decision to establish, amend or elaborate the reconstruction plan, as well as a decision taken pursuant to Articles 40 to 43

Emergency law for road widening :

- a. a plan as referred to in Article 6, fifth paragraph
- b. Articles 7, paragraph 1 , 9, paragraph 1 , and 15, paragraph 2, under c

Temporary Experiments Act on New Ballot Papers : Articles 5 to 10

Temporary law on the designation of science courses : Article 2, first paragraph

Route Act : Articles 9, first paragraph , 20, second paragraph , and 21, second paragraph, under c

Commission Implementing Regulation (EU) 2018/2066 of 19 December 2018 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council (OJ L 334, 2018): insofar as it concerns decisions of the Dutch emissions authority referred to in Article 2.1 of the Environmental Management Act

Commission Implementing Regulation (EU) 2018/2067 of 19 December 2018 on the verification of data and the accreditation of verifiers pursuant to Directive 2003/87/EC of the European Parliament and of the Council (OJ L 334, 2018): insofar as it concerns decisions of the Dutch emissions authority referred to in Article 2.1 of the Environmental Management Act

Commission Implementing Regulation (EU) 2019/1842 of 31 October 2019 laying down detailed rules for the implementation of Directive 2003/87/EC of the European Parliament and of the Council as regards further arrangements for the adjustments to the free allocation of emission allowances as a result of changes in activity levels (OJ L 282, 2019): insofar as it concerns decisions of the Dutch emissions authority referred to in Article 2.1 of the Environmental Management Act

Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (OJ L 190, 2006).

Commission Regulation (EU) No 601/2012 of 21 June 2012 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council (OJ L 181, 2012):

as far as it concerns decisions of the Dutch Emissions Authority, referred to in Article 2.1 of the Environmental Management Act

Implementing Act European Citizens' Initiative Regulation : Article 2, introductory sentence and under c

Aliens Act 2000 : Articles 43 and 45, fourth paragraph

Water Board Act :

- a. a decision by Our Minister of Infrastructure and the Environment regarding the approval of a decision as referred to in Article 5
- b. a decision of the general board of a water board as referred to in Article 31, third paragraph
- c. a decision of the general board of a water board as referred to in Article 33, fourth paragraph
- d. Article 21, paragraph 1
- e. Article 61 , insofar as the decision relates to the enforcement of the provisions of or pursuant to the laws or statutory provisions referred to in Article 20.3, first paragraph, of the Environmental Management Act , or the Earth Removal Act
- d. Article 156, first paragraph

Water Act :

- a. Article 3.13, third paragraph, if Article 121 of the Provincial Act has been applied accordingly , insofar as the appeal is lodged by the executive board or the general board of a water board
- b. Articles 5.7, first paragraph , and 5.8, first paragraph
- c. a decision that has been prepared in a coordinated manner with a decision under the Nuclear Energy Act in accordance with Article 6.27, paragraph 2

Supplementary Road Tunnel Safety Regulations Act : Article 8, first paragraph , insofar as it concerns a permit for a tunnel that is part of a route decision as referred to in Article 9 of the Route Act

General Provisions of Environmental Law Act :

- a. Article 5.2a, first paragraph , if Article 121 of the Provincial Act has been applied accordingly , insofar as the appeal is lodged by the executive board or the general board of a water board
- b. Article 5.2a, second paragraph , if Article 124 of the Municipalities Act has been applied accordingly insofar as the appeal is not lodged by the executive board or the general board of a water board, and if Article 124a of the Municipalities Act has been applied accordingly insofar as the appeal is lodged by the Provincial Executive
- c. Article 5.2a, third paragraph , if Chapter XVIII of the Provincial Act has been applied accordingly
- d. Article 5.2a, fourth paragraph , if Chapter XVII of the Municipal Act has been applied accordingly

Ammonia and Livestock Farming Act :

- a. Article 2, first paragraph
- b. a decision to amend a decision as referred to in Article 2, first paragraph

Antarctica Protection Act

Soil Protection Act , with the exception of Article 43 , insofar as it concerns the rejection of a request

Education and Vocational Training Act :

- a. Articles 1.4.1 , 1.4a.1 , 1.6.1 , 2.1.1, first paragraph , 2.1.2, first paragraph, part b , 2.1.3, second paragraph , 2.2.3, first and third paragraphs , and 2.5.9
- b. Articles 6.1.3 to 6.1.6 , 6.2.1 to 6.2.3 , 6.2.3b , 6.3.1 to 6.3.3 , 6.4.4 , 6a.1.2 , 6a.1.3 and 11.1

Social Insurance Financing Act : Article 91

Noise Abatement Act

Joint Arrangements Act :

- a. Article 25, eighth paragraph
- b. Articles 32b and 45a read in conjunction with Article 32b, insofar as the appeal is lodged by the board of the public body, the board of the operational management organisation or the joint body
- c. Article 32c , insofar as the appeal is lodged by the Provincial Executive
- d. Articles 36, paragraph 1 , 49 read in conjunction with Article 36, paragraph 1, and 50h, paragraph 1

- e. Articles [39c, fourth paragraph](#) , and [39e, second paragraph](#) , if Article [32b](#) has been applied accordingly insofar as the appeal is lodged by the board of the public body, the board of the operational management organisation or the joint body, and if [Article 32c](#) has been applied accordingly , insofar as the appeal is lodged by the Provincial Executive, and [Article 49](#) read in conjunction with this section
- f. Articles [99, paragraph 1](#) , [100, paragraph 1](#) , [103b](#) , and [103c, paragraph 1](#)

Conscientious Objection to Military Service Act :

- a. [Chapter II](#) , with the exception of [Article 4, paragraph 2](#)
- b. Articles [15](#) and [16](#)

Rural Area Development Act :

- a. the establishment or amendment of a development plan, insofar as it concerns the boundaries of the blocks referred to in [Article 17, paragraph 3, sub b](#)
- b. the designation of facilities referred to in [Article 17, paragraph 2, subparagraph b](#) , containing the application of a discount as referred to in [Article 56, paragraph 1](#)
- c. the allocation of ownership, management and maintenance of public utility facilities referred to in [Article 28](#)
- d. the designation of roads and their associated structures, as referred to in [Article 33, paragraph 1](#)
- e. the inclusion of roads and associated structures as public roads, as referred to in [Article 33, paragraph 2](#)

Air Pollution Act

Healthcare Quality, Complaints and Disputes Act : [Articles 11c, first and third paragraphs](#) , and [11d, first paragraph](#)

Long-Term Care Act , insofar as it concerns a decision of Our Minister of Health, Welfare and Sport, with the exception of [Chapter 10, § 4](#)

Aviation Act : [Articles 8.25, second paragraph](#) , [8.25b](#) , [8.25c](#) , [8.43, first paragraph](#) , [8.64, first paragraph](#) , [8.70, first and sixth paragraphs](#) , [8.77, first paragraph](#) , [8a.50a](#) , [8a.54](#) , [10.15, first paragraph](#) , and [10.39](#) , also insofar as the decision can be regarded as a generally binding regulation as referred to in [Article 8:3, first paragraph](#) , of the General Administrative Law Act, but with the exception of a decision pursuant to [Articles 8.70, first paragraph](#) , and [10.15, first paragraph](#) , insofar as it concerns Lelystad, Rotterdam and Eindhoven airports.

