

Assessment Framework of the Advisory Division of the Council of State

Foreword

By its very nature, legislation is legitimating, ordering and normative. In practical terms, it forms a bridge between policy making and implementation. In a democratic state governed by the rule of law, therefore, legislation fulfils an essential function. Whether this function succeeds in practice is determined not only by the quality of the laws and regulations themselves, but also to a considerable degree by the quality of the policy decisions upon which they are based, as well as on the quality of their implementation. The question of whether laws and regulations form fitting instruments for solving specific problems or realising a specific objective must therefore be answered by explicit inclusion of these different perspectives from the inception of the legislative process.

In light of the foregoing, the Advisory Division of the Council of State advises on the constitutional and legal quality of laws and regulations, as well as on the quality of the policy analysis and their implementation. The aim of this body is to advise the institution that has submitted the legislative proposal (most often the government, sometimes parliament) in a timely and incisive way, while raising the appropriate issues. The Advisory Division is according to the Dutch Constitution the final independent advisory body in the preparatory trajectory before a legislative proposal is presented in parliament. As such, the Advisory Division is highly conscious of the social and political context in which laws and regulations are created. If a proposal originates from the government and requires the consent of parliament, the Advisory Division also indirectly advises parliament concerning government proposals. For the Advisory Division, the political choices underlying laws and regulations are taken as a given and do not form part of its assessment.

When formulating its advisory opinion, the Advisory Division makes use of an assessment framework. This assessment framework primarily serves as a guideline for the Advisory Division's own assessments in the interest of fulfilling its advisory role. The Advisory Division has expressed its desire that those involved in preparing policy, legislation and implementation incorporate the questions from this assessment framework into their work, so that the final legislation contains fitting choices, which are also convincingly explained.

The assessment framework is expressly not intended to be used as a 'checklist'. It is also not an exhaustive framework. Rather, it is an aid to creating a dynamic and integrated thinking and working procedure. It is intended to assist in obtaining a focus on the meaning of legislation for society, its constitutional and legal quality, and the practicability of a proposal, that is as sharp as possible.

The Advisory Division's assessment framework has a specific structure, starting with determining the facts and circumstances relevant to the policy analysis, followed by an analysis of the constitutional and legal aspects, followed by a review of the implementation aspects and concluding with an examination of the consequences for legal practice. The structure itself is not decisive, nor does it imply any kind of prioritisation or sequencing. The various aspects addressed in the assessment framework must be regarded conjointly at all stages of the legislative process.

The same applies to the Advisory Division's advice. The Advisory Division brings together the insights gathered from an application of the assessment framework in order to support its effort in drawing up an advisory opinion. In doing so, the Advisory Division takes account of the different perspectives and the wider social context, in order to formulate its line of reasoning and final judgment in the form of a decision. Although its form may suggest otherwise, this is a non-binding judgment.

An advisory opinion thus handed down does not per se mention each possible perspective. Final considerations may dictate that, although a variety of things could be said in reference to the various parts of the assessment framework, the Advisory Division chooses to put the emphasis on a single aspect or a limited number of aspects when drawing up its advisory opinion. While in another instance, it may in fact be necessary to address all the different perspectives. In like manner, not all legislation submitted for advice may lead to a substantively reasoned advisory opinion. In some cases, a non-reasoned 'accord' may be sufficient. It all depends on the nature and content of the specific proposal.

The Hague, October 2022

The assessment framework: suitability, proportionality and practicability

I Policy analysis

a. Analysis of the problem

- What is the problem for which legislation is being proposed, and has the problem been correctly formulated?
- Who experiences this problem?
- What is the context of the problem? What is the political and societal context, the preparatory trajectory and the immediate cause or reason?
- Which public interest, or interests, does the proposed legislation address?
- What lessons can be learned about this problem from previous experience or other, but similar, problems? And what lessons can be learned from previous experience with comparable solutions?
- What factual information, like data flows, and scientific information (where applicable) is available regarding the nature and scope of the problem? What kind of recommendations/reports have already been published on similar problems, and have these been adequately taken into account in the proposal?

b. Approach to the problem

Suitability and objective

- What is the objective, or objectives, of the proposed legislation?
- What is the intended result, and when should that have been achieved?
- Is the proposed legislation necessary, given (among other things) existing laws and regulations?
- What alternatives to regulation have been taken into consideration (e.g. self-regulation, subsidy instruments, public information campaigns, licensing systems or certification systems)? Why was the proposed solution chosen?
- What presuppositions about effectiveness and efficiency is the proposed legislation based on?
- What presuppositions about the desired effect on the behaviour of citizens and/or other parties is the proposed legislation based on?

