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Summary

WODC study on the changes and application of the Dutch Public Administration Probity Screening Act (Wet Bibob) since 2020

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The researchers are responsible for the content of the report. Making a contribution does not automatically mean that the person concerned agrees with the entire content of the report. This also applies to the Ministry of Justice and Security and its minister.

Summary

Background

The Public Administration Probity Screening Act (Wet Bibob) entered into force in 2003 with the aim of protecting the integrity of public administration and preventing public authorities from (unwittingly) supporting or enabling criminal activities. By safeguarding administrative integrity, the Act was also intended to help prevent and reduce criminal activity in sectors where there is a substantial risk of links between the underworld and legitimate society.

The Wet Bibob allows public authorities to refuse or revoke a decision (such as a permit or subsidy), withhold the award of a public contract, or refrain from entering or continuing a real estate transaction if there is a serious risk that:

- criminal offences were committed in order to obtain or retain the decision, contract or transaction;
- the decision, contract or transaction will be used for criminal purposes; or
- it will be used to benefit from the proceeds of crime (for example, money laundering).

In 2020 and 2022, the Act was changed in two phases (the *first* and *second tranches*), partly following earlier reviews in 2013 and 2020. These changes were prompted by practical and legal obstacles that hindered the effective application of the Act by public authorities. During the parliamentary debate on the second tranche, the Minister of Justice and Security committed to a review of both tranches.

This review was carried out by Pro Facto, in cooperation with the University of Groningen and Utrecht University, commissioned by the Research and Data Centre (WODC).

Research design

Research questions
The evaluation focused on three central questions:

1. *What motivated the first and second tranche of changes to the Wet Bibob, what objectives did they pursue, to what extent do these changes contribute to reducing integrity risks within public administration and to a safer society, and which challenges remain?*
2. *To what extent have public authorities implemented these changes, and how have they applied the Wet Bibob since 2020? What kinds of decisions have resulted from this application?*
3. *Have the changes introduced since 2020 improved the practical functioning of the Wet Bibob, according to the parties involved, as intended by the legislator?*

The research was structured around four themes:

Theme 1 – rationale and objectives of the changes (policy theory reconstruction)
This theme analysed the motivations and underlying policy theory behind the first and second tranche of changes, exploring what these changes aimed to achieve and what assumptions guided them. These insights formed the foundation for assessing the functioning and goal achievement of the amended Act.

Theme 2 – application of the Wet Bibob
This theme examined how the Wet Bibob has been applied by public authorities since 2020, focusing on the use of the new provisions introduced in both tranches and the experiences of implementing government bodies. The research also explored the use of the Wet Bibob with respect to philosophical organisations, the extent to which affected parties have lodged objections or appeals, and how often public authorities make use of support from the National Bibob Bureau (Landelijk Bureau Bibob: LBB) and the Regional Information and Expertise Centres (RIECs).

Theme 3 – bottlenecks and side effects
This theme identified the practical and legal obstacles and any unintended consequences experienced by public and private stakeholders in applying the Act. It also considered how the Ministry of Justice and Security might monitor these issues periodically.

Theme 4 – functioning and goal achievement
Finally, the study examined the extent to which the two amendment tranches have contributed to protecting administrative integrity and, consequently, to combating subversive crime.

Methodology

The research combined multiple data sources and methods to triangulate findings:

Document and literature review
Parliamentary documents were analysed to reconstruct the legislative history of the two tranches of changes of the Wet Bibob, identifying the intentions and assumptions underlying

them. In addition, earlier evaluations, academic publications, and other relevant literature were reviewed.

Exploratory interviews
Eight exploratory interviews were held to obtain a general understanding of the Wet Bibob's application in practice and its recent changes. These interviews informed the design of the survey and the selection of organisations for in-depth interviews.

Desk research and registry analysis
Following the exploratory phase, desk research was conducted to analyse publicly available information about the activities of the LBB. The LBB also provided registration data, which were examined to assess the scope and frequency of its advisory work. Annual reports from the RIEC-LIEC[1] network were reviewed to determine the number and type of intervention recommendations issued.

Survey
A comprehensive survey was distributed to all Dutch municipalities, provinces, water authorities, and a number of central government bodies. The aim was to map the application of the Wet Bibob and to assess experiences with the changes. In total, 201 public authorities fully completed the survey, and 27 partially completed it.