Social Support Act 2015 : [Article 2.6.8](#)

Environmental Management Act , including a decision relating to enforcement, but excluding:

- a. Articles [1.3, first paragraph](#) , [8.40a](#) and [8.42](#)
- b. a decision relating to the enforcement of the provisions under [Article 8.40](#)
- c. [article 15.50](#)
- d. [Article 17.15, second paragraph](#) , if [Article 121 of the Provincial Act](#) has been applied accordingly , insofar as the appeal is lodged by the executive board or the general board of a water board

Compliance with European Regulations on Public Entities Act : [Articles 2, first paragraph](#) , [3](#) and [5](#)

Expertise Centers Act :

- a. [Title IV : Sections 2 and 7](#) , including approval by operation of law
- b. Articles [118](#) and [168](#)

Financial Supervision Act : [Articles 6:1](#) and [6:2](#)

Higher Education and Scientific Research Act : [Articles 2.9, third paragraph](#) , [5.8, first paragraph](#) , [5.9, first and second paragraphs](#) , [5.16, first and third paragraphs](#) , [5.17](#) , [5.18](#) , [5.19, first, second and third paragraphs](#) , [5.20, first paragraph](#) , [5.26, first paragraph](#) , [5.27, first and second paragraphs](#) , [5.29, first paragraph](#) , [6.5](#) , [7.64, first paragraph](#) , and [15.1, first paragraph](#)

Primary Education Act :

- a. [Article 22, fifth paragraph](#)
- b. [Title IV : Sections 2 and 8](#) , including approval by operation of law
- c. Articles [120](#) and [189](#)

- d. Article 193, paragraph 2, second sentence , insofar as it concerns a decision based on provisions that have been declared applicable mutatis mutandis by the general administrative measure pursuant to Article 193, paragraph 2, second sentence, as well as a decision based on provisions of the general administrative measure that correspond thereto

Spatial Planning Act :

- a. a decision regarding the adoption of a zoning plan, a zoning plan or a national zoning plan as referred to in Article 10.3, first paragraph
- b. Article 3.1, third paragraph
- c. a decision regarding amendment or elaboration of a zoning plan in accordance with Article 3.6, first paragraph
- d. a designation decision as referred to in Article 3.8, sixth paragraph , or Article 3.26, second paragraph , in conjunction with Article 3.8, sixth paragraph
- e. Articles 3.30, first paragraph, under a or b , 3.33, first paragraph, under a or b , and 3.35, first paragraph
- f. Articles 4.2, first paragraph , and 4.4, first paragraph , insofar as the decision relates to a specifically indicated location from which no deviation is possible
- g. Articles 6.8, first paragraph , and 6.9
- h. a decision regarding the adoption of a development plan for land, included in a simultaneously announced zoning plan, integration plan or amendment plan as referred to in Article 3.6, first paragraph , as well as revisions to the relevant development plan and decisions regarding the settlement and recalculated development contributions of the relevant development plan
- i. an exemption as referred to in Article 4.1a or 4.3a , insofar as that exemption relates to a zoning plan or a provincial integration plan

Work and Income Implementation Agency Structure Act : Article 9, fifth paragraph

Temporary Toll Levy Act for the Blankenburg Connection and ViA15 : Article 2, first paragraph

Healthcare Institutions Admission Act

Secondary Education Act 2020 :

- a. chapters 4 and 10
- b. Articles 2.95 , 5.9 and 5.10

Offshore Wind Energy Act : Articles 3, first paragraph and 11, first paragraph

Housing Act : Article 19 , insofar as it concerns the withdrawal of a permit

Health Insurance Act : insofar as it concerns a decision pursuant to Article 34a or a decision of Our Minister of Health, Welfare and Sport or of the Dutch Healthcare Institute, with the exception of a decision regarding a person who is a member of the staff of the Dutch Healthcare Institute

Article 3. Appeal to the Central Appeals Tribunal

An appeal against a decision taken pursuant to a provision referred to in this article or otherwise described in this article may be lodged with the Central Appeals Tribunal. A decision in which the following civil servants, their surviving relatives, or their legal successors are interested parties:

- a. a judicial officer as referred to in Article 1, section b, of the Judicial Organization Act as such
- b. a member of the Central Appeals Tribunal or the Trade and Industry Appeals Tribunal charged with jurisdiction as such
- c. a senior judicial auditor or judicial auditor of the Central Appeals Tribunal or the Trade and Industry Appeals Tribunal as such
- d. a former civil servant as referred to in subparagraph a, b or c as such

General Pension and Benefit Act for Political Office Holders

Indonesian Civilian Government Personnel Guarantee Act , insofar as it concerns a decision based on the General War Accident Regulations

Liquidation Act Accident Acts : Article 24, first paragraph

Temporary compensation scheme for psychotherapy for the post-war generation

Extraordinary Pension Act 1940–1945Extraordinary Pension Act for the Dutch East Indies ResistanceExtraordinary Pension for Seamen-War Victims ActCivilian War Victims Benefits Act 1940–1945Victims of Persecution Benefits Act 1940–1945**Article 4. Appeal to the Trade and Industry Appeals Tribunal**

An appeal may be lodged with the Trade and Industry Appeals Tribunal against a decision taken pursuant to a provision referred to in this Article or otherwise described in this Article.

A decision of the Social and Economic Council or of the Chamber of Commerce, referred to in Article 2 of the Chamber of Commerce Act , with the exception of:

- a. a decision based on the Open Government Act
- b. a decision regarding a person with regard to his or her capacity as referred to in Article 3 of the Civil Servants Act 2017
- c. a decision based on the General Data Protection Regulation

General Customs Act : a decision on agricultural refunds

Banking Act 1998 : Article 12, fourth paragraph , insofar as it concerns the suspension or dismissal of a director

Civil Code, Book 2 , insofar as the decision was announced before 1 July 2011:

- a. Article 64, third paragraph , second sentence, insofar as it concerns a refusal to extend the term referred to in the first sentence
- b. Articles 68, paragraph 2 , and 125, paragraph 2 , insofar as they concern a refusal of a declaration
- c. Article 156 , insofar as it concerns:
 1. a refusal, modification or withdrawal of an exemption
 2. a decision to grant an exemption to the extent that conditions are attached to it or restrictions are imposed
- d. Article 175, third paragraph , second sentence, insofar as it concerns a rejection of a request
- e. Articles 179, paragraph 2 , and 235, paragraph 2 , insofar as they concern a refusal of a declaration
- f. Article 266 , insofar as it concerns:
 1. a decision to refuse, amend or withdraw the exemption
 2. a decision to grant an exemption to the extent that conditions are attached to it or restrictions are imposed