Effects

- Which parties were involved at which stages of the policy and legislative process? What did that involvement encompass? Has this been taken into account?
- What are the effects on the parties involved, and are there other foreseeable second order effects (positive or negative), including in other policy areas?
- Have the effects on different generations been taken into account? Will there be cumulative effects and/or concentration of effects for one or more generation?
- Is a digital translation of the proposed legislation into algorithms required? If so, how will this be effected and by whom, and will the algorithms be transparent and capable of being monitored?
- What are the financial consequences, both incidental and structural? Have these been provided with financial coverage? What is the relation between the financial consequences and the proposed solution?

II Constitutional and legal analysis

a. Relation to higher-ranking law

Constitution

- Could the proposed legislation put limits on the exercise of fundamental rights (classic rights), and if so, is there a justification for this? (see further below)
- How should the proposed legislation be assessed in light of fundamental social rights?
- How should the proposed legislation be assessed in light of institutional principles, such as the primacy of the legislator, ministerial responsibility and the relationship between different levels of government?
- How should the proposed legislation be assessed in light of the principles, conventions and rules that are the basis of or arise from the Constitution?

Charter of the Kingdom of the Netherlands

- How should the proposed legislation be assessed in light of the Charter of the Kingdom of the Netherlands, also in relation to the Constitution (particularly when it comes to the relationship between the countries and the Kingdom)?

Law of the European Union

- Is there (specific) EU legislation in this policy area applicable? If so, how should the proposed legislation be assessed in light of this legislation?
- Does EU law leave room for national legislation? If so, is this legislation compatible with the Treaty on the EU and the Treaty on the Functioning of the EU. And, in that connection, is there any justification for limiting rights arising from EU law, partly with a view to the proportionality of the proposal?
- Does the Charter of Fundamental Rights of the EU apply to the proposed legislation? If so, could the proposed legislation limit the exercise of rights contained therein, and is there any justification for this?

Treaties

- Is there (specific) treaty law in this policy area? If so, what is the relation of the proposed legislation to it?
- Could the proposed legislation limit the exercise of classic human rights based upon treaty law, and is there any justification for this?
- How should the proposed legislation be assessed in light of social human rights?

Restrictions on constitutional and human rights

- Is there a restriction of the exercise of fundamental rights or human rights based on the Constitution, the Charter of Fundamental Rights of the EU or treaty law?
- If there is a restriction of constitutional fundamental rights, is this restriction based on an act adopted by government and parliament, as required by the Constitution, that explicitly intends to provide for such a restriction (specificity)?
- Is the restriction sufficiently accessible and foreseeable?
- Does the restriction serve a legitimate purpose, and does this purpose meet the applicable criteria?

- Is the restriction necessary in a democratic society? Does the restriction meet an urgent social need, as well as the requirements of proportionality and subsidiarity?
- To what extent do the Constitution, the Charter of Fundamental Rights of the EU and/or treaty law offer similar protection?

General principles of law

- How should the proposed legislation be assessed in light of general principles of law, such as the principles of legal certainty, equality before the law and proportionality?

b. Legal systemic aspects

General

- Does the proposed legislation fit within legislation concerning the organisation of relevant institutions, general legislation, framework legislation and sectoral legislation?
- Has the need for digital translation into algorithms been taken into account?
- Is the draft legislation plain and clear, partly in view of pre-existing legislation in the specific policy area?
- Is constancy of legislation being pursued?

Competence

- Which body has been assigned responsibility (actor/party to which the standard applies)? National-provincial/region-municipality-water authorities-Caribbean Netherlands? Private or public/semi-public entities? Is this the correct body?
- At what level will the proposed legislation be effected (law, governmental decree, ministerial decree)? Is that the correct level?
- Are the foundations for delegation, mandate and power-sharing adequate?

Discretionary powers

- What competence, discretionary powers or powers to set standards does the body responsible require? Is any authority to deviate desirable/necessary due to possible undesired effects? Are hardship clauses necessary?