Web scraping and text mining
Through automated collection (web scraping) and analysis (text mining) of Bibob policy documents published online, the researchers identified which types of public authorities have formal Bibob policies, whether these were adopted or revised after the 2020 or 2022 changes, and what types of decisions they cover (e.g. permits, subsidies, public procurement, real estate transactions).

Additionally, public tender announcements from TenderNed between January 2020 and December 2024 were collected to examine the use of the Act in public procurement. However, data reliability was insufficient for firm conclusions about the frequency or sectoral distribution of its use in tenders.

Case law review
All case law from 2020 to September 2025 concerning the Wet Bibob was analysed, including rulings by the Administrative Jurisdiction Division of the Council of State (AbRvS), the Trade and Industry Appeals Tribunal (CBb), and relevant civil court decisions.

In-depth interviews
A total of 67 in-depth interviews were conducted with municipalities, provinces, a water authority, central government bodies, the LBB, RIEC representatives, the police, the Public Prosecution Service, the Tax Administration, private Bibob consultants and lawyers, and industry associations.

Expertmeeting
The preliminary findings were discussed at an expert meeting with stakeholders representing the LBB, a RIEC, a municipality, a province, a lawyer, and the former chair of the Bibob Quality Committee. This meeting served to validate and refine the study's conclusions.

[1] LIEC: National Information and Expertise Centre on organized crime.

Objectives and changes of the Wet Bibob

Original objectives of the Wet Bibob
The Wet Bibob was introduced to safeguard the integrity of public administration and enable public authorities to protect themselves against the risk of facilitating criminal activities. The Act was designed to prevent and reduce criminal behaviour in sectors where there is a high risk of entanglement between legitimate and illegitimate economic activities.

When first enacted in 2003, the Act applied primarily to sectors identified by the Parliamentary Inquiry Committee on Investigation Methods as areas where the upper and underworld were strongly interconnected, or at least where this risk was significant. Since then, its scope has been gradually expanded to cover an increasing range of permits and exemptions.

The 2013 evaluation and extension act
On 1 June 2013, the Review and Extension Act Bibob entered into force, introducing several important changes and broadening the Act's reach. It extended the Bibob regime to real estate and land transactions involving public authorities as civil parties, as well as to all permits and exemptions required under municipal ordinances.

Beyond this expansion, the 2013 Act also sought to improve the information position of public authorities, strengthen the legal protection of affected parties, and address several practical bottlenecks in the application of the Bibob instrument to enhance its effectiveness.

The 2020 and 2022 changes
With the first and second tranches of changes of the Wet Bibob in 2020 and 2022, the government aimed to further empower public authorities to protect the integrity of the public sector against involuntary facilitation of criminal activity. The changes focused on five key areas:
— Expanding the scope of the Wet Bibob
— Broadening the range and consequences of integrity assessments
— Strengthening the capacity for independent investigation by public authorities
— Enhancing the investigative powers of the LBB
— Introducing various additional adjustments and clarifications

Policy and application of the Wet Bibob

Bibob policies of public authorities
Survey and text mining results show that all provinces and the vast majority of municipalities have adopted a Bibob policy. Only two water authorities and seven central government bodies have done so.

Nearly all authorities include permits within their policy scope (99%), while real estate transactions (92%), subsidies (86%), and public procurement (85%) are also frequently covered. In practice, however, Bibob is applied primarily to permits and to a much lesser extent to subsidies, real estate deals, or procurement.

Roughly three-quarters of municipalities and almost all provinces have either established or revised their Bibob policy following the 2020 or 2022 changes. Over 80% of survey respondents reported that the scope of their policy had been modified as a direct result of these legislative changes.

Application of the Wet Bibob in practice
A large majority of responding public authorities (93%) reported having conducted at least one Bibob investigation since 2020. Non-users were mainly water authorities and some central government bodies.

The Bibob instrument remains most frequently applied to permits, and much less so to subsidies, real estate transactions, and procurement. About 8% of respondents (15 out of 197) indicated that Bibob investigations had been applied to philosophical organisations, most often churches, followed by mosques. In roughly half of these cases, the investigation concerned an environmental permit application.

Interviews confirm that public authorities generally do not treat Islamic institutions differently from other philosophical organisations—unless an objective reason exists to do so.