Electricity Act 1998 , including a decision by the Netherlands Authority for Consumers and Markets, taken pursuant to Articles 36 , 37 , 41 , 41c , 55 , 56, second paragraph , and 57, third and fourth paragraphs , which can be regarded as a generally binding regulation as referred to in Article 8:3, first paragraph , of the General Administrative Law Act and with the exception of a decision pursuant to Articles 9b, fourth paragraph , 9c, third paragraph , 9d, second and third paragraphs , 9e, fifth paragraph , 9f, sixth paragraph , 20a, third paragraph , 20b, third paragraph , 20c, second and third paragraphs , 77h and 77i

Gas Act , including a decision by the Netherlands Authority for Consumers and Markets, taken pursuant to Articles 12f , 12g , 23 , 24, second paragraph , 25, third and fourth paragraphs , 81 , 81c and 82 , which can be regarded as a generally binding regulation as referred to in Article 8:3, first paragraph , of the General Administrative Law Act and with the exception of a decision pursuant to Articles 16 , 39b, third paragraph , 39c, third paragraph , 39d, second and third paragraphs , 60ac and 60ad

Municipal Act : Article 125 , insofar as it concerns a decision relating to the enforcement of the provisions of or pursuant to the Shop Opening Hours Act

Hamster law

Implementation Act on the registration of ultimate beneficial owners of trusts and similar legal structures , with the exception of Articles 22 and 23

Framework Act on EZK and LNV subsidies

Agricultural Quality ActAgricultural Act : Articles 13 , 15 , 17 to 22 and 26Pilotage Act : Articles 21, third paragraph , 27b, fourth paragraph , 27d , 27f , 27h and 27lRoad Transport Market RegulationFertilizers Act , with the exception of Article 51Metrology ActEmergency Food Supply Act : Articles 6 to 10 and 29 , except in the case of application of Article 18Plant Health Act , with the exception of Article 26Postal Act 2009 : Chapter 3A and Article 58Emergency Price ActPrices ActShipping Traffic Act : Articles 14a, second paragraph, first sentence , and 15ba, first paragraphRailways Act : Chapter 5 , Section 2 , and Article 71, second paragraphTelecommunications Act , insofar as it concerns a decision of the Netherlands Authority for Consumers and Markets, taken on the basis of:

- a. Chapter 6 , unless an appeal could be lodged before the entry into force of the Act implementing the European regulatory framework for the electronic communications sector 2002
- b. chapters 5a , 5c , 6a , 6b and 12
- c. Chapter 15 , with the exception of Articles 15.2 , 15.2a and 15.4

Temporary National Growth Fund ActEU Seaport Regulation Implementation Act : Article 7 , insofar as it concerns a decision of the Netherlands Authority for Consumers and MarketsImplementing Act of the European Cooperative Society Regulation : the objection referred to in Articles 6, first paragraph , and 9Implementing Act of the European Company Regulation : the opposition referred to in Articles 5, first paragraph , and 7Council Regulation (EC) No 1435/2003 of 22 July 2003 on the Statute for a European Cooperative Society (SCE) (OJ L 207, 2003): Article 7, fourteenth paragraph, second subparagraphCouncil Regulation (EC) No 2157/2001 of 8 October 2001 on the Statute for a European company (SE) (OJ L 294, 2001): Article 8, paragraph 14, second subparagraphRegulation (EU) No 806/2014 of the European Parliament and of the Council of 15 July 2014 establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Bank Resolution Fund and amending Regulation (EU) No 1093/2010 of the European Parliament and of the Council (OJ L 225, 2014): Articles 16, 18 and 21Regulation (EU) 2017/1129 of the European Parliament and of the Council of 14 June 2017 on the prospectus to be published when securities are offered to the public or admitted to trading on a regulated market, and repealing Directive 2003/71/EC (OJ L 168, 2017): Articles 20, first and fifth paragraphs, and 23, first paragraphRegulation (EU) 2021/23 of the European Parliament and of the Council of 16 December 2020 on a framework for the recovery and resolution of central counterparties and amending the Regulations (EU) No 1095/2010 , (EU) No 648/2012 , (EU) No 600/2014 , (EU) No 806/2014 and (EU) 2015/2365 , and the Directives

2002/47/EC , 2004/25/EC , 2007/36/EC , 2014/59 /EU and (EU)2017/1132 (OJ 2021 L 22): Articles 21 to 58

Guarantee Act 2019 , with the exception of Article 38

Heat Act , including a decision taken pursuant to Article 5, paragraph 1 , to establish a maximum price, and with the exception of Article 18

Maritime Shipping Retaliation Act :

- a. a grant or refusal of a permit or an exemption
- b. a withdrawal of a permit or an exemption under Article 7
- c. an imposition of a levy

Inland Waterway Fleet Capacity Management Act

Animal Welfare Act , with the exception of a decision based on Article 8.7

Medicines Prices Act , with the exception of Article 11 and including a decision establishing a maximum price

Plant Protection Products and Biocides Act , with the exception of Articles 90 and 108

Act on the implementation of EU energy efficiency acts , with the exception of Articles 21 and 22

Income Tax Act 2001 :

- a. Articles 3.37, first paragraph , and 3.42, first paragraph , insofar as it concerns a decision of Our Minister of Economic Affairs and Climate, and
- b. Article 3.52a, first, second and eleventh paragraphs , insofar as it concerns a decision of Our Minister of Economic Affairs and Climate, with the exception of a penalty decision as referred to in the eleventh paragraph and a related corrective RDA decision as referred to in the second paragraph

Long-Term Care Act : Article 11.4.1 and Article 11.4.2

Aviation Act : Articles 8.25ea, fourth paragraph , 8.25f, second, fourth and fifth paragraphs , 8.25g, first paragraph , 8.40f, fourth paragraph , and 8.40g, second, fourth and fifth paragraphs

Health Care Market Regulation Act , with the exception of decisions of the Dutch Healthcare Authority as referred to in Section 4 of Chapter 6

Defense Preparation Cooperation Act

Nationality Act for Bareboat Chartered Seagoing Vessels

Architects' Title Act , including a decision regarding a designation as referred to in Articles 9, paragraph 1(j) , 10, paragraph 1(f) , 11, paragraph 1(f) , and 12, paragraph 1(f) , which can be regarded as a generally binding regulation as referred to in Article 8:3, paragraph 1 , of the General Administrative Law Act, unless it concerns a decision as referred to in Article 8:4, paragraph 3(b) , of the General Administrative Law Act

Accountancy Profession Act

Financial Supervision Act :

- a. Article 1:26, first and second paragraph , Sections 3A.1.3 , 3A.1.4 and 3A.1.5 , Articles 3A:85 and 3A:86 and Articles 5:77, first paragraph , and 5:81, third paragraph
- b. a decision regarding the provisions laid down in Article 5:76, second paragraph , or 5:80b, fifth paragraph , with the exception of a decision to impose an administrative fine as referred to in Article 1:80