Supervision, enforcement and legal protection

- Have provisions been made for legal protection? Is legal protection ensured in the digital translation of the law, such as in algorithms?
- What sanctioning system will be used to enforce the proposed legislation (disciplinary law, administrative law, criminal law, private law or dual), and what are the reasons for this choice? Is this the most appropriate sanctioning system in this case?
- In which authority will the supervision and/or enforcement be placed? Is this the correct authority?
- What supervision and/or enforcement instruments are required? Has this been included in the proposal?

Transitional law and evaluation

- Have (specific) transitional provisions been included?
- Is there evidence of experimental provisions, and if so, how were these drafted?
- Does the proposed legislation contain a provision for monitoring?

- Is an evaluation clause necessary? If so, what evaluation criteria should be applied, and is it explained why these criteria would result in a useful evaluation?

III Analysis of the implementation

a. Capability of citizens, private parties/businesses

- Have the target groups that will be affected by the proposal been adequately envisioned? In drafting the proposal, has sufficient attention been paid to the question of whether the proposed legislation is 'doable' for citizens and private parties? Have they been consulted? Do they understand what the proposal demands of them?
- Has the presupposed image of the citizen been made explicit?
- What burden will the proposal impose on citizens and private parties? Is there evidence of an acceptable accumulation of duties? Has any testing been done in advance (e.g. focus groups, simulations)?
- What are the implications of inattentiveness and minor mistakes made by citizens and private parties? Is it possible to repair mistakes? Have provisions been made for support and early detection?
- If digital technologies are to be used in the implementation, are these sufficiently user-friendly, and what is the evidence of this? Does any 'meaningful' contact with the government remain, and how is the possibility of repairing mistakes arranged?
- Have the effects on businesses regarding regulatory burden, responsibilities, innovation and the market been delineated? Has this been done to a sufficient degree?
- Have provisions been made for a communications and implementation procedure? Is it realistic?

b. Practicability and enforceability

- Does the proposed legislation have the effect of transferring new, additional or other duties to other levels of government, implementing authorities, supervisory authorities or private parties? Have these entities been consulted (by means of an implementation test and/or consultation)?
- Does such consultation demonstrate that the proposed legislation is clear (in terms of setting standards), and suitable for implementation and enforcement by these governments and organisations?
- Is an increase in (administrative) appeal procedures expected? Is this increase acceptable?
- Do the governments and organisations involved have the systems, including IT systems, required for dealing with this? Will they be able to modify their systems, if necessary, in order to guarantee a smooth entry into force of the law? If not, what do they need to realise this? Will the proposal be accompanied by an implementation trajectory?
- Does the implementation require coordination with other levels of government and organisations, and if so, have these been secured?
- Is adequate funding and/or performance guaranteed?

- What are the financial and organisational implications for all these entities? Is there evidence of an accumulation of duties, including during implementation? Are these acceptable?
- Can these entities handle these implications? Is the proposal 'doable' for them? Is there sufficient manpower and resources, including financial resources, available in the short term? What is the evidence of this?

IV Effects on legal practice

- Has the judiciary been consulted about the proposed legislation?
- Does this consultation demonstrate that the proposed legislation is plain and clear (in terms of setting standards), and capable of being applied by the courts?
- Have other legal actors – such as the police, the Public Prosecutor's Office and the legal profession – been consulted? Will they be able to apply the legislation?
- Are cases expected to increase in number and/or become more onerous? Is this acceptable?
- What are the financial and organisational implications for the courts and other actors in the legal practice? Is there sufficient manpower and resources, including financial resources, available in the short term? What is the evidence of this?
- Do they have the necessary systems available to them, including IT systems? Will they be able to modify their systems in order to guarantee a smooth entry into force of the law? If not, what do they need to realise this?
- What influence will the proposed legislation have on the funding conditions of legal practice? Have adequate provisions been made for this?

Explanatory notes to the assessment framework

I Policy analysis

The assessment of draft legislation begins with an analysis of the current, actual situation. What is the exact nature of the problem?

For that reason, the questions under the heading 'problem analysis' are aimed at obtaining a sharper focus and collecting the necessary data to apply the assessment framework. The questions mentioned in the section 'approach to the problem' analyse the legislator's approach. They examine the goal that the legislator intends to reach, and why the proposal is deemed a suitable means for effecting this.

