



Brussels, 20.7.2021
SWD(2021) 721 final

COMMISSION STAFF WORKING DOCUMENT

**2021 Rule of Law Report
Country Chapter on the rule of law situation in the Netherlands**

Accompanying the

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

**2021 Rule of Law Report
The rule of law situation in the European Union**

{COM(2021) 700 final} - {SWD(2021) 701 final} - {SWD(2021) 702 final} -
{SWD(2021) 703 final} - {SWD(2021) 704 final} - {SWD(2021) 705 final} -
{SWD(2021) 706 final} - {SWD(2021) 707 final} - {SWD(2021) 708 final} -
{SWD(2021) 709 final} - {SWD(2021) 710 final} - {SWD(2021) 711 final} -
{SWD(2021) 712 final} - {SWD(2021) 713 final} - {SWD(2021) 714 final} -
{SWD(2021) 715 final} - {SWD(2021) 716 final} - {SWD(2021) 717 final} -
{SWD(2021) 718 final} - {SWD(2021) 719 final} - {SWD(2021) 720 final} -
{SWD(2021) 722 final} - {SWD(2021) 723 final} - {SWD(2021) 724 final} -
{SWD(2021) 725 final} - {SWD(2021) 726 final} - {SWD(2021) 727 final}

ABSTRACT

The Dutch justice system continues to be characterised by a very high level of perceived judicial independence, and efforts continue to further foster the quality of justice. Several initiatives relating to judicial independence are being taken forward, such as the Constitutional revision to reform the appointment procedure for Supreme Court judges. As regards the quality of justice, the development of small-scale projects to enhance quality has entered a new phase of rolling out initiatives on a larger scale. Efforts to improve the level of digitalisation continue for civil, administrative and criminal justice, and have been accelerated by the COVID-19 pandemic. Some concerns persist as to the adequate funding of the current system for legal aid, and the reform of the legal aid system is foreseen to be completed by 2025. Overall, the justice system continues to perform efficiently, although the COVID-19 pandemic created a backlog for 2020 and 2021.

As last year, the Netherlands continues to be perceived as one of the least corrupt countries in the EU and the world. Integrity is a key component of the framework governing the public administration. In 2020, an extensive programme on combating subversive organised crime was launched, including a holistic approach to prevent, detect and sanction corruption, after investigations showed that criminals are actively looking to exercise undue influence on civil servants. The capacity of the National Police Internal Investigations Department and of the prosecution service has been strengthened through additional funding. New legislation extending screening of police officers and external consultants was adopted in October 2020. Further legislation to strengthen the integrity of elected and appointed officials is foreseen to be implemented by March 2022. Concerns remain as regards the integrity framework applicable to top executive functions within the public sector as well as regards lobbying, revolving doors and the transparency of political party financing.

The Netherlands continues to have a high degree of media freedom. The authorities continue to contribute to fostering independent journalism via grants from the Journalism Promotion Fund, and an additional temporary fund has been set up during the COVID-19 pandemic for local media. The independent audiovisual media regulator reports regularly on media ownership structures. However, there is scope for more comprehensive disclosure of such structures to the public. The legislative framework for access to information is being amended to improve transparency of the Government and provide better access to public information after many delays and incomplete answers have been reported. The murder of an investigative journalist, currently under investigation, and increased threats highlight the importance of initiatives like “PersVeilig”, which helps journalists report and handle threats.

Extensive debates and reflections on the proper functioning of the system of checks and balances are taking place following a Parliamentary investigation report on the implementation of the childcare allowances system finding that principles of the rule of law had not been respected. Follow-up measures and inquiries are currently envisaged or ongoing. The COVID-19 pandemic has continued to be high on the legislative and judicial agenda, in particular with a law adopted to provide a more solid legal basis for COVID-19 measures, and high-profile COVID-19 measures challenged in court. Independent authorities continue to play an important role in the system of checks and balances, including for safeguarding fundamental rights. The landscape for civil society continues to be open, although some questions have been raised regarding new draft legislation on transparency and legislation expanding the possibilities to prohibit so-called ‘radical organisations’.

I. JUSTICE SYSTEM

The justice system is characterised by a court system composed of eleven district courts, four general courts of appeal, two specialised courts¹, the Council of State² and a Supreme Court. An independent Council for the Judiciary plays a key role in safeguarding the independence of the judiciary and is tasked with fostering the quality of the justice system, including allocating financial resources to courts³. Candidate judges are selected by the National Selection Committee for Judges⁴ and subsequently appointed for life by the executive⁵ on the proposal of the Minister of Justice⁶. The prosecution service is separate from the Ministry of Justice and Security but falls under the political responsibility of the Minister of Justice. The Bar Association is established by law. It is independent from the Government and financed exclusively through lawyers' annual contributions⁷. The Netherlands participates to the European Public Prosecutor's Office.

Independence

The level of perceived independence of the judiciary remains very high. Among the population, 77% consider the level of independence of courts and judges to be 'fairly or very good', as well as 82% of businesses⁸. This level of perceived judicial independence has been consistently high over the last years, both among the general population and among businesses⁹.

Further steps have been taken to prepare the Constitutional revision to amend the appointment procedure for Supreme Court judges¹⁰. In December 2020, the Government sent a draft text of the Constitutional revision to change the appointment procedure for Supreme Court judges to the Council of State for advice. The objective of the envisaged reform is to further limit the role of the executive and legislative powers in the appointment of Supreme Court judges, which is consistent with Council of Europe recommendations¹¹. Following an online consultation on a draft law which was based on the recommendation of

¹ The Central Appeal Tribunal and the Trade and Industry Appeals Tribunal.

² The judicial branch of the Council of State acts as the highest administrative court for certain cases. The Council also has an advisory branch, which renders opinions on draft legislation.

³ Law on Judicial Organisation.

⁴ The National Selection Committee for Judges is composed of six judges and six non-judge members, among which at least one public prosecutor and one attorney.

⁵ The appointment decision is adopted by Royal Decree, which is signed by the King and countersigned by the Minister of Justice and Security. The Minister solely verifies if the applicant fulfils the legal requirements to be appointed, and the Minister has in all cases followed the recommendation by the Council for the Judiciary.

⁶ Law on the Legal Status of the Judiciary; The Council has delegated this to the National Selection Committee for Judges, which is composed of judges, public prosecutors, lawyers, public administrators and researchers. The Minister of Justice and Security has in all cases followed the recommendation by the Council for the Judiciary.

⁷ Law on Lawyers.

⁸ Figures [48 and 50] 2021 EU Justice Scoreboard. The level of perceived judicial independence is categorised as follows: very low (below 30% of respondents perceive judicial independence as fairly good and very good); low (between 30-39%), average (between 40-59%), high (between 60-75%), very high (above 75%).