Passenger Transport Act 2000 , with the exception of Articles 56, first paragraph , 59, first paragraph , 94, first paragraph , and 96, first paragraph

State Aid Recovery Act : Article 3

International Energy Programme Implementation Act

Fur Farming Ban Act

Act of 22 June 1994 amending the Civil Code, the Code of Civil Procedure, the Commercial Code and the Nationality of Seagoing Vessels in Bareboat Charter Act (amendment to the conditions for granting nationality and registering seagoing vessels) (Stb. 1994, 507): a declaration as referred to in Article V, first paragraph

Act on the Reduction of Payment of Wage Tax and National Insurance Contributions : a decision taken by one of the administrative bodies referred to in Article 30, paragraph 1 , unless Article 26 has been applied or co-applied

Maritime Transport Act

Petroleum Products Stockpiling Act 2012 , with the exception of Article 26 and including a decision of Our Minister of Economic Affairs and Climate taken on the basis of a bilateral agreement and relating to the failure to maintain a statutory stockpile in the Netherlands

Road Transport of Goods Act

Offshore Wind Energy Act : Articles 15, fourth paragraph , 16 , 17 , 21, second paragraph , and 25

Commercial Code : Article 311a

Shop Opening Hours Act

Seeds and Planting Materials Act 2005

Health Insurance Act : Article 122a

Article 5. Appeal to a court of appeal

An appeal may be lodged with a court of appeal against a decision taken pursuant to a provision referred to in this Article or otherwise described in this Article.

Social Insurance Financing Act : a decision on an objection as referred to in Articles 95 and 97

Chapter 3. Appeal in first instance to another court (Article 8:7, third paragraph)

Article 6. Appeal to the District Court of The Hague

An appeal against a decision taken on the basis of a provision referred to in this Article or otherwise described in this Article may be lodged with the District Court of The Hague.

Decree of 20 June 1984, establishing a general administrative measure regulating the reimbursement of motor vehicle tax for war victims (Stb. 1984, 364)

Indonesian Civilian Government Personnel Guarantee Act , with the exception of a decision based on the General War Accident Regulations

KNIL Military Guarantee Act

Surinamese Pension Guarantee Act

Defence Civil Servants Act

the regulations of the Maror Funds Government Foundation, the Jewish Humanitarian Fund Foundation, the Sinti and Roma Legal Redress Foundation and the Het Gebaar Foundation

Indonesian Pension Concurrence Scheme 1960

Supplementary pension scheme for Suriname and the Netherlands Antilles

Indonesian Pension Supplement Act 1956

Former Military Personnel Benefits Act

Benefits Act for compensation for veterans serving for two to five years

Aliens Act 2000 , with the exception of Articles 43 and 45, fourth paragraph , and provided that the District Court of The Hague may hear the appeal in all locations of all courts referred to in Article 21b, first and second paragraph, of the Judicial Organisation Act

Foreign Nationals Employment Act , with the exception of a decision to impose an administrative fine, and provided that the District Court of The Hague may hear appeals against decisions as referred to in that Act in all locations of all courts referred to in Article 21b, first and second paragraph, of the Judicial Organization Act

Military Disability Benefits Act

Act on the Protection of Original Topographies of Semiconductor Products , insofar as it concerns a decision of the office referred to in Article 1 concerning the registration of a deposit under that Act

Central Agency for the Reception of Asylum Seekers Act : the decisions and acts referred to in Article 5, first and second paragraphs , with the understanding that the District Court of The Hague may hear appeals in all locations of all courts referred to in Article 21b, first and second paragraphs, of the Judicial Organization Act

Financial Provisions Act for the Privatisation of ABP

Environmental Management Act : Articles 18.16a, first, second or fifth paragraph , 18.16b, first paragraph , 18.16c, first paragraph , and 18.16s, first paragraph

Intelligence and Security Services Act 2017 : Chapter 5

KNIL Pension Provisions Act

Disaster Response Officers' Legal Position Provisions Act

Act of 16 July 2001 establishing additional rules in connection with the introduction of a supplement scheme to compensate for the lack of a transfer supplement as of 1 January 2001 with respect to the Supplement Act on Indonesian Pensions 1956 and certain other overseas pension laws, as well as updating those laws in connection with the entry into force of the General Surviving Dependants Act (Stb. 2001, 377)

Act of 21 December 1951, containing a social assistance scheme pursuant to Article 2 of the Guarantee Act for Civilian Government Personnel Indonesia (Stb. 1951, 592)

Article 7. Appeal to the Rotterdam District Court

An appeal against a decision taken pursuant to a provision referred to in this Article or otherwise described in this Article may be lodged with the Rotterdam District Court.

Public Procurement Act 2012 , Article 4.21

Defence and Security Procurement Act , Article 3.8

Banking Act 1998 : Article 9c, first and second paragraph

Civil Code:

- a. Book 2 : Articles 63d, paragraph 2 , 156 and 266
- b. Book 8 : Title 6, Section 5

Drinking Water Act : Article 50, third paragraph , in conjunction with Article 70a of the Competition Act

Electricity Act 1998 : Articles 77h and 77i

Gas Act : Articles 16 , 60ac and 60ad

Trade Register Act 2007 : Articles 47a and 47b

Implementation Act on the registration of ultimate beneficial owners of trusts and similar legal structures : Articles 22 and 23

Establishment Act of the Netherlands Authority for Consumers and Markets

Pension Act Implementation and Amendment Act

Pilotage Act , with the exception of Articles 21, third paragraph , 27b, fourth paragraph , 27d , 27f , 27h and 27l

Competition Act

Coinage Act 2002 : Article 11, first and second paragraphs

Pension Act

Postal Act 2009 , with the exception of Chapter 3A and Article 58

Sanctions Act 1977 : Articles 10ba to 10d

Railways Act , with the exception of Articles 19 and Chapter 5 , paragraph 2 , and Article 71, paragraph 2

Tobacco and Smoking Products Act

Telecommunications Act , including the regulations referred to in Article 18.2a , with the exception of:

- a. Articles 3.5 , 3.5a , 3.5b , 3.22 , 15.2, third paragraph , 15.4, fourth paragraph , and 18.9, first and second paragraphs
- b. as well as, insofar as it concerns a decision of the Netherlands Authority for Consumers and Markets:
 - 1. Chapter 6 , unless an appeal could be lodged before the entry into force of the Act implementing the European regulatory framework for the electronic communications sector 2002
 - 2. chapters 5a , 5c , 6a , 6b and 12
 - 3. Chapter 15 , with the exception of Articles 15.2 , 15.2a and 15.4 .