In order to make an assessment, it is important to understand the presuppositions and assumptions on which the proposal was based. It is essential, for example, to find out what consideration has been given to the practicability of the proposal when the solution to the problem was chosen. The Advisory Division also looks at whether the interests involved and the effects – both positive and negative – for the parties involved have been sufficiently formulated. Is there, for example, any issue involving a major transition, the effects of which would manifest themselves differently for younger generations than for older generations? Do the advantages of the proposal outweigh the disadvantages, and to what extent will the proposal contribute to wellbeing in the broad sense of the word? Likewise, the image of the citizen and the behavioural effects assumed are of considerable importance.

If digital technologies are going to be used in the implementation, one needs to know at an early stage whether it is needed to develop algorithms, and if so, which algorithms will be used. Transparency and the possibility of monitoring the use of algorithms are also essential principles for these rules. It is too late to start thinking about such things once the legislation has been published in the official gazette. Apart from that, there is also the question of whether digitization, including the proposed manner thereof, will solve the social problem in an effective and efficient way. Has it, for example, been convincingly demonstrated that digitization will lead to significant efficiency gains for government, citizens and businesses?

In its assessment of the policy analysis, the Advisory Division examines, among other things, the quality of the argumentation and reasoning supporting the proposal. The Advisory Division is not capable of answering the questions that emerge in this section itself, but can check whether these have been answered convincingly in the explanatory memorandum accompanying the proposal. Usually, the answers to the questions raised do not stand on their own. Rather, they form the input for a legal analysis (hereafter: **under II**); an analysis of the capability of citizens, private parties and businesses; and the practicability/enforceability (hereafter: **under III**). For that reason, only after the different elements of the assessment framework have been carefully weighed, the Advisory Division can form an opinion in answer to the main question: to what degree does this proposal form a suitable solution for tackling the observed problem – and is the solution proportionate and practicable? All these issues must be confronted from the inception of the preparatory procedure for any policy and legislation.

II Constitutional and legal analysis

Relation to higher-ranking law: Constitution, Charter of the Kingdom, EU law, treaty law and general legal principles

In forming its opinion, the Advisory Division examines whether the relevant provisions and principles of the constitutional framework have been sufficiently incorporated, and their implications thought through, when the legislation was drafted. A proposal must sufficiently explain how a proposal fits within this framework, while the points considered must be plainly and adequately substantiated. In addition, it must be emphasised that this is a comprehensive assessment: fundamental rights and constitutional standards and principles must not be seen in isolation, but always as forming an interdependent whole. Therefore, there must be consistent regard for the relationship between the Constitution, the Charter of the Kingdom of the Netherlands¹ and treaty law.

Laws and regulations must be compatible with various written and unwritten constitutional standards. Concomitantly, this holds not only for fundamental rights, but also for institutional standards. To this end, both written and unwritten legal principles are relevant, such as the principle of legal certainty, the principle of proportionality, equality before the law, the principle of legality, the primacy of the legislator and subsidiarity. Classic and social fundamental rights are enshrined in the Constitution, as well as in EU law and treaty law. The latter refers to, among others, the International Covenant on Civil and Political Rights (ICCPR); the European Convention on Human Rights and Fundamental Freedoms (ECHR); and the Charter of Fundamental Rights of the European Union. The standards set by these treaties are further explained in national, international and European case law. Both the Constitution and various treaties have provisions for their own detailed system of justifying restrictions on fundamental rights and human rights, some of which are developed in case law.

Institutional standards are grounded in the Constitution and statutory law. The relevant provisions concern the organisation and powers of the primary offices of the State. Fundamental laws, principles and conventions arise from these provisions, which are intrinsically bound up with ministerial responsibility and the autonomy of local governments. These standards pertain to democratic checks on public governance, the organisation of governance and the interrelationship between the different levels of government. Hence, these standards have implications for the legislative system, including the relationship to legislation regarding the organisation of one or more institutions, designation of the responsible bodies and the allocation of powers. There may also be implications arising from EU law and international law on these points.

Relation to higher-ranking law: EU law and (specific) treaties

In many policy areas, there are existing treaties with specific standards that are relevant to national laws and regulations, such as in the areas of environmental law, asylum law, international private law and fiscal law. Treaties to which the Netherlands is a party take priority over national law and are binding on the legislator, regardless of whether any one in particular contains binding clauses. Therefore, provisions included in treaty law represent standards that determine actions, which means that laws and regulations must be compatible with the provisions included in these treaties. For proper

¹ Statuut voor het Koninkrijk der Nederlanden.

compliance and understanding of treaty law, the Vienna Convention on the Law of Treaties is also relevant.

