

Summary

Every rule counts

Laws, Cabinet regulations and ministerial rules in the Netherlands

This report gives a survey of the production of legal regulations. The new laws from Parliament, the new regulations from the Cabinet and the new rules from the ministries are counted. By looking at the yearly growth of these new regulations the report also gives an overview of the total stock of current regulations. In following this total stock of regulations over the years (1976-2003), the report offers a picture of the general legal development in the Netherlands.

To count the amount of regulations that has been enacted since 1995 an electronic database – www.wetten.nl – was used. This online database is supported by the Staatsuitgeverij (the governmental publishing house for official documents) and can be consulted freely. To gather the data for the period from 1975 till 1995, the printed volumes of the Bulletin of Acts and Orders and of the Government Gazette were consulted.

Over the years a strong fluctuation in the yearly production of national regulations can be observed, but the structural trend (1975-2004) is not climbing. On average, every year 86 new laws are enacted. On average, the Cabinet yearly decides on 128 new regulations. The ministries nowadays enact more than 600 new rules. The yearly number of new ministerial rules is rising.

The fluctuation in the yearly number of laws and Cabinet regulations correlates with the four year period between national elections. In the first year the legislative output is relatively low. During the four years the yearly output increases and drops steeply after the elections. This political cycle applies to the production of laws (by Parliament) and regulations (by Cabinet), but not to the production of rules by the ministries. These ministerial rules are enacted without the support by Parliament or Cabinet. On average an existing law is changed every five years. An existing Cabinet regulation is changed every fourteen years. Important regulations (laws) are more often amended than regulations of a lower standing (like ministerial rules).

The report observes a steady growth in the stock of current regulations. At most only fifteen percent of this growth can be accounted for by the implementation of directives from the European Union. In the Netherlands sometimes the impression prevails that more than half the growth in regulation can be attributed to the expansion of the EU. This impression however is not supported by the data.

On average a law counts 26 articles. A Cabinet regulation has on average 12 articles. A ministerial rule counts on average 7 articles. In comparison to the other forms of regulation laws have a relative long life cycle. During their lives laws are relatively often amended and extended. Sometimes the body of

a law is developed as a tower of building blocks. When a law is changed, it will get more articles than it loses. The process of changing the existing laws leads also to expanding the size of the average law. Recently enacted laws count on average 17 articles. The average law in the stock of existing laws counts on average 26 articles. Cabinet regulations and ministerial rules are less frequently changed and are often completely replaced.

The dissolution of an existing regulation can take two forms. In most cases the existing regulation is replaced by a new regulation. In the other situation the existing regulation is revoked. The average life span of a law is estimated at 25 years and for Cabinet regulations at 13 years. The revoking and replacing of laws is a relatively linear process: every year a constant percentage of laws expires. The same applies to the expiration of Cabinet regulations.

The yearly production of new regulations is larger than the yearly amount of expirations. So the stock of current regulations keeps on growing. In the parliamentary year 1980 there were 1,100 valid laws and in the year 2003 this number has increased to 1,800. Each year an increasing number of rules is changed. The growing stock as well as the continuous change of rules causes disturbance among officials and citizens.