Cybersecurity Regulation Implementation Act

EU Seaport Regulation Implementation Act : Article 9, first paragraph

Regulation (EU) No 806/2014 of the European Parliament and of the Council of 15 July 2014 establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Bank Resolution Fund and amending Regulation (EU) No 1093/2010 of the European Parliament and of the Council (OJ L 225, 2014, p. 1), with the exception of Articles 16, 18 and 21

Regulation (EU) 2021/23 of the European Parliament and of the Council of 16 December 2020 on a framework for the recovery and resolution of central counterparties and amending the Regulations (EU) No 1095/2010 , (EU) No 648/2012 , (EU) No 600/2014 , (EU) No 806/2014 and (EU) 2015/2365 , and the Directives 2002/47/EC , 2004/25/EC , 2007/36/EC , 2014/59 /EU and (EU) 2017/1132 (OJ L 22, 2021, with the exception of Articles 21 to 58

Commodities Act

Heat Act : Article 18

Financial Supervision Funding Act

Maritime Accidents Control Act

North Sea Accident Control Act , insofar as it concerns a decision of Our Minister, taken on a request for compensation as referred to in Article 13, first paragraph

Network and Information Systems Security Act , insofar as it concerns a decision that relates to a provider of an essential service in the energy, digital infrastructure, banking, financial market infrastructure, healthcare and rail sectors or to a digital service provider

Animal Welfare Act : Article 8.7

Foreign Financial Relations Act 1994

Medicines Prices Act : Article 11

Plant Protection Products and Biocides Act : Article 90

Consumer Protection Enforcement Act

Act on the implementation of EU energy efficiency acts : Articles 21 and 22

Act on information exchange on above-ground and underground networks

Income Tax Act 2001 : a penalty decision as referred to in Article 3.52a, eleventh paragraph , and a related corrective RDA decision as referred to in the second paragraph of this Article

Money Transfer Offices Act , to the extent that that Act still applies pursuant to Article IX of the Financial Markets Amendment Act 2012

Local Rail Act , with the exception of Article 12

Aviation Act : Article 11.24

Health Care Market Regulation Act , insofar as it concerns decisions of the Dutch Healthcare Authority as referred to in paragraph 4 of Chapter 6

Unfair Trading Practices in the Agricultural and Food Supply Chain Act : Article 9

Intelligence and Security Services Act 2017: Article 53, seventh paragraph

Financial Supervision Act , with the exception of:

- a. sections 3A.1.3 , 3A.1.4 and 3A.1.5 and articles 3A:85 and 3A:86
- b. Articles 5:77, first paragraph , and 5:81, third paragraph
- c. a decision regarding the provisions laid down in Article 5:76, second paragraph , or 5:80b, fifth paragraph , with the exception of a decision to impose an administrative fine as referred to in Article 1:80
- d. Articles 6:1 and 6:2

Passenger Transport Act 2000 : Articles 56, first paragraph , 59, first paragraph , 94, first paragraph , and 96, first paragraph

APB Privatisation Act , insofar as it concerns the corresponding application of the Compulsory Participation in an Industry-Level Pension Fund Act 2000 pursuant to Article 21, fourth paragraph

Oil Tanker Compensation Fund Act

Money Laundering and Terrorism Financing (Prevention) Act

Accountancy Firms Supervision Act

Financial Reporting Supervision Act

Trust Office Supervision Act 2018

Act of 12 July 2012 amending the Electricity Act 1998 and the Gas Act (implementation of directives and regulations in the field of electricity and gas) (Stb. 2012, 334): Article XX

Act of 23 November 2006 amending the Electricity Act 1998 and the Gas Act in connection with further rules regarding independent network management (Stb. 2006, 614)

Act on the Reduction of Payment of Wage Tax and National Insurance Contributions : a decision taken by one of the administrative bodies referred to in Article 30, paragraph 1 , in which Article 26 is applied or co-applied

Compulsory Occupational Pension Scheme Act

Compulsory Participation in an Industry-Level Pension Fund Act 2000

Article 8. Other

- 1 An appeal against a decision taken on the basis of the Transitional Act for the Electricity Production Sector can be lodged with the Gelderland District Court.
- 2 An appeal against a decision pursuant to Sections 5.1.1 , 5.1.2 , 5.3 , 5.4 , and 5.5 of the Mining Act , as well as a decision referred to in Article 26 of the Petroleum Products Stockpiling Act 2012 , may be lodged with the District Courts of Noord-Nederland, Gelderland, Noord-Holland, The Hague, and Zeeland-West-Brabant, within whose jurisdiction the appellant resides. If the appellant is not resident in the Netherlands,

an appeal may be lodged with the District Court within whose jurisdiction the administrative authority has its registered office.

- 3 An appeal against a decision of the Legal Aid Board, as referred to in Chapter II of the Legal Aid Act , may be lodged with the court in the district where the Board is established.
- 4 An appeal against a decision as referred to in Article 8:2, second paragraph, of the General Customs Act , with the exception of a decision regarding agricultural refunds, may be lodged with the District Court of North Holland.
- 5 An appeal against a decision as referred to in Article 18, third paragraph, of the Strategic Services Act may be lodged with the District Court of Haarlem.
- 6 An appeal may be lodged against a decision of the Service referred to in Article 1 of the Land Registry Act concerning the amendment of an authentic datum or concerning the amendment of a datum other than an authentic datum, with the court within whose jurisdiction:
 - a. the immovable property to which the relevant data relates is wholly or largely located, or
 - b. The Service referred to in Article 1 of the Cadastre Act is established if the data in question relates to a registered ship or aircraft.
- 7 An appeal against a decision based on Article 2.3 of the Youth Act may be lodged with the juvenile court within whose jurisdiction the municipality concerned is located.
- 8 An appeal against a decision on the award of a subsidy for a project under the ERDF Implementation Act may be lodged with the court within the jurisdiction of which an authority as referred to in Article 3 of that Act, which is authorised to take decisions on the award of ERDF funds for the project, has its registered office, unless that authority is established abroad.
- 9 An appeal against a decision as referred to in Chapter V, Section 2 of the General Tax Act of an administrative body as referred to in Article 8:7, second paragraph , may be lodged with:
 - a. the courts of North Holland, The Hague and Zeeland-West-Brabant in whose jurisdiction the appellant has his domicile or, if the appellant has no domicile in the Netherlands, the courts of North Holland, The Hague and Zeeland-West-Brabant in whose jurisdiction the administrative body has its registered office;
 - b. the Gelderland District Court, if the person lodging the appeal has his residence in the district of Gelderland, the district of Overijssel or the district of Midden-Nederland, with the exception of the province of Flevoland, or, if the person lodging the appeal does not have a residence in the Netherlands, when the administrative body has its registered office in the district of Gelderland, the district of Overijssel or the district of Midden-Nederland, with the exception of the province of Flevoland;
 - c. the District Court of North Netherlands, if the appellant resides in the district of North Netherlands or the province of Flevoland, or, if the appellant does not reside in the Netherlands, if the administrative body has its registered office in the district of North Netherlands or the province of Flevoland.
- 10 An appeal against a decision as referred to in Article 2, third paragraph , and Article 15, first paragraph, of the Temporary Groningen Act may be lodged with the District Court of Noord-Nederland.