When drawing up laws and regulations, EU law demands separate consideration. EU law constitutes its own legal order, based on the principles of direct effect and primacy, which are interwoven into the national legal order. National laws and regulations must be compatible with the EU treaties, and the legislative acts of the EU based upon them, such as the General Data Protection Regulation and the Services Directive. Certain EU legislation must, in order to be given full effect, be transposed into the national law of the Member States (i.e. 'implementation'). In some areas, EU law sets limits restricting the powers of the national legislator. This may apply to the content of substantive norms as well as to the institutional design, such as the organisation of oversight and enforcement.

From that perspective, it is relevant to know to what extent the EU has legislative authority in a particular policy area, and whether the EU legislator has enacted or announced legislation in that area. Where that is not the case, the proposed legislation will have to be in conformity with the EU treaties, including the rules concerning citizenship of the EU, free movement and competition law (among others those concerning state aid). If the subject has already been covered by EU legislation (i.e. it has been 'harmonised'), EU law determines the discretionary powers for drawing up national legislation. Where there is full harmonisation, such discretion does not (generally speaking) exist. If there is only partial or minimum harmonisation, that discretion is present, but national legislation must be in line with the limits imposed on that discretion by the concerned EU-legislation, and more far-reaching or deviating national regulations must in any event accord with the EU treaties.

Legal systemic aspects

Draft legislation must be further examined in light of the Dutch legal system in its entirety, and in particular to legislation concerning the organisation of relevant institutions, such as municipal and provincial by-laws, as well as to general law, such as the General Administrative Law Act² and the Dutch Civil Code³, framework laws, such as the Environmental Management Act⁴ or the Non-departmental Public Bodies Framework Act⁵, and sectoral law. It goes without saying that the existing legal system is not static, and a reason may arise requiring examination of whether existing legislation must be revised when preparing draft legislation. The goal is to prevent accumulation of laws and regulations that cover the same issues without any further consideration.

In addition, this section of the assessment framework contains questions relating to the organising function of laws and regulations. Has the intended solution been adequately translated in the proposal? The wording and content of the proposed legislation must make clear what is expected of the parties involved, and what they can depend on. If digital technologies are going to be used in the implementation, one needs to know at an early stage whether provisions of the law have to be translated into algorithms, and if so, which algorithms will be used. In case of machine learning (artificial intelligence or AI), one needs to put higher standards on the logical and systematic structure of a

² Algemene wet bestuursrecht.

³ Burgerlijk Wetboek.

⁴ Omgevingswet.

⁵ Kaderwet zelfstandige bestuursorganen.

piece of legislation, and on the consistent use of terminology. This means, among other things, checking that the definitions used by the legislator are consistent, and an examination of whether existing legal terminology has to be defined differently, so that, what the legislator intends, actually appears in the digital implementation. In the interest of clear communication, it is also important to record the method of conversion in a specification file.

Questions pertaining to the legal system cannot be answered without an adequate policy analysis. Is the party who emerges in the problem analysis as the responsible party the same as the one indicated in the proposal? And has this party actually been given the means to take on the responsibility? Has the correct legal basis been used? And does this party have the discretionary power to, where necessary, apply tailor-made solutions? Have sufficient powers been allocated to this end? Has a provision like a hardship clause been added (where necessary) in order to prevent those involved from undergoing any undesired effects? Has adequate legal protection been incorporated? If automated or partially automated decision-making has been included, competent bodies must be given enough capacity to weigh up all the facts and circumstances by means of human interventions, and to repair errors.

The section in the assessment framework on the legal system therefore deals with whether the proposal presents an adequate (legal) translation of the way the problem is being approached. The relevant questions pertain to the text itself, as well as to the form and content of the draft law or regulation. As far as the wording and structure are concerned, the Advisory Division only highlights major technical shortcomings in law.

III Analysis of the implementation

Capability/feasibility

The significance of draft legislation is to an important extent determined by the degree to which citizens and private parties, such as small and medium-sized businesses, are able to deal with the law or regulation. Are they capable of applying the legislation in practice? What regulatory burden does it entail, and what do they need to make this manageable? What has been done in order to safeguard application of the regulation in practice? The image of the citizen presupposed by the proposal is also of vital importance. For example, will the proposed legislation cause citizens a great deal of stress when experiencing 'life events' (i.e. job dismissal, partner loss, divorce, bankruptcy) or due to debts or illness? What is the capacity of these citizens to act in any given instance? It goes without saying that the capacity of private parties to act is also important. This requires not only an examination of the proposed legislation, but also an examination of how an accumulation of rules can affect them.