Use and appreciation of the first and second tranche changes

Assessment by public authorities
Survey and interview results show that public authorities are generally positive about the 2020 and 2022 changes. They particularly value the strengthened capacity for conducting their own investigations — for instance, the ability to obtain judicial information on third parties — and the broader possibilities for information exchange, such as through the Bibob register, the possibility to share alerts to start a Bibob procedure ("tipbevoegdheid"), and direct information exchange between public authorities.

These innovations are considered to add significant value because they increase the effectiveness of authorities' own investigations and enable them to identify risk situations earlier and more often. The expanded scope of the Act is also widely appreciated.

Use of the new provisions
At the same time, the study found that several new powers are still used only to a limited extent. Only a minority of public authorities currently make use of the broader applicability of the Wet Bibob to new forms of real estate transactions, public procurement, or open-house procedures.

For many organisations, the main reasons are limited knowledge and capacity, making it difficult to fully implement all legislative changes. The new and expanded provisions have also increased the complexity of the Act, particularly for smaller organisations. As a result, these authorities have to prioritise certain policy areas and may choose not to apply the Bibob instrument to public procurement or open-house procedures.

Use of the alert mechanism (tip-sharing) and direct information exchange between authorities is also still limited. Many authorities find it difficult to assess when sharing a tip is useful, often because they are unaware of whether an applicant is active in other regions. This calls for greater awareness and vigilance within public authorities.

Another issue is uncertainty about what information can or must be shared when providing a tip or exchanging information directly. Authorities also note that assessing what information can be lawfully disclosed can be time-consuming and complex.

While the Bibob register is being consulted more frequently, the reporting of risk conclusions and suspicious withdrawals lags behind. Not all public authorities consistently make such notifications, reducing the register's effectiveness and limiting opportunities for information sharing between authorities.

Support for public authorities

Support by the LBB

The research shows that, especially since 2022, the number of advice requests submitted to the LBB has declined compared to earlier years. Various explanations were given in the survey and interviews:

- Expanded investigative powers allow authorities to handle more cases independently.
- Authorities increasingly rely on support from RIECs or private consultants.
- Experience and knowledge among authorities may have grown over time.
- Some perceive the LBB's processing time as lengthy and therefore refrain from requesting advice.

Overall, public authorities are satisfied with the LBB's advisory reports in terms of length, clarity, verifiability, and practical usefulness, but less so with their speed. Some authorities raised concerns about completeness — the advisory reports sometimes do not address all questions asked, or investigations are discontinued once the LBB deems a single fact sufficient for a "serious risk" (ernstig gevaar) conclusion. Others expressed a wish for more detailed appendices or "residual information" in the advice. There is also a demand for greater customisation, such as the option to obtain quick or partial advice on a specific aspect or person involved in a Bibob case. Multiple interviewees suggested that the LBB could take local or political sensitivities into account when assessing whether a "serious risk" exists, and that it should more clearly explain how individual facts and circumstances were weighed in reaching its conclusion. Authorities are generally satisfied with the LBB's information and outreach activities, though the response time of the helpdesk is sometimes considered slow.

Support by the RIECs

Public authorities also receive assistance from the Regional Information and Expertise Centres (RIECs) and, in some cases, from provinces. The nature and intensity of this support vary by region. It may include help with Bibob investigations, interpretation of LBB advice, drafting local Bibob policies, legal guidance, and training or knowledge-sharing sessions. Most authorities report being satisfied with the RIEC support available to them.

Support by private consultants

In addition, many authorities rely on private legal or consultancy firms for advice and operational support. These services include training, legal assistance during Bibob investigations, and representation in objection and appeal procedures. Some consultants even conduct entire Bibob investigations on behalf of authorities. Several interviewees questioned whether this practice fully complies with the law, particularly in relation to confidentiality obligations.

Legal protection and developments in case law

Developments in case law
The case law review shows a trend toward more intensive judicial scrutiny of Bibob decisions under the principle of proportionality. Although relatively few rulings directly address the 2020 and 2022 changes, the courts have increasingly examined the imposition of conditions even in cases where a "serious risk" (*ernstig gevaar*) is established. In such cases, authorities retain discretion to choose between revocation/refusal of a permit or other decision and imposing conditions, but those conditions are subject to stringent judicial review and require strong reasoning.