Chapter 4. Appeal (Articles 8:105 and 8:106, first paragraph, under a)

Article 9. Appeal to the Central Appeals Tribunal, with suspensive effect

An appeal may be lodged with the Central Appeals Tribunal against a decision of the District Court or the interim relief judge regarding a decision taken pursuant to a provision referred to in this Article or otherwise described in this Article.

The following decisions:

- a. a decision on a disabled parking card as referred to in Chapter IV of the Decree on administrative provisions regarding road traffic
- b. a decision taken on the basis of a municipal regulation or joint arrangement regarding a disabled parking card
- c. a decision about a disabled parking space for a specific vehicle

General Child Benefit Act

General Survivors Act

General Old Age Pensions Act

Decision on the statutory unemployment scheme for primary education staff , insofar as it concerns a decision of Our Minister of Education, Culture and Science

Decree on Unemployment among Education and Research Personnel , insofar as it concerns a decision of Our Minister of Education, Culture and Science

Decree on illness and disability for primary education teaching staff , insofar as it concerns a decision of Our Minister of Education, Culture and Science

Civil Code: Book 7, Article 673e

SZW Subsidies Framework Act , insofar as it concerns a ministerial regulation based on Article 9

Liquidation Act Accident Acts , with the exception of Article 24, first paragraph

Participation Act , with the exception of Articles 52 , 76, first and second paragraph , and 81 and paragraph 6.5

Temporary law limiting the income consequences of disability criteria

Temporary pilot wage compensation law

Allowances Act

Unemployment Act

Work and Care Act : Chapter 3, Section 2 , and Articles 4:2b and 6:3

Disability Benefits for Young Disabled Persons Act

Military Disability Benefits Act

Self-Employed Persons' Disability Insurance Act

Social Insurance Financing Act , insofar as it concerns a decision of the Social Insurance Bank or the Employee Insurance Agency

Allowances Recovery Operation Act : Articles 3.6 , 3.7 , 3.8 , 3.10 with the exception of waivers relating to claims related to the collection of the personal contribution as referred to in Article 2.1.4b of the Social Support Act 2015 and Article 3.11

Income Provision Act for Older and Partially Disabled Former Self-Employed Persons

Income Provision Act for Older and Partially Disabled Unemployed Workers

Income Provision for Older Unemployed Persons Act

Act on the Introduction and Financing of the Work and Income (Capacity for Work) Act : a decision by the Employee Insurance Agency pursuant to Article 2.3

Long-Term Care Act , with the exception of:

- a. decisions of Our Minister of Health, Welfare and Sport
- b. decisions of an official charged with supervision, and
- c. a decision based on Article 11.4.1 or 11.4.2

Social Support Act 2015 : Article 3a.1.1

Environmental Management Act : Article 15.50

Disability Insurance Act

Government Personnel Act under employee insurance

Other OCW Subsidies Act : Article 19a

Sheltered Employment Act

Work and Income Implementation Agency Structure Act , with the exception of Article 9, fifth paragraph

Act on the Reduction of Recourse to Disability Benefit Schemes

Work and Income (Capacity for Work) Act

Sickness Benefits Act

Health Insurance Act : Articles 9b , 9c , 18f , 18g , 69 and 70 , except insofar as a decision has been taken on the basis of Article 18f, first paragraph, in conjunction with Article 18d or 18e , regarding the liability to pay the administrative premium or the amount thereof

Article 10. Appeal to the Central Appeals Tribunal, without suspensive effect

An appeal may also be lodged with the Central Appeals Tribunal against a decision of the District Court or the interim relief judge regarding a decision taken on the basis of a provision referred to in this Article or otherwise described in this Article.

A decision whereby a person is an interested party in relation to his or her capacity as referred to in Article 3 of the Civil Servants Act 2017 , his or her surviving relatives or his or her legal successors.

Decree of 20 June 1984, establishing a general administrative measure regulating the reimbursement of motor vehicle tax for war victims (Stb. 1984, 364)

Indonesian Civilian Government Personnel Guarantee Act , with the exception of a decision based on the General War Accident Regulations

KNIL Military Guarantee Act

Surinamese Pension Guarantee Act

Youth Act : Article 2.3 and paragraph 8.1

Emergency Employment Act

Emergency Act for Physicians

the regulations of the Maror Funds Government Foundation, the Jewish Humanitarian Fund Foundation, the Sinti and Roma Legal Redress Foundation and the Het Gebaar Foundation

Indonesian Pension Concurrence Scheme 1960

Supplementary pension scheme for Suriname and the Netherlands Antilles

Indonesian Pension Supplement Act 1956

Former Military Personnel Benefits Act

Benefits Act for compensation for veterans serving for two to five years

Act on the Allocation of Workers by Intermediaries , with the exception of Article 15b and Chapter 5

Education and Vocational Training Act , insofar as it concerns a general administrative measure as referred to in Articles 4.1.2 and 4.3.2 , insofar as it concerns decisions of Our Minister of Education, Culture and Science

Financial Provisions Act for the Privatisation of ABP

Allowances Recovery Operation Act : Article 3.10 insofar as waiver relates to claims related to the collection of the personal contribution as referred to in Article 2.1.4b of the Social Support Act 2015 and Article 3.12 insofar as waiver relates to claims related to the implementation of the Social Support Act 2015

Social Support Act 2015 , with the exception of Articles 2.6.8 and 3a.1.1

Expertise Centres Act , insofar as it concerns a general administrative measure as referred to in Articles 33, paragraph 2 , and 55 , insofar as it concerns decisions of Our Minister of Education, Culture and Science

Netherlands Organisation for Scientific Research Act , insofar as it concerns a general administrative measure as referred to in Article 14 , insofar as it concerns decisions of Our Minister of Education, Culture and Science

Higher Education and Scientific Research Act , insofar as it concerns a general administrative measure as referred to in Article 4.5 , insofar as it concerns decisions of Our Minister of Education, Culture and Science

Primary Education Act , insofar as it concerns a general administrative measure as referred to in Articles 33, paragraph 2 , and 52 , insofar as it concerns decisions of Our Minister of Education, Culture and Science

KNIL Pension Provisions Act

ABP Privatisation Act

Disaster Response Officers' Legal Position Provisions Act

Student Finance Act 2000

Education Contribution and School Costs Compensation Act

Act of 21 December 1951, containing a social assistance scheme pursuant to Article 2 of the Guarantee Act for Civilian Government Personnel Indonesia (Stb. 1951, 592)

Act of 25 May 1962 establishing a Civil Servants Assistance Corps for service in Netherlands New Guinea (Stb. 1962, 196)

Act of 16 July 2001 establishing additional rules in connection with the introduction of a supplement scheme to compensate for the lack of a transfer supplement as of 1 January 2001 with respect to the Supplement Act on Indonesian Pensions 1956 and certain other overseas pension laws, as well as updating those laws in connection with the entry into force of the General Surviving Dependants Act (Stb. 2001, 377)

Pension Rights Equalization Act in the Event of Divorce

Secondary Education Act 2020 , insofar as it concerns a general administrative measure as referred to in Article 7.34 , insofar as it concerns decisions of Our Minister of Education, Culture and Science

Article 11. Appeal to the Trade and Industry Appeals Tribunal

An appeal may be lodged with the Trade and Industry Appeals Tribunal against a ruling by the District Court or the interim relief judge concerning a decision taken pursuant to a provision referred to in this Article or otherwise described in this Article.

