

Summary

Since March 2002, in the Netherlands it is possible to receive a compensation for the costs of submitting a notice of objection to an administrative authority, if after reconsideration the initial order against which the notice of objection was submitted, was found unlawful. In this report the functioning of this regulation in the past 2,5 years is described. The research is carried out under administrative authorities, legal aid and judges. We conclude that in five to ten percent of the filed notices of objection, a request is done to compensate for the costs. In about one to two percent, a compensation is paid. By far the most important costs that are compensated, are the costs of legal aid.

The regulation served three purposes. Firstly, it meant to determine the exclusive authority of the administrative courts. This goal seems to be reached. In the research no cases were found in which a civil court judged in a similar case. Secondly, the regulation meant to give a (limited) claim to parties concerned in cases in which the initial order was found unlawful. The gathered information showed that administrative authorities implemented the regulation, without major problems. At the same time, some obscurities were revealed. One of these points was the question whether a compensation for the costs of submitting a notice of objection should be paid when the initial order was not given (timely). The State Council ordered that this is not possible given the exact words of the law. Another problem in the implementation seems to be the lack of acquaintance with the regulation to the parties concerned. Legal aid seems to be relatively familiar with the regulation, but civilians litigating without legal aid rarely ask for a compensation of the costs they make, while the regulation clearly makes this possible. A major explanation of this would be the fact that most administrative authorities do not inform the parties concerned about the existence of the regulation. Finally, the

regulation meant to avoid negative side-effects. The research data show this object was met: the regulation does not have a stimulating effect on the number of notices of objection that was submitted, nor did it influence the judgment of administrative authorities on the reconsideration of the initial order.