Courts are also placing higher demands on the legal substantiation of Bibob decisions. Key statutory concepts—such as the definition of a "business partnership" (*zakelijk samenwerkingsverband*)—are being interpreted more critically, thereby tightening the legal conditions for exercising Bibob powers. At the same time, case law also shows that withholding information on the Bibob form can have serious consequences for applicants, suggesting that transparency obligations are being enforced more strictly.

Use of legal remedies
According to the survey, the frequency of objections and appeals varies widely among authorities. In most organisations, fewer than 5 percent of objections against a (proposed) negative Bibob decision are declared well-founded. Only a small number of authorities have faced administrative-court proceedings, and an even smaller number have dealt with civil litigation following a Bibob investigation.

In general, applicants are granted access to the documents and information on which the (intended) decision is based—including the LBB advice. Whether and to what extent annexes of that advice are shared depends on the specific case and authority. For third parties, only information directly concerning them and forming part of the decision's reasoning are disclosed; other parts are redacted or withheld.

Authorities note that providing the correct information to multiple third parties can be time-consuming, since the information to be shared must be tailored individually.

Adequacy of legal protection
Formally, the combination of notice-and-comment (zienswijze), objection, and appeal procedures provides adequate legal safeguards. However, the duration of court proceedings can be lengthy for affected parties.

One concern raised during the study relates to the Bibob register, in which risk conclusions and "suspicious withdrawals" are logged. No formal objection or appeal is possible against such registrations. Several interviewees argued that, given the potentially serious consequences, a notification requirement should be introduced to ensure that individuals are informed when their information are entered into the register.

1.1 Functioning and goal achievement

Effectiveness of the changes

Overall, this review concludes that the first and second tranches of changes have enhanced the effectiveness of the Wet Bibob—particularly by strengthening authorities' own investigative capacity and broadening the scope for information exchange. The expanded applicability of the Act is also widely appreciated.

Nevertheless, the study found that the application of the Wet Bibob remains uneven. Many authorities—especially small municipalities, water authorities, and national government bodies—still struggle to apply the Act effectively. As already identified in the 2018 evaluation of the 2013 changes, limited capacity and expertise continue to be the main obstacles to consistent use of the Bibob instrument.

Relatively few authorities currently make use of the extended provisions for public procurement, and the exchange of tips and direct information sharing between authorities is still limited. Furthermore, not all authorities systematically report risk conclusions or suspicious withdrawals, which undermines the usefulness of the new Bibob register.

Bottlenecks and challenges

Beyond capacity and expertise constraints, several other challenges were identified:

- Information exchange remains problematic. There is no uniform approach among information providers, and authorities are often uncertain about what may legally be shared when giving a tip or exchanging information directly.
- Obtaining information about foreign entities or individuals is frequently impossible.
- Information security in the transmission and handling of Bibob data, as well as secure submission of digital Bibob forms by applicants, requires further attention.
- The Bibob questionnaire is considered long and not user-friendly, which may deter applicants.
- Water authorities and national government bodies lack a dedicated support structure comparable to the RIEC network, limiting their ability to apply the Act.
- There is ambiguity around the scope of financial investigations. Larger municipalities often conduct more extensive financial analyses and would welcome clearer legal guidance on when and how such investigations may be undertaken. Some also believe that the LBB should itself conduct deeper financial inquiries when relevant.

Opportunities for improvement

Suggestions for improvement primarily concern clarifying and harmonising the statutory framework for information provision and expanding the possibilities for information sharing in the context of authorities' own investigations. Opinions differ, however, on how far such data-sharing powers should be extended. Other opportunities for improvement are codifying or refining certain legal concepts to align the Act more closely with case law and provide clearer guidance for authorities.

Side effects

The study identified few clear positive or negative side effects. One recurring theme was the preventive (deterrent) effect of the Bibob system—discouraging criminals from applying for permits or entering into transactions. This can be seen as an intended rather than unintended outcome. An unintended side effect, however, is that legitimate businesses may be discouraged by lengthy procedures or by the cumulative burden of multiple integrity screenings.

Moreover, uneven application of the Act—differences in frequency, intensity, and scope between authorities—may lead to a "waterbed effect", where criminal actors redirect their activities toward jurisdictions with less stringent Bibob enforcement. Such displacement effects may also occur when the Act's scope expands to new sectors, prompting offenders to shift toward unregulated domains.


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