Public Procurement Act 2012 , Article 4.21

Defence and Security Procurement Act , Article 3.8

Banking Act 1998 : Article 9c, first and second paragraph

Civil Code : Articles 63d, second paragraph , 156 and 266 of Book 2

Drinking Water Act : Article 50, third paragraph , in conjunction with Article 70a of the Competition Act

Electricity Act 1998 : Articles 77h and 77i

Gas Act : Articles 16 , 60ac and 60ad

Trade Register Act 2007 : Articles 47a and 47b

Implementation Act on the registration of ultimate beneficial owners of trusts and similar legal structures : Articles 22 and 23

Establishment Act of the Netherlands Authority for Consumers and Markets

Pension Act Implementation and Amendment Act

Pilotage Act , with the exception of Articles 21, third paragraph , 27b, fourth paragraph , 27d , 27f , 27h and 27l

Competition Act

Fertilizers Act : Article 51

Coinage Act 2002 : Article 11, first and second paragraphs

Transitional law for the electricity production sector

Pension Act

Plant Health Act : Article 26

Postal Act 2009 , with the exception of Chapter 3A and Article 58

Sanctions Act 1977 : Articles 10ba to 10d

Railways Act , with the exception of Articles 19 , 21 and Chapter 5 , paragraph 2 , and Article 71, paragraph 2

Tobacco and Smoking Products Act

Telecommunications Act , including the regulations referred to in Article 18.2a , with the exception of:

- a. Articles 3.5 , 3.5a , 3.5b , 3.22 , 15.2, third paragraph , 15.4, fourth paragraph , and 18.9, first and second paragraphs
- b. as well as, insofar as it concerns a decision of the Netherlands Authority for Consumers and Markets:
 - 1. Chapter 6 , unless an appeal could be lodged before the entry into force of the Act implementing the European regulatory framework for the electronic communications sector 2002
 - 2. chapters 5a , 5c, 6a , 6b and 12
 - 3. Chapter 15 , with the exception of Articles 15.2 , 15.2a and 15.4 .

Cybersecurity Regulation Implementation Act

EU Seaport Regulation Implementation Act : Article 9, first paragraph

Regulation (EU) No 806/2014 of the European Parliament and of the Council of 15 July 2014 establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Bank Resolution Fund and amending Regulation (EU) No 1093/2010 of the European Parliament and of the Council (OJ L 225, 2014, p. 1), with the exception of Articles 16, 18 and 21

Regulation (EU) 2021/23 of the European Parliament and of the Council of 16 December 2020 on a framework for the recovery and resolution of central counterparties and amending the Regulations (EU) No 1095/2010 , (EU) No 648/2012 , (EU) No 600/2014 , (EU) No 806/2014 and (EU) 2015/2365 , and the Directives 2002/47/EC , 2004/25/EC , 2007/36/EC , 2014/59 /EU and (EU) 2017/1132 (OJ L 22, 2021, with the exception of Articles 21 to 58

Guarantee Act 2019 : Article 38

Commodities Act

Heat Act : Article 18

Act on the designation of the national accreditation body : Chapter 3

Financial Supervision Funding Act

Maritime Accidents Control Act

Administrative Fines Act on reporting obligations for subsidies provided by ministers , insofar as the fine was imposed for failure to comply with a special reporting obligation associated with a subsidy provided under the Framework Act for Economic Affairs and Climate Policy (EZK) and Agriculture, Nature and Food Quality (LNV) subsidies

Network and Information Systems Security Act , insofar as it concerns a decision that relates to a provider of an essential service in the energy, digital infrastructure, banking, financial market infrastructure and rail sectors or to a digital service provider

Animal Welfare Act : Article 8.7

Foreign Financial Relations Act 1994

Medicines Prices Act : Article 11

Plant Protection Products and Biocides Act : Article 90

Consumer Protection Enforcement Act

Act on the implementation of EU energy efficiency acts : Articles 21 and 22

Act on information exchange on above-ground and underground networks

Income Tax Act 2001 : a penalty decision as referred to in Article 3.52a, eleventh paragraph , and a related corrective RDA decision as referred to in the second paragraph of this Article

Money Transfer Offices Act , insofar as that Act still applies pursuant to Article IX of the Financial Markets Amendment Act 2012

Local Rail Act , with the exception of Article 12

Aviation Act : Article 11.24

Health Care Market Regulation Act , insofar as it concerns a decision of the Dutch Healthcare Authority as referred to in Chapter 6, paragraph 4

Unfair Trading Practices in the Agricultural and Food Supply Chain Act : Article 9

Intelligence and Security Services Act 2017: Article 53, seventh paragraph

Financial Supervision Act , with the exception of:

- a. sections 3A.1.3 , 3A.1.4 and 3A.1.5 and articles 3A:85 and 3A:86
- b. Articles 5:77, first paragraph , and 5:81, third paragraph
- c. a decision regarding the provisions laid down in Article 5:76, second paragraph , or 5:80b, fifth paragraph , with the exception of a decision to impose an administrative fine as referred to in Article 1:80
- d. Articles 6:1 and 6:2

Notary Act , insofar as it concerns the application or corresponding application of the Compulsory Occupational Pension Scheme Act pursuant to Article 113c

Passenger Transport Act 2000 : Articles 56, first paragraph , 59, first paragraph , 94, first paragraph , and 96, first paragraph

APB Privatisation Act , insofar as it concerns the corresponding application of the Compulsory Participation in an Industry-Level Pension Fund Act 2000 pursuant to Article 21, fourth paragraph

Oil Tanker Compensation Fund Act

Money Laundering and Terrorism Financing (Prevention) Act

Accountancy Firms Supervision Act

Financial Reporting Supervision Act

Trust Office Supervision Act 2018

Act of 12 July 2012 amending the Electricity Act 1998 and the Gas Act (implementation of directives and regulations in the field of electricity and gas) (Stb. 2012, 334): Article XX

Act of 23 November 2006 amending the Electricity Act 1998 and the Gas Act in connection with further rules regarding independent network management (Stb. 2006, 614)

Act on the Reduction of Payment of Wage Tax and National Insurance Contributions : a decision taken by one of the administrative bodies referred to in Article 30, paragraph 1, in which Article 26 is applied or co-applied

Compulsory Occupational Pension Scheme Act

Compulsory Participation in an Industry-Level Pension Fund Act 2000

Article 12. Appeal to a Court of Appeal

An appeal may be lodged with a court of appeal against a decision of the district court or the interim relief judge concerning a decision taken pursuant to a provision referred to in this article or otherwise described in this article.