This demands even more care when digital resources will be used in the implementation. Certainly, for citizens and small businesses, digitisation of government services can be problematic, for example because this requires some degree of understanding and technical skill, or because it leads to an increased regulatory burden. It must be made clear what practical consequences digitisation has for citizens, whether the proposed technology is sufficiently user-friendly (and has also been tested), and whether everyone has access to the practical means. Depending on the nature of the government service, it is likewise important to ensure that human intervention is possible and that, in practice, citizens have the option of getting in touch with the

government in a meaningful way. Do citizens understand what support is available? Do they know what kind of complaint or objection procedures they can follow, and are these within their capabilities?

Practicability

Whether a law or regulation will have the intended effect depends to a considerable degree on the practicability of the legislation for citizens, private parties/businesses, different levels of government, implementing and supervisory authorities. A poor feasibility test of how the law will be executed can lead to serious problems for all parties involved when implementing the legislation. An analysis of practicability addresses not only the question of whether the right levels of government, implementation agencies, regulatory bodies or private parties have been designated, and whether they have been granted the right powers. Rather, it is primarily about whether they are capable in actual fact of exercising the responsibilities and powers they have been allocated. In other words, is this legislation doable for these entities? Such an analysis must ask what the practical significance of a proposal will be, and what cumulative effects the proposal entails given already existing tasks and responsibilities. What kind of organisational consequences will the proposal have? Do the designated parties have sufficient financial resources, manpower and IT capacity, and are the funding conditions adequate? If not, can these be acquired in the short term?

Problems in implementation do not uncommonly arise from suboptimal or poorly functioning digital systems, or from a premature or defective launch of such systems. When different government organisations are involved in the implementation, systems must be properly aligned. It is important to examine whether different levels of government, implementation agencies and regulatory bodies already have experience with the proposed systems, and also whether they have sufficient capacity, resources and expertise to be able to work with them in future. If that is not yet the case, there must be evidence of a convincing implementation plan. Another specific point of attention is oversight of digitisation issues, such as the regulation of digital platforms or the use of artificial intelligence and facial recognition technology. Such oversight is often assigned to a number of different authorities, which in practice demands extra attention.

As already mentioned under the policy analysis, the Advisory Division cannot itself judge whether a proposal is executable or enforceable. The Advisory Division is, however, able to judge whether a feasibility test of the practicability incorporating the different perspectives mentioned above is adequate and has been done at the right time. It checks whether the parties involved have carried out a feasibility study at an earlier stage, and whether such a study has elicited a careful response from the department responsible. Subsequently, it examines whether it also necessitates modifications or amendments to the draft legislation.

The linkage of policy, implementation and legislation from the very beginning of the policy process is both desirable and necessary. Nonetheless, it is also essential in the following stages that the legislation is implemented according to plan. This is verifiable if an implementation procedure has been added to a proposal and/or by means of a deployment test. Depending on the results of such a test, it is possible to see whether amendments to or reformulations of policy and/or legislation is required. Hence, a cycle is created, from policy to legislation, followed by implementation, monitoring and evaluation, which in turn can lead to new policies and new legislation.

IV Effects on legal practice

The judiciary has an independent role within the trias politica, separate from the legislative and executive powers. Not only do the courts judge whether a law is in line with the relevant legal framework, they also decide on the practical execution of a law. For this reason, when drafting legislation, the role of the judiciary must be separately examined. Among other things, it must be ascertained that the courts have advised on the wording and content of the proposal, in accordance with Article 95 of the Judiciary Organisation Act⁶, as well as on the proposed methods of enforcement. The views of other actors in the legal system – such as the police, the Public Prosecutor's Office and the legal profession – are also relevant. Finally, the practical effects for the justice system and other actors in the legal system are examined. Is a piece of legislation likely to lead to conflicts? Can an increase in cases (including administrative appeal) and caseloads be expected? How will the proposal impact workload and IT systems? Has sufficient attention been paid to these aspects?

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⁶ Wet op de Rechterlijke organisatie.