⁹ 2016, 2017, 2018, 2019, 2020, 2021 EU Justice Scoreboard.

¹⁰ 2020 Rule of Law Report, Country Chapter on the rule of law situation in the Netherlands, p. 3.

¹¹ Recommendation CM/Rec(2010)12 of the Committee of Ministers of the Council of Europe, para. 47.

the independent State Commission on the Parliamentary System in the Netherlands¹², certain modifications were made to the draft text. The advice of the Council of State will become public when the proposal is sent to the Parliament.

Progress is being made regarding the revision of the appointment procedures for members of the Council for the Judiciary and of court management boards. Following the request of the Minister for Legal Protection of February 2020¹³, the Council of State provided its advisory opinion on a possible revision of the appointment procedures for members of the Council for the Judiciary and of court management boards on 23 September 2020. While the Council of State concluded that the current appointment procedures for the Council for the Judiciary and court management boards are in line with the requirement of judicial independence, it advised to explore how the participation of judges and court staff could be increased in the appointment procedures of court management boards. Following an agreement reached between the Council for the Judiciary, the judiciary association¹⁴ and other representatives of the judiciary, the Council for the Judiciary established a new appointment procedure for members of court management boards for 2021 and part of 2022¹⁵. The agreement aims to give judges more influence on the appointment of the members of court management boards, in particular by establishing a committee composed of four judges, two members of the court management board and two court officials, which interviews candidates and proposes one candidate for appointment to the Council for the Judiciary. In the event of a tie, the four judges have a deciding vote. Furthermore, the Council for the Judiciary will start its deliberations with the judiciary association and other representatives of the judiciary in the summer of 2021, on a possible revision of the appointment procedure for members of the Council¹⁶. The objective of these efforts is to further limit the influence of the executive or legislative powers on the appointment of the members of the Council for the Judiciary, which is consistent with Council of Europe recommendations¹⁷.

Quality

The reform of the legal aid system will be based on the findings of a number of pilot projects. The reform of the legal aid system¹⁸ is now foreseen to be completed by 2025¹⁹, and will start with a number of pilot projects aimed at collecting best practices in preparing further legislative reforms. As for the current system of legal aid, some concerns persist as to the adequacy of available funding²⁰.

Digitalisation efforts continue for civil, administrative and criminal justice, and were accelerated by the COVID-19 pandemic. There remains room to improve the digitalisation

¹² For a detailed description of the content of the proposal, see 2020 Rule of Law Report, Country Chapter on the rule of law situation in the Netherlands, p. 4.

¹³ 2020 Rule of Law Report, Country Chapter on the rule of law situation in the Netherlands, p. 3.

¹⁴ *Nederlandse Vereniging voor Rechtspraak*.

¹⁵ *Nederlandse Vereniging voor Rechtspraak, Dossier: nieuwe procedure bestuursbenoemingen rechtspraak*, 16 March 2021.

¹⁶ 2020 Rule of Law Report, Country Chapter on the rule of law situation in the Netherlands, pp. 3-4.

¹⁷ Recommendation CM/Rec(2010)12 of the Committee of Ministers of the Council of Europe, paras 27, 46 and 47.

¹⁸ 2020 Rule of Law Report, Country Chapter on the rule of law situation in the Netherlands, p. 5.

¹⁹ Input from the Netherlands to the 2021 Rule of Law Report.

²⁰ Information received in the context of the country visit to the Netherlands, see also United Nations CCPR (2019) and 2020 Rule of Law Report, Country Chapter on the rule of law situation in the Netherlands, p. 5.

of the justice system²¹, in particular as regards the online publication rate of judgments²² and the availability of digital solutions to initiate and follow court proceedings, and several initiatives aim to address this²³. Regarding criminal justice, the judiciary and prosecution service are jointly developing a digital plan together with other justice stakeholders. For civil and administrative justice, a new digitalisation programme focuses on digital access to justice for citizens and legal professionals²⁴. Legal procedures will be gradually digitalised starting with national tax cases and seizure requests, to be then extended to other areas of law. In response to the COVID-19 pandemic, the Council for the Judiciary adopted new rules for organising court hearings at distance, which allowed the courts to continue functioning. The current rules apply until 1 August 2021, and can be prolonged if necessary to guarantee the functioning of the courts.

The law on Experiments in the Administration of Justice will allow rolling out pilot projects on the administration of justice on a larger scale. Following the development of numerous pilot projects relating to the quality of justice under the ‘Societally Effective Justice’ programme²⁵, the expected entry into force of the Law on Experiments in the Administration of Justice²⁶ in the summer of 2021 will allow for the roll-out of quality projects on a larger scale. Such quality projects include for example the introduction of a ‘debt judge’, who aims to increase the effectiveness of judgments by treating all cases of an individual debtor simultaneously. This approach of testing out pilot projects on a small-scale and subsequently implementing them on a larger scale can provide innovative ideas to foster the quality of the justice system²⁷.

Efficiency

The COVID-19 pandemic has had an effect on the efficiency of the justice system. The COVID-19 pandemic has created an increase in the backlog of court cases for 2020 and 2021, in particular for criminal cases²⁸. Specific measures have been taken by the Council for the Judiciary and the court management boards to address these consequences, such as improving videoconference facilities for court hearings, appointing retired judges as substitute-judges, and more frequent recourse to single-judge chambers. The aim is to eliminate backlogs that have arisen in the criminal justice system due to the COVID-19 pandemic by the end of 2021²⁹. As part of the approach, the prosecution service continues to make use of its power to render a decision itself on certain criminal cases³⁰. Following concerns expressed by the Dutch Bar Association and Members of Parliament, the Minister for Legal Protection announced in November 2020 that suspects would be granted a free consultation with a

²¹ 2020 Rule of Law Report, Country Chapter on the rule of law situation in the Netherlands, pp. 5-6.

²² Which currently remains below 5%.

²³ Figure [44] 2021 EU Justice Scoreboard. The level of perceived judicial independence is categorised as follows: very low (below 30% of respondents perceive judicial independence as fairly good and very good); low (between 30-39%), average (between 40-59%), high (between 60-75%), very high (above 75%).

²⁴ *Basisplan reset digitalisering civiel en bestuur*.

²⁵ *Maatschappelijk effectieve rechtspraak*, see also 2020 Rule of Law Report, Country Chapter on the rule of law situation in the Netherlands, p. 6.

²⁶ *Experimentenwet rechtspleging*.

²⁷ However, stakeholders have stressed that the law should not lead to circumvention of the regular process for enacting laws on the organisation of the justice system.

²⁸ Input from the Netherlands to the 2021 Rule of Law Report.

²⁹ Input from the Netherlands to the 2021 Rule of Law Report.

³⁰ Such decisions cannot impose a prison sentence and can be contested in court, see also 2020 Rule of Law Report, Country Chapter on the rule of law situation in the Netherlands, p. 6.

lawyer. This has started on 1 April 2021 for a number of cases, and will be gradually extended to all other cases.³¹ Given that the use of these powers by the prosecution service may impact on the right to a fair trial, in particular when citizens are not adequately informed³², the provision of a free legal consultation is of particular importance in such cases.

The justice system continues to be characterised by a high level of efficiency at first instance, although proceedings are relatively lengthy in appeal³³. The efficiency of the justice system has been high overall over the past years³⁴. The length of proceedings at first instance for civil and commercial cases is short, at around 100 days in 2019³⁵. By contrast, proceedings are lengthy for civil and commercial cases at third instance with an average of 459 days in 2019. Administrative justice still performs efficiently at first instance³⁶, although proceedings at second and third instance are relatively lengthy³⁷. While the overall clearance rate at first instance remains effective³⁸, the rate of resolving first-instance administrative cases has gradually declined to 94% in 2019. This could lead to some future backlogs in administrative justice, although the current amount of pending cases appears manageable³⁹. As regards criminal justice, a new action plan following a 2020 review focuses on improving its efficiency, in particular for cases of common crimes and high-impact crimes⁴⁰. While this may help to foster efficiency and address backlogs, stakeholders emphasise that such initiatives should not come at the expense of the quality of justice⁴¹.

II. ANTI-CORRUPTION FRAMEWORK

The competence to investigate and prosecute corruption is shared between several authorities. The National Police Internal Investigation Department⁴² (NPIID) investigates wrongdoing within the Government. The Fiscal Intelligence and Investigation Service (FIOD) is responsible for the investigation of financial crimes, including foreign and commercial bribery. The National Prosecution Service focuses on domestic bribery of public officials, and the prosecution service for Serious Fraud, Environmental Crime and Asset Confiscation is responsible for the investigation of commercial and foreign bribery. The Whistleblowers Authority provides support and advice for people who wish to report a work-related situation of abuse in the public or in the private sector. The cooperation between specialised anti-corruption and intelligence teams within law enforcement bodies continues. The Anti-corruption Unit (ACC) within the FIOD plays a key role against financial crime and corruption. The Political Finance Act and legislation strengthening the integrity of elected and appointed officials on the local and provincial level are under discussion.

³¹ Answer by the Minister for Legal Protection to a Parliamentary question on 17 February 2021.

³² See in that regard: National Ombudsman, Proper Provision of Information is the Basis of Access to Justice – Bottlenecks in the Provision of Information about Penalties and Dismissal Decisions.

³³ 2020 Rule of Law Report, Country Chapter on the rule of law situation in the Netherlands, pp. 6-7.

³⁴ 2013-2021 EU Justice Scoreboard.

³⁵ 2021 EU Justice Scoreboard, Figure 6.

³⁶ 2021 EU Justice Scoreboard, Figure 8.

³⁷ 2021 EU Justice Scoreboard, Figure 9.

³⁸ 2021 EU Justice Scoreboard, Figure 10.

³⁹ 2021 EU Justice Scoreboard, Figures 14 and 15.

⁴⁰ Input from the Netherlands to the 2021 Rule of Law Report.

⁴¹ Information received in the context of the country visit to the Netherlands.

⁴² As an investigation service, the *Rijksrecherche* is under the authority and management of the College of Principal Public Prosecutors.

The perception among experts and business executives is that the Netherlands is one of the least corrupt countries in the world. In the 2020 Corruption Perception Index by Transparency International, the Netherlands scores 82/100 and ranks 3th in the European Union and 8th globally⁴³. This perception has been relatively stable⁴⁴ over the past five years⁴⁵.

Following instances of organised crime infiltration and leaks within law enforcement, fighting corruption and organised crime has been strengthened⁴⁶. In 2020, the Netherlands launched an extensive programme focusing on combating subversive organised crime, which includes corruption. A Directorate General within the Ministry of Justice and Security was set up to coordinate the programme. This has led to additional funding in this field and the creation of a multidisciplinary intervention team⁴⁷.

A draft law aims to strengthen effectiveness of the fight against subversive crime, including corruption. A new bill strengthening the Criminal Code and the Code of Criminal Procedure is currently with the House of Representatives⁴⁸. The aim of the bill is to increase the effectiveness of the fight against subversive crime, including corruption, by increasing the maximum penalties for several subversive crimes, such as the threatening of public officials. Administrative instructions were issued on 1 October 2020 with updated guidance for the prosecution service on the investigation and prosecution of foreign corruption cases⁴⁹ and on 4 September 2020 with guidance on large settlements, entrusting legal oversight over certain settlements to a temporary independent commission instead of the Minister of Justice and Security⁵⁰.

The institutional framework to prevent and fight corruption remains solid with a strong cooperation between law enforcement bodies. Specialised anti-corruption teams and intelligence units within the Fiscal Intelligence and Investigation Service and the prosecution service cooperate on investigating cases. The ACC within the FIOD plays a key role in the fight against financial crime and corruption. The NPIID is set to receive additional funds, which will strengthen both the NPIID and prosecution service's investigatory capacity⁵¹. The Encrochat investigations, which have yielded key information for the identification, investigation and prosecution of criminal networks⁵², also revealed allegations of corruption within law enforcement. The investigations also revealed that criminals are actively looking

⁴³ Transparency International, Corruption Perceptions Index 2020 (2021), pp. 2-3. The level of perceived corruption is categorised as follows: low (the perception among experts and business executives of public sector corruption scores above 79); relatively low (scores between 79-60), relatively high (scores between 59-50), high (scores below 50).

⁴⁴ In 2015 the score was 84, while, in 2020, the score is 82. The score significantly increases/decreases when it changes more than five points; improves/deteriorates (changes between 4-5 points); is relatively stable (changes from 1-3 points) in the last five years.

⁴⁵ The Eurobarometer data on corruption perception and experience of citizens and businesses as reported last year is updated every second year. The latest data set is the Special Eurobarometer 502 (2020) and the Flash Eurobarometer 482 (2019).

⁴⁶ An example of this is the Encrochat investigation.

⁴⁷ Input from the Netherlands to the 2021 Rule of Law Report.

⁴⁸ Draft law on strengthening the criminal law approach to subversive crime.

⁴⁹ Instruction on investigating and prosecution foreign corruption.

⁵⁰ Instructions on high amount transactions. New legislation is currently in consultation.

⁵¹ Input from the Netherlands to the 2021 Rule of Law Report.

⁵² The investigation has so far inter alia led to the arrest of more than 100 suspects. See also Europol, *Dismantling of an Encrypted Network sends Shockwaves through Organised Crime Groups across Europe*.

to corrupt civil servants and other organisations⁵³. This led to an increased vigilance and focus on subversive crime and the set-up of a Corruption Team to investigate police corruption following the Encrochat investigation. This team is led by the NPIID and is supported by investigators from the National Unit of the Police⁵⁴. The NPIID also contributes to prevention by highlighting specific corruption risks to public institutions they have investigated. In addition to carrying out investigations, the NPIID is increasingly using its expertise to advise in the fight against and prevention of integrity violations.

Steps are being taken to strengthen the prevention, detection and investigation of corruption within the police and public administration in general. On average, at the NPIID there is an influx of 50 cases of corruption or leaks of sensitive information per year for police officers or public servants. New legislation extending the screening of police officers and external consultants before appointment and during employment has been adopted in October 2020 and it is expected to be fully implemented by the end of 2021⁵⁵. The screening is now being put in place in the police and the intensity for the screening would depend on the integrity risks associated with the function.

The ACC within the FIOD continued to play an important role as regards the fight against corruption and financial crime. This is in particular the case for cases of bribery of foreign public officials and non-officials both internally and internationally. The ACC within the FIOD reported 30 criminal investigations regarding corruption which are currently ongoing and which relate to commercial and foreign bribery⁵⁶. Several of these investigations also focus on the role of Dutch financial service providers. The ACC within the FIOD also cooperated with other authorities such as the NPIID, which handles cases of public corruption. This institutional framework set up by ACC within the FIOD as well as the Prosecution Service for Serious Fraud, Environmental Crime and Asset Confiscation has been improved in the past decade and positively recognised by OECD due to the capacity of the dedicated and specialised anti-corruption teams to investigate and prosecute foreign bribery cases⁵⁷.

The House of Representatives adopted a Code of Conduct in 2020 and introduced a supervisory system as regards declaration requirements. The Code of Conduct for members of the House of Representatives covers independence, gifts, registrations, use of confidential information and the rules of procedure. A regulation, which entered into force on 1 April 2021, establishes an independent College to investigate complaints regarding Members' compliance with the Code of Conduct and to advise the House on possible sanctions⁵⁸. Updated Integrity Guidelines for Holders of Political Offices, including model Codes of Conduct for elected and appointed officials, were adopted on 30 March 2021⁵⁹.

New legislation concerning the strengthening of the integrity of elected and appointed officials at local and provincial level will be debated in Parliament. The proposed bill prescribes inter alia a Code of Conduct⁶⁰ as a mandatory requirement for appointed officials

⁵³ National Police, *New investigation team for corruption investigations 'Encrochat'*.

⁵⁴ Letter to the Parliament on the evaluation of integrity investigations at the national police.

⁵⁵ Input from the Netherlands to the 2021 Rule of Law Report.

⁵⁶ Country mission input – FIOD.

⁵⁷ Netherlands - OECD Anti-Bribery Convention Phase 4 Monitoring Report.

⁵⁸ Input from the Netherlands to the 2021 Rule of Law Report.

⁵⁹ Guidelines on integrity of political office holders at municipalities, provinces and water boards.

⁶⁰ Code of Conduct for Members of the House of Representatives.

at local and provincial level and introduces a supervisory system as regards declaration requirements. This includes a mandatory risk analysis on integrity for appointed local and provincial officials⁶¹.

The promotion of integrity in the fight against corruption takes place through the Platform on Fighting Corruption, which is operated by the Ministry of Justice and Security. It aims to promote awareness and joint action in the fight against national and international corruption by sharing knowledge and information more effectively. The platform participants are Government employees from different ministries and organisations addressing corruption. Due to the COVID-19 pandemic, it has not been possible to meet in the last 18 months. Since 2020, more transparency is envisaged by each Ministry publishing information on the breaches of integrity that occurred internally, with a short description of the type of infringement and the penalty imposed. In addition, an (external) investigation is currently being conducted into the risks and resilience of public official and non-public official corruption, in relation to subversive crime, more specifically at Schiphol Airport and the Port of Rotterdam. The investigation should show whether the Dutch prevention and repression anti-corruption policy at main ports are sufficient. Research results are expected in the first half of 2022.

Concerns remain regarding the integrity framework applicable to top executive functions within the public sector in particular due to their non-binding character⁶². Informal rules included in the code of conduct for Ministers and State Secretaries state that they are expected to act with integrity. Furthermore, former high-level officials are banned from lobbying their former ministry, while former ministers are not allowed to lobby for their former ministry for two years after they have stepped down⁶³. However, the framework remains rather limited, as also pointed out by the Group of States against Corruption (GRECO) in its assessment, that “the few and limited measures in place in the Netherlands appear insufficient”⁶⁴. The Netherlands has a voluntary and publicly available lobbying register for the House of Representatives in place since 2012. The lobbying register is regularly updated and entails information on the list of entities requesting access to the House of Representatives. To receive a fixed access pass to parliament, a lobbyist must be registered as an organisation. However, there is no monitoring or enforcement mechanism as regards the contacts between lobbyist and office holders or civil servants. In this respect, GRECO recommended when it comes to the contacts between top executive functions and lobbyist, that rules and guidance are ensured, as well as an increase in the transparency of contacts and subject matters⁶⁵.

The party financing legislation is under revision. As regards political financing, the legal framework consists of laws regulating the subsidies and the administration of political parties does not include the financing of political parties and the finances of candidates on a local level⁶⁶. The Act on political party financing is expected to be replaced by the Political Parties

⁶¹ Input from the Netherlands to the 2021 Rule of Law Report, the new legislation is foreseen to come into effect by March 2022.

⁶² 2020 Rule of Law Report, Country Chapter on the rule of law situation in the Netherlands, p.10.

⁶³ There are, however, exceptions to this ban, as former cabinet members working in trade industry after they leave office may head or form part of a trade delegation organised by their former ministry, GRECO Fifth Evaluation Round – Evaluation Report, p. 20.

⁶⁴ GRECO Fifth Evaluation Round – Evaluation Report, p. 2.

⁶⁵ GRECO Fifth Evaluation Round – Evaluation Report, p. 16.

⁶⁶ NL Helsinki Committee Contribution 2021 Rule of law Report.

Act, which is now under consideration by Parliament. The revised legislation aims at protecting the functioning and organisation of political parties against foreign interference.

The evaluation of the Whistleblowers Authority Act took place in 2020⁶⁷. The Whistleblowers Authority is the central reporting and investigation institution to which abuses of whistleblowers from both the public sector and the private sector can be reported. The Whistleblowers Authority Act underwent an evaluation by an independent research company⁶⁸. According to the findings of the evaluation, the legal protection of the whistleblowers can be further increased. As a result, the legislation will be amended⁶⁹. The Authority is expected to provide advice to the whistleblowers and to conduct independent investigations. In 2020, the Whistleblowers Authority completed three major investigations and published final reports on those investigations. Additionally, as noted by OECD, while reporting mechanisms and whistleblower protection frameworks in Dutch companies and Government agencies are in place, these have not contributed to the detection of foreign bribery in the Netherlands⁷⁰.

Especially in the beginning of the COVID-19 pandemic, there was a large impact on criminal investigations, which led to delays. According to the authorities, for several months, specific activities such as dawn-raids, hearing suspects and witnesses or observations were either not possible or had to be adapted. Law enforcement was also influenced by the fact that only limited hearings were organised in the courts⁷¹. Additionally, FIOD also investigated several cases of fraud related to the COVID-19 pandemic. This has led to several criminal investigations and prosecutions related to fraud (protective equipment, fraudulent health certificates and misuse of governmental subsidies)⁷². In addition, the authorities reported that the international character of foreign bribery investigations may be further limited due to COVID-19 measures⁷³.

III. MEDIA PLURALISM AND MEDIA FREEDOM

The legal framework concerning media pluralism is based on a set of constitutional and legislative safeguards. The right to information is enshrined in the Constitution. The Dutch Media Authority is the independent regulator of audiovisual media services overseeing the implementation of the Media Act. Journalism was listed, in the context of the COVID-19 pandemic, among the essential professions⁷⁴. The country continues to enjoy a high degree of media freedom and journalistic protection⁷⁵.

The scope of the regulator's supervisory activities has been expanded following the transposition of the Audiovisual Media Services Directive. The resources available to the institution appear to remain adequate for it to effectively fulfil its mandate⁷⁶. Furthermore, the

⁶⁷ 2020 Rule of Law Report, Country Chapter on the rule of law situation in the Netherlands.

⁶⁸ Final evaluation report on the Act on the House for Whistleblowers.

⁶⁹ Input from the Netherlands to the 2021 Rule of Law Report.

⁷⁰ OECD (2021) Implementing the OECD Anti-Bribery Convention. Phase 4 Report: Netherlands, p. 21.

⁷¹ Input from the Netherlands to the 2021 Rule of Law Report.

⁷² See: Jaarbericht FIOD 2020, Opsporend Nederland samen sterk in de fraudebestrijding.

⁷³ Information received in the context of the country visit to the Netherlands.

⁷⁴ Commissariaat voor de Media (2020), Media monitor 2020 p 6.

⁷⁵ The Netherlands is at the 6th place worldwide in the Reporters Without Borders' annual World Press Freedom Index, and at the 4th place in the EU. Over the last years, the situation has slightly deteriorated, the Netherlands having dropped four places since 2016.

⁷⁶ Information received in the context of the country visit to the Netherlands.

appointment conditions of the members of the collegiate bodies are in the process of being amended⁷⁷, with the objective of strengthening the guarantees of independence⁷⁸.

Several self-regulatory bodies ensure the application of journalistic standards. In addition to the Council for Journalism⁷⁹, a self-regulatory mechanism, entitled to issue opinions on complaints concerning journalistic practices, an ombudsperson for public broadcasters and several ombudspersons for national and regional newspapers assess journalistic practices and investigate complaints⁸⁰.

Challenges regarding transparency of media ownership and media concentration have been identified. There is limited regulation concerning the disclosure of media ownership details to the public, as reported in the Media Pluralism Monitor 2021⁸¹, which evaluates the area as medium risk. Information on ownership structures, not necessarily including the beneficial owners⁸², is provided to the public via the Media Monitor published by the Media Authority. The news media sector is characterised by high market concentration, as indicated by the Media Pluralism Monitor 2021⁸³.

The Government has stepped in to help media during the pandemic. During the COVID-19 pandemic, despite the increase in the demand for news, the advertising revenues declined, affecting in particular local media⁸⁴. Journalism continued to be supported by the Government through dedicated funds⁸⁵, and a temporary fund for local media hit by the COVID-19 pandemic had been additionally set up⁸⁶. Journalists were exempted from the COVID-19 travel ban so that they could continue to follow events and provide first hand reporting.

Draft legislation aims to improve access to information. Delays and incomplete answers were reported for two thirds of requests for access to information made in 2020⁸⁷, as indicated by the Media Pluralism Monitor, which evaluates the right of access to information as being at medium risk. This issue has also been confirmed by stakeholders⁸⁸. The legal framework is currently being reviewed in order to improve transparency of the Government and provide better access to public information⁸⁹. Stakeholders generally welcome the changes, while indicating further areas of improvement⁹⁰. One of the welcomed amendments

⁷⁷ Amendment of the Media Act 2008 (*Wijziging van de Mediawet 2008*).

⁷⁸ 2020 Rule of Law Report, Country Chapter on the rule of law situation in the Netherlands.

⁷⁹ As mentioned in 2020 Rule of Law report.

⁸⁰ Input from the Netherlands to the 2021 Rule of Law report.

⁸¹ 2021 Media Pluralism Monitor, country report for the Netherlands, p. 10.

⁸² *Ibid*, p. 10.

⁸³ The 2021 Media Pluralism Monitor, country report for the Netherlands, p 10 indicates that two players own 90% of the newspaper market; furthermore, the first three television providers have a market share of 74%, while the first three players on the radio market have 73% market share.

⁸⁴ Commissariaat voor de Media (2020), Media monitor 2020 pp 35-36; see also 2021 Media Pluralism Monitor, country report for the Netherlands, p. 10.

⁸⁵ The Dutch Journalism Fund (*Stimuleringsfonds voor de Journalistiek*); Dutch Fund for In-depth Journalism (*Fonds Bijzondere Journalistieke Projecten*).

⁸⁶ *Beleidsregel van het stimuleringsfonds voor de journalistiek van 1 maart 2021*.

⁸⁷ 2021 Media Pluralism Monitor, country report for the Netherlands, p. 8.

⁸⁸ Information received in the context of the country visit to the Netherlands.

⁸⁹ Input from the Netherlands to the 2021 Rule of Law report.

⁹⁰ NVJ (2021), *Belangenorganisaties roepen Eerste Kamer op de nieuwe Woo te steunen*.

concern the establishment of an independent advisory committee⁹¹, which would ensure mediation between the journalists and the authorities in case of complaints⁹².

An increase of threats and violence against journalists has been reported. According to the 2021 Media Pluralism Monitor, “*the Dutch National Coordinator for Counterterrorism and Security for the first time identified journalists as a target of serious threats and aggression in 2020*”⁹³. The Council of Europe Platform to promote the protection of journalism and safety of journalists has published five recent alerts. The most recent ones concern the murder of the investigative journalist Peter R. de Vries⁹⁴ and the cancellation of a TV programme due to a serious threat against the editorial office; others concern an attack on a photographer, attacks on physical safety and integrity of journalists that took place in several parts of the country, and online harassment and intimidation⁹⁵. Further attacks and intimidations have been reported on the Mapping Media Freedom platform⁹⁶. This was also confirmed by stakeholders during the country visit. Furthermore, concerns have been raised in relation to the protection of sources in relation to the intelligence agencies⁹⁷, but the Dutch authorities clarified that judicial approval is needed for investigatory powers to be used when such use may lead to acquisition of data on journalists’ sources⁹⁸.

The Netherlands continues to strengthen its framework for the protection of journalists⁹⁹. ‘PersVeilig’, the project aimed at reducing threats, violence and aggression against journalists, a joint initiative of the prosecution service, the police, the Society of Editors-in-Chief and the Association of Journalists, is being increasingly used by journalists¹⁰⁰. The project foresees measures like higher priority given by the police and the prosecution service to cases of violence against journalists, as well as preventive actions against aggression and violence. In 2021, the protocol (a set of agreements for investigation and prosecution between the police and the Public Prosecution Service in the event of aggression against journalists) has been reviewed, and several improvements have been proposed. These include improving the processing of complaints from journalists by police and prosecution services, better information provision on the scope and powers of police and prosecution services, awareness-raising among journalists on how the protocol can help, as

⁹¹ Villamedia (2021), *Belangenorganisaties aan Eerste Kamer: red minstens deze punten in nieuwe Woo*.

⁹² Input from the Netherlands to the 2021 Rule of Law report.

⁹³ 2021 Media Pluralism Monitor, country report for the Netherlands, p. 9.

⁹⁴ The case is currently under investigation.

⁹⁵ Council of Europe Platform to promote the protection of journalism and safety of journalists – the Netherlands (see also the reply of the Dutch authorities, published on the Council of Europe platform, pointing in particular to the close cooperation between police, public prosecutor, the Dutch Association of Journalists and the Dutch Society of Editors-in-Chief to enhance coordination and communication to address such issues). The increase in threats and violence against journalists is being raised also in the contribution of the Netherlands Helsinki Committee to the 2021 Rule of Law report.

⁹⁶ Mapping Media Freedom - the Netherlands.

⁹⁷ The Council of Europe Platform to promote the protection of journalism and safety of journalists has published an alert concerning the National Security Services Act (W.I.V) of July 2017, mentioning reports by public bodies supervising the Dutch intelligence agencies that “information on journalists and/or their sources have come into the hand of entities within the intelligence agencies that were not authorised to access such information”.

⁹⁸ Input from the Netherlands to the 2021 Rule of law report; see also the Dutch government assessment of the 2020 Rule of Law Report.

⁹⁹ 2020 Rule of Law Report, Country Chapter on the rule of law situation in the Netherlands, pp. 12-13.

¹⁰⁰ Contribution of the Netherlands Helsinki Committee to the 2021 Rule of Law Report.

well as improving communication between journalists and police and prosecution services. Additional improvements aim to better cover the situation of freelance journalists¹⁰¹.

IV. OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES

The Netherlands has a bicameral parliamentary system of Government which provides for an ex ante constitutional review of draft legislation. The Parliament is composed of the Senate and the House of Representatives. Legislative proposals can originate from the Government and from members of the House of Representatives. The Council of State gives advisory opinions on draft legislation. Independent authorities and civil society play an important role in the checks and balances system.

Extensive debates on the proper functioning of checks and balances are taking place.

This follows the Parliamentary investigation report into the childcare allowances affair, which led to the resignation of the Government in January 2021. Following earlier reports by other entities¹⁰², a Parliamentary investigation committee rendered its report on 17 December 2020¹⁰³, which concluded that principles of the rule of law had not been respected in the implementation of the childcare allowances system. The report found that the implementation of a system of subsidies for childcare had led to a large number of citizens being required to repay in full the subsidies they had received due to alleged irregularities¹⁰⁴. Finding that the legislator had adopted laws that left no room for fair interpretation in individual cases, that the executive had incorrectly considered a large number of citizens as fraudsters due to its focus on combatting fraud, and that administrative justice had validated this interpretation of the law until October 2019, the report called on all state powers to reflect on how to prevent such situations for the future. The report also found that the Government had not sufficiently informed the Parliament, and that there were obstacles to information on Government activities. Meanwhile, the House of Representatives has requested an opinion from the Council of Europe's Venice Commission on the functioning of the system of checks and balances in the affair, and on whether additional safeguards are needed within the system of administrative justice. Following the report, the authorities promptly awarded compensation to the victims¹⁰⁵. A full Parliamentary inquiry¹⁰⁶ will further investigate the affair, with hearings expected in the summer of 2022. Although it took time for the situation to be resolved, the work of the Parliamentary investigation committee, the responses of institutional actors involved and the ongoing debates illustrate how the system of checks and balances has functioned¹⁰⁷.

¹⁰¹ Input from the Netherlands to the 2021 Rule of Law Report; the review and improvement proposals are detailed in the letter from the Ministry for Justice and Security to the President of the House of Representatives, <https://www.rijksoverheid.nl/documenten/kamerstukken/2021/03/31/tk-functioneren-protocol-persveilig>.

¹⁰² Between 2017 and 2020, by the Ombudsperson, the Advisory committee on the implementation of allowances and the National Audit Service.

¹⁰³ 'Ongekend Onrecht'.

¹⁰⁴ The report noted that this practice caused considerable financial distress for those concerned.

¹⁰⁵ Including the Government taking over of private debts of victims of the affair. See State Secretary for Finance, Allowances and Customs, *Sixth update childcare allowances and answers to Parliamentary questions*, 25 May 2021.

¹⁰⁶ *Parlementaire enquête*, which is the Parliament's most far-reaching instrument to control Government action.

¹⁰⁷ Considering also that the Ombudsman report was already issued in August 2017. See *Nationale Ombudsman*, report of 9 August 2017: 'Geen powerplay maar fair play'.

The Council of State is also engaging in the follow-up to the debates on the proper functioning of checks and balances, both in terms of its judicial role and as regards the law-making process. In light of the Parliamentary investigation report regarding also administrative justice, the judicial branch of the Council of State announced its intention to start a ‘self-reflection process’¹⁰⁸. This process will reflect on its role in the childcare allowances affair, and will also extend to other cases where effective legal protection could be improved. Furthermore, the Council of State addressed a letter to the Prime Minister with recommendations to improve the legislative process and the quality of legislation¹⁰⁹. The recommendations include developing a new legislation policy, devoting more time and attention to discussing legislation in both Chambers of Parliament, and involving implementing authorities more in the legislative process. In its April 2020 report on “a stronger rule of law”, the Council for Public Administration recommended to devote more attention to the quality of the law-making process and to strengthen the research and support capacity for Members of the Parliament.¹¹⁰

A new Open Government Act is being discussed in Parliament. On 26 January 2021, the House of Representatives approved the new Open Government Act¹¹¹, which aims to provide more transparency in relation to Government action and is currently with the Senate. Discussions on the new Act were accelerated by the childcare allowances affair, which triggered criticism as to a lack of transparency¹¹². The new Act would replace the current Openness of Government Act¹¹³, and would require active publication of Government information, as opposed to the current system of publication upon request. The new Act would also establish a permanent independent advisory committee on open Government and information management¹¹⁴. While the adoption of this new legislation would further facilitate access to Government information, stakeholders report that beyond the applicable legal framework, the timeliness and completeness of replies to information warrant further improvement¹¹⁵.

A Temporary law on COVID-19 measures was adopted to provide a more solid legal basis for COVID-19 restrictions. In the initial phase of the COVID-19 pandemic, measures were adopted through emergency ordinances under the pre-existing Law on Public Health and the Law on Safety Regions, while an important degree of latitude was given to regions and municipalities to adopt their own measures. The Parliament continued its work through written or digital means, and debates continued to be organised, albeit less frequently. In May 2020, the Council of State advised that the prolongation of the crisis situation required a more solid legal basis.¹¹⁶ Under the Temporary law on COVID-19 measures, in force since 1 December 2020, draft COVID-19 measures are submitted to Parliament one week before

¹⁰⁸ Council of State, *Programma van reflectie van de Afdeling bestuursrechtspraak*.

¹⁰⁹ Council of State, *Aanbevelingen ter bevordering van de wetgevingskwaliteit*, 19 April 2021.

¹¹⁰ Raad voor Openbaar Bestuur, *Een Sterkere Rechtstaat*, April 2020.

¹¹¹ *Wet open overheid*.

¹¹² The Parliamentary investigation committee also found that the Government had not sufficiently informed the Parliament, and that there were obstacles to access to information on Government activities.

¹¹³ *Wet openbaarheid van bestuur*. 2020 Rule of Law Report, Country Chapter on the rule of law situation in the Netherlands.

¹¹⁴ This committee would be competent to receive complaints from journalists about access to information and mediate in cases with governmental bodies.

¹¹⁵ Information received in the context of the country visit to the Netherlands.

¹¹⁶ Advisory Opinion W04.20.0139/I/Vo of the Council of State of 25 May 2020, see also 2020 Rule of Law Report, Country Chapter on the rule of law situation in the Netherlands, p. 14.

entering into force¹¹⁷, during which the House of Representatives can decide to reject the measure. The law will automatically cease to be in force on 1 September 2021, unless the Government decides to prolong the law¹¹⁸. The draft decision to prolong the Temporary law is submitted to Parliament before entering into force, which can decide to reject the prolongation.

High-profile COVID-19 measures have been struck down in court before being validated on appeal. On 16 February 2021, the Hague district court found the national curfew measure to be unlawful due to its lack of a correct legal basis. That same day, the Hague appeal court ordered interim measures allowing the curfew to stay in place until the final decision of the appeal court. After the Parliament had adopted an urgent law establishing a new curfew measure on 19 February 2021, the Court of Appeal ruled on 26 February 2021 that the initial curfew measure had been adopted on a correct legal basis.

Independent institutions continue to play an important role in the system of checks and balances¹¹⁹. The Ombudsperson institution¹²⁰ continues to fulfil an important role in the system of checks and balances, by issuing non-binding opinions on Government actions and investigating citizens' complaints, but also by initiating reports of its own motion. When the Ombudsperson makes recommendations, the Government has to respond and provide reasons if it decides not to follow them. While the Ombudsperson does not face significant obstacles in the general exercise of its mandate¹²¹, it has criticised a lack of government follow-up to recommendations made in its 2017 report on the 'childcare allowances affair' (see *infra*)¹²². The Ombudsperson has initiated a project on how to ensure effective follow-up to its recommendations, which has led to a structural approach to monitor implementation of its recommendations¹²³. Furthermore, the Netherlands Institute for Human Rights was re-accredited with A-status by the Global Alliance of National Human Rights Institutions (GANHRI) in December 2020¹²⁴. GANHRI's recommendations to the Institute included continuing to advocate for the necessary funding to allow it to address a broader range of priorities, including the rights of migrants and of the LGBTI community¹²⁵.

The landscape for civil society continues to be open¹²⁶, although questions are raised regarding new draft legislation on transparency. While the Netherlands is considered as having an open civil society landscape¹²⁷, stakeholders have raised concerns regarding new draft legislation aimed at preventing undesirable foreign influence by increasing scrutiny of

¹¹⁷ The law provides for an exception when public health runs acute risk, in which case measures may directly enter into force.

¹¹⁸ The Government can decide to prolong the application of the law in view of a 'continued direct threat of an epidemic'.

¹¹⁹ 2020 Rule of Law Report, Country Chapter on the rule of law situation in the Netherlands, p. 14.

¹²⁰ The *Nationale Ombudsman* is a High College of State, enshrined in the constitution and independent.

¹²¹ Information received from the National Ombudsman in the context of the country visit to the Netherlands.

¹²² *Nationale Ombudsman*, report of 9 August 2017: '*Geen powerplay maar fair play*'.

¹²³ *Van de Bunt Adviseurs*, Research into the effectiveness of own initiative investigations by the National Ombudsman, 11 April 2017.

¹²⁴ GANHRI Report and Recommendations of the Virtual Session of the Sub-Committee on Accreditation (SCA), 7-18 December 2020.

¹²⁵ GANHRI Report and Recommendations of the Virtual Session of the Sub-Committee on Accreditation (SCA), 7-18 December 2020, p. 25.

¹²⁶ 2020 Rule of Law Report, Country Chapter on the rule of law situation in the Netherlands, p. 15.

¹²⁷ See the rating given by CIVICUS; ratings are on a five-category scale defined as: open, narrowed, obstructed, repressed and closed.

civil society organisations (CSOs) financed from outside the EU/EEA. In its advice of 28 August 2020, the Council of State emphasised the importance that such legislation be proportionate, also pointing out the large number of organisations that could potentially be subject to requests under the law¹²⁸. Stakeholders also raised concerns as regards a draft law for amendment of the civil code, which would expand the possibilities to prohibit so-called ‘radical organisations’. The draft law would lower the burden of proof required for the prosecution service to request the judge to prohibit and dissolve such organisations¹²⁹.

Rule of law topics continue to take a prominent place in the public debate¹³⁰. In November 2020, a large majority of the House of Representatives voted in favour a draft legislation fostering the knowledge of and respect for the rule of law as a core assignment of education boards and the curricula they establish for school education. The draft legislation is currently with the Senate. Furthermore, as announced in its 2019 annual report¹³¹, the Council of State has started its organisation of ‘Rule of Law Conversations’ with Members of Parliament, members of the Government, judges, academics, civil servants and media representatives. In this regard, the Council also published a bundle of contributions on rule of law topics¹³². Regarding the recommendation by the Council for Public Administration that the Government develop a ‘Rule of Law Policy Agenda’¹³³, the Government has not yet provided a follow-up. As indicated by stakeholders¹³⁴, this delay may be due to the Government wanting to also include in its response the lessons learned from the childcare allowances affair¹³⁵, which dominates current political discussions on the rule of law.

¹²⁸ The draft law is still pending in the House of Representatives. Following the advice of the Council of State, the draft law was revised and submitted to Parliament. Further changes to the law, including to the scope of the origin of finance, are currently being considered, see Ministry of Justice and Security, Letter to the Parliament on tackling undesirable foreign financial flows, 8 June 2021.

¹²⁹ The draft law was approved by the House of Representatives and the Senate, and is expected to come into effect on the 1 January 2022.

¹³⁰ 2020 Rule of Law Report, Country Chapter on the rule of law situation in the Netherlands, p. 15.

¹³¹ Council of State, Annual Report 2019.

¹³² Council of State, *In gesprek. Bijdragen aan de dialoog over de rechtsstaat*.

¹³³ 2020 Rule of Law Report, Country Chapter on the rule of law situation in the Netherlands.

¹³⁴ Information received in the context of the country visit to the Netherlands.

¹³⁵ Information received in the context of the country visit to the Netherlands.

GRECO (2018), *Fifth Evaluation Round – Evaluation Report on Netherlands on Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies*.

Whistleblowers Authority (2020), *Final evaluation report on the Act on the House for Whistleblowers* (<https://www.huisvoorklokkenluiders.nl/actueel/nieuws/2020/07/15/eindrapport-evaluatie-wet-huis-voor-klokkenluiders>).

Mapping Media Freedom - the Netherlands (<https://www.mappingmediafreedom.org/country-profiles/netherlands/>).

Minister for Legal Protection Sander Dekker (2021), *Answer to questions of Member of the House of Representatives Nispen of 17 February 2021*.

Ministry of Interior and Kingdom Relations (2021), *Guidelines on integrity of political office holders at municipalities, provinces and water boards*. (<https://www.politiekeambtsdraggers.nl/publicaties/brochures/2021/03/30/handreiking-integriteit>).

Ministry of Justice and Security (2021), *Letter to the Parliament on the functioning of the Press Security Protocol (Kamerbrief over functioneren protocol Persveilig)*, 31 March 2021 (<https://www.rijksoverheid.nl/documenten/kamerstukken/2021/03/31/tk-functioneren-protocol-persveilig>).

Ministry of Justice and Security (2021), *Letter to the Parliament on tackling undesirable foreign financial flows (Kamerbrief over aanpak ongewenste buitenlandse geldstromen)*, 8 June 2021 (<https://www.rijksoverheid.nl/documenten/kamerstukken/2021/06/08/tk-aanpak-ongewenste-buitenlandse-geldstromen>).

National Ombudsperson (2017), *No Power Play but Fair Play*.

National Ombudsperson (2020), *Proper Provision of Information is the Basis of Access to Justice – Bottlenecks in the Provision of Information about Penalties and Dismissal Decisions*.

National Police (2020), *New investigation team for corruption investigations ‘Encrochat’* (<https://www.politie.nl/nieuws/2020/september/16/nieuw-rechercheteam-voor-corruptieonderzoeken-encrochat.html>).

Netherlands Helsinki Committee (2021) *Contribution from the Netherlands Helsinki Committee for the 2021 Rule of Law Report*.

NVJ (2021), *Belangenorganisaties roepen Eerste Kamer op de nieuwe Woo te steunen* (<https://www.nvj.nl/nieuws/belangenorganisaties-roepen-eerste-kamer-nieuwe-woo-te-steunen>).

OECD (2021), *Implementing the OECD Anti-Bribery Convention. Phase 4 Report: Netherlands* (<https://www.oecd.org/corruption/anti-bribery/netherlands-phase-4-report-en.pdf>).

Reporters without Borders – The Netherlands (<https://rsf.org/en/netherlands>).

Villamedia (2021), *Belangenorganisaties aan Eerste Kamer: red minstens deze punten in nieuwe Woo* (<https://www.villamedia.nl/artikel/belangenorganisaties-aan-eerste-kamer-red-minstens-deze-punten-in-nieuwe-woo>).

Annex II: Country visit to the Netherlands

The Commission services held virtual meetings in April and May 2021 with:

- Fiscale Inlichtingen- en Opsporingsdienst
- House of Representatives Committee on Justice and Security
- Huis voor Klokkenluiders
- Instituut voor Informatierecht
- Ministry of Education, Culture and Science
- Ministry of the Interior and Kingdom Relations
- Ministry of Justice and Security
- Nederlands Juristencomite voor de Mensenrechten
- Netherlands Helsinki Committee
- Nederlandse Orde van Advocaten
- Nederlandse Vereniging voor Rechtspraak
- Nederlandse Vereniging voor Journalisten
- National Ombudsperson
- National Police
- National Police Internal Investigation Department
- Prosecution service
- Raad voor de Rechtspraak
- Raad voor het Openbaar Bestuur

* The Commission also met the following organisations in a number of horizontal meetings:

- Amnesty International
- Center for Reproductive Rights
- CIVICUS
- Civil Liberties Union for Europe
- Civil Society Europe
- Conference of European Churches
- EuroCommerce
- European Center for Not-for-Profit Law
- European Centre for Press and Media Freedom
- European Civic Forum
- European Federation of Journalists
- European Partnership for Democracy
- European Youth Forum
- Front Line Defenders
- Human Rights House Foundation
- Human Rights Watch
- ILGA-Europe
- International Commission of Jurists
- International Federation for Human Rights
- International Planned Parenthood Federation European Network (IPPF EN)
- International Press Institute
- Netherlands Helsinki Committee
- Open Society European Policy Institute
- Philanthropy Advocacy
- Protection International

- Reporters without Borders
- Transparency International EU