General Customs Act : Article 8:2, second paragraph

General Act on National Taxes : Article 26

Mining Act : Sections 5.1.1 , 5.1.2 , 5.3 , 5.4 and 5.5

Strategic Services Act : Article 18, third paragraph

Appendix 3. Regulation on reduced court fees (Articles 8:41 and 8:109)

Article 1

The rate referred to in Article 8:41, paragraph 2, subparagraph a , or referred to in Article 8:109, paragraph 1, subparagraph a , applies if the appeal or further appeal concerns:

- a. a decision regarding unemployment or sickness benefits, taken with regard to a person in relation to his or her capacity as referred to in Article 3 of the Civil Servants Act 2017 ;
- b. a decision regarding a benefit on the grounds of permanent disability based on a statutory provision whereby the natural person is insured for a disability pension by the State in respect of his or her disability, or a decision taken on the basis of Article P9 of the General Civil Pensions Act;
- c. an administrative fine of up to €340;
- d. a decision in which the costs of administrative enforcement have been set at a maximum of € 340.

Article 2

The rate referred to in Article 8:41, paragraph 2, subparagraph a , or referred to in Article 8:109, paragraph 1, subparagraph a , also applies if the appeal or further appeal concerns a decision taken on the basis of a regulation referred to in this Article or otherwise described in this Article.

The following decisions:

- a. a decision on a disabled parking card as referred to in Chapter IV of the Decree on administrative provisions regarding road traffic
- b. a decision taken on the basis of a municipal regulation or joint arrangement regarding a disabled parking card
- c. a decision about a disabled parking space for a specific vehicle

General Social Assistance Act

General Child Benefit Act

General Survivors Act

General Old Age Pensions Act

General Act on Income-Related Arrangements

General Act on National Taxes , unless the appeal or further appeal is lodged by a natural person against a ruling concerning a decision regarding the application of:

- a. the Dividend Tax Act 1965
- b. the Turnover Tax Act 1968
- c. the Passenger Car and Motorcycle Tax Act 1992
- d. the Excise Duty Act
- e. the Non-Alcoholic Beverages Consumption Tax Act
- f. the Environmental Taxes Act

Decision on the statutory unemployment scheme for primary education staff , insofar as it concerns decisions of Our Minister of Education, Culture and Science

Decree of 20 June 1984, establishing a general administrative measure regulating the reimbursement of motor vehicle tax for war victims (Stb. 1984, 364)

Decree on Unemployment among Education and Research Personnel , insofar as it concerns decisions of Our Minister of Education, Culture and Science

Decree on illness and disability for primary education teaching staff , insofar as it concerns decisions of Our Minister of Education, Culture and Science

Indonesian Civilian Government Personnel Guarantee Act , including a decision based on the General War Accident Regulations

KNIL Military Guarantee Act

Surinamese Pension Guarantee Act

SZW Subsidies Framework Act , insofar as it concerns a ministerial regulation based on Article 9

Liquidation Act Accident Laws

Mining Act : Sections 5.1.1 , 5.1.2 , 5.3 , 5.4 and 5.5

Participation Act , with the exception of Articles 52 , 76, first and second paragraph , and 81 and paragraph 6.5

Regulations for the one-off silicosis compensation payment for former miners, established by decision of the board of the Silicosis Former Miners Foundation of 18 April 1994

the regulations of the Maror Funds Government Foundation, the Jewish Humanitarian Fund Foundation, the Sinti and Roma Legal Redress Foundation and the Het Gebaar Foundation

Indonesian Pension Concurrence Scheme 1960

Temporary compensation scheme for psychotherapy for the post-war generation

Temporary law limiting the income consequences of disability criteria

Temporary pilot wage compensation law

Allowances Act

Supplementary pension scheme for Suriname and the Netherlands Antilles

Indonesian Pension Supplement Act 1956

Benefits Act for compensation for veterans serving for two to five years

Unemployment Act

Work and Care Act : Chapter 3, Section 2 , and Articles 4:2b and 6:3

Disability Benefits for Young Disabled Persons Act

Military Disability Benefits Act

Self-Employed Persons' Disability Insurance Act

Extraordinary Pension Act 1940–1945

Extraordinary Pension Act for the Dutch East Indies Resistance

Extraordinary Pension for Seamen-War Victims Act

Social Insurance Financing Act , insofar as it concerns a decision of the Social Insurance Bank or the Employee Insurance Agency

Municipal Debt Assistance Act

Act on the consequences of grossing up benefit schemes

Benefits Recovery Act : Articles 3.6 , 3.7 , 3.8 , 3.10 with the exception of waivers relating to claims related to the collection of the personal contribution as referred to in Article 3.2.5 of the Long-Term Care Act and Article 3.12 insofar as waivers relate to claims related to the implementation of the Social Support Act 2015

Civic Integration Act 2021

Income Provision Act for Older and Partially Disabled Former Self-Employed Persons

Income Provision Act for Older and Partially Disabled Unemployed Workers

Income Provision for Older Unemployed Persons Act

Act on the Introduction and Financing of the Work and Income (Capacity for Work) Act : a decision by the Employee Insurance Agency pursuant to Article 2.3

Long-Term Care Act , with the exception of a decision by Our Minister of Health, Welfare and Sport

Social Support Act 2015

Disability Insurance Act

Legal Aid Act : a decision of the Legal Aid Board, if the appeal or further appeal is lodged by a person seeking justice as referred to in Article 1, first paragraph

Higher Education and Scientific Research Act : Article 7.64, first paragraph

Government Personnel Act under employee insurance

KNIL Pension Provisions Act

Sheltered Employment Act

Work and Income Implementation Agency Structure Act

Student Finance Act 2000

Education Contribution and School Costs Compensation Act

Act on the Reduction of Recourse to Disability Benefit Schemes

Civilian War Victims Benefits Act 1940–1945

Victims of Persecution Benefits Act 1940–1945

Act of 21 December 1951, containing a social assistance scheme pursuant to Article 2 of the Guarantee Act for Civilian Government Personnel Indonesia (Stb. 1951, 592)

Act of 16 July 2001 establishing additional rules in connection with the introduction of a supplement scheme to compensate for the lack of a transfer supplement as of 1 January 2001 with respect to the Supplement Act on Indonesian Pensions 1956 and certain other overseas pension laws, as well as updating those laws in connection with the entry into force of the General Surviving Dependants Act (Stb. 2001, 377)

Work and Income (Capacity for Work) Act

Sickness Benefits Act

Health Insurance Act : Articles 9b , 9c , 18f , 18g , 69 , 70